



2021 Mid-Year Legislative Report

Montana League of Cities and Towns

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01 Revenue and Finance

[HB 0002](#) Monitor Llew Jones General Appropriations Act

3/22/2021 - House - (H) Scheduled for 2nd Reading

Comments: HB 2 contains most appropriations for state agencies and their programs. The sections of the bill are handled by various joint subcommittees during the first half of the session, which then make recommendations to House Appropriations for approval. The final version of HB 2 must be approved by both houses of the Legislature.

[HB 0003](#) Passed David Bedey Supplemental Appropriations Bill

2/18/2021 - Chapter Number Assigned

Comments: HB 3 (Supplemental Appropriations) contains requests for additional current biennium funds that have already been spent by a state agency or are anticipated to be spent by a state agency prior to the end of the current fiscal biennium. HB 3 for the 2021 session contains the following supplemental appropriations:

- 1) A \$4.5 million general fund appropriation for OPI BASE aid as a result of a \$3.5 million shortfall in the state special revenue guarantee account in FY 2020 and an anticipated \$5.3 million shortfall in that account in FY 2021. Changes in student counts, taxable value changes, non-levy revenue changes increasing guaranteed tax base aid (GTB), higher retirement budgets, and other school funding formula component payment adjustments also contribute to the need for additional funding.
2. A \$13.8M appropriation for DOR Alcoholic Beverage Control Division for litigation and to allow for purchase and transport liquor as well as make necessary transfers of excess profits to the general fund. The need for increased authority comes from alcohol sales above anticipated levels in FY 2021.
3. A \$17M appropriation from the CARES Act to the Governor's Office for the Governor's Education Relief Fund.
4. A \$17M appropriation from the CARES Act to Commerce for emergency rental assistance.
5. Three appropriations from CARES Act to DPHHS for COVID-related needs: \$37.8M for vaccines; \$192M for testing, tracing, and mitigation; and \$29M for childcare and development.
6. A \$650,000 appropriation from the CARES Act to OBPP for FEMA matches on behalf of Military Affairs.

[HB 0018](#) Support - Dead Geraldine Custer Appropriation for Local Government Center

1/11/2021 - (H) Tabled in Committee (H) Appropriations

[HB 0023](#) Passed Becky Beard Revise tax lien and tax deed process

2/23/2021 - Chapter Number Assigned

[HB 0024](#) Dead Wendy McKamey Create disaster resiliency fund

2/3/2021 - (H) Bill Withdrawn per House Rule H30-50(3)(b)

[HB 0044](#) **Dead** Brian Putnam Revise funding for GWPORS
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

[HB 0050](#) **Monitor** Frank Garner Redistribute 9-1-1 funding to state library
3/16/2021 - (S) Hearing (S) Energy and Telecommunications

[HB 0059](#) **Opposed - Dead** Jim Hamilton Revise funding provisions in PERS
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

[HB 0072](#) **Monitor** Frank Garner Revise funding for highway patrol retirement system HPORS
3/12/2021 - (S) Referred to Committee (S) State Administration

[HB 0081](#) **Monitor** Jim Hamilton Generally revise laws on administration of MPERA retirement systems
3/22/2021 - Senate - (S) Scheduled for 3rd Reading

[HB 0107](#) **Opposed - Dead** Ron Marshall Revise mill levy election laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

Comments: This bill would require a two-thirds vote to approve any voted mill levy. The bill contains edits to all existing references to voted mill levies within specific city and county voted mill levy authorization statutes (Sections 1-6), school district voted mill levy authorization statutes (Sections 8-10), and then modifies 15-10-425 to require 2/3 vote for passage (Section 7).

Section 7 of the bill also adds the following new requirement for the ballot statement on the proposed levy: “(b) The governing body shall provide with the ballot a statement showing the taxes currently levied on a residence valued at \$100,000 and values above \$100,000, increasing by \$100,000 in incremental value up to the highest value residence in the taxing jurisdiction. The statement must show the taxes levied for all taxing jurisdictions to which the property is subject and be itemized by taxing jurisdiction.”

[HB 0127](#) **Dead** Jennifer Carlson Revise property tax payment procedure
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

[HB 0148](#) **Dead** Linda Reksten Revise property reappraisal cycle for class three and four property
1/28/2021 - (H) Bill Withdrawn per House Rule H30-50(3)(b)

[HB 0154](#) **Support - Dead** Dave Fern Revise resort tax population limits
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

Comments: This bill would raise the maximum population of an unincorporated resort area to 3,500 (currently 2,500) and for incorporated resort communities to 10,000 (currently 5,500).

- [HB 0159](#) Monitor Llew Jones Revise governor's power to spend certain unanticipated federal funds
2/20/2021 - (S) Committee Report--Bill Concurred (S) State Administration
Comments: This bill would allow the legislature to reject automatic appropriation authority for federal funds to local governments. Right now, President-elect Biden's proposal is \$350 billion to be distributed directly to local governments via the CDBG distribution. That would mean Missoula, GF, and Billings would get their allocations directly from the feds; all other counties and cities would receive their distribution from the state according to population and could be held up by the language of this bill. Does the bill need an exemption for monies that are earmarked for local government distribution?
- [HB 0161](#) Dead Jim Hamilton Revise calculation of capital gains tax credit
1/29/2021 - (H) Tabled in Committee (H) Taxation
- [HB 0165](#) Dead Jeremy Trebas Increase vehicle fees to reduce residential property taxes
1/28/2021 - (H) Tabled in Committee (H) Taxation
- [HB 0172](#) Opposed - Dead John Fuller Generally revise practice of land surveying laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0187](#) Support - Dead Dave Fern Provide for local option sales tax
1/29/2021 - (H) Tabled in Committee (H) Taxation
- [HB 0190](#) Dead Danny Tenenbaum Revise tax rate for golf courses
1/28/2021 - (H) Tabled in Committee (H) Taxation
- [HB 0220](#) Monitor Brian Putnam Allow special district to receive funds from federal revenue sharing programs
3/19/2021 - House - (H) Sent to Enrolling
- [HB 0228](#) Dead Moffie Funk Establish family medical leave insurance
2/19/2021 - (H) Tabled in Committee (H) Business and Labor
- [HB 0261](#) Oppose Derek Skees Constitutional amendment for taxpayer protection act to limit tax types
2/5/2021 - (H) Committee Report--Bill Passed (H) Judiciary
Comments: This bill proposed a legislative referendum to amend the Montana constitution to prohibit any taxes in Montana except property tax, income tax, and a statewide sales tax. The bill would also limit tax types at any one time (including any tax local governments impose) to any two out of three choices - property, income, or sales.

Our understanding at transmittal is that the bill was left in committee to die.

- [HB 0288](#) **Opposed - Dead** Bob Phalen Provide business property tax exemption during state of emergency or disaster
2/11/2021 - (H) Tabled in Committee (H) Taxation
Comments: The loss of revenue from the property tax payment exemption proposed in HB 288 is unknown as the local jurisdictions that would issue a directive, mandate, or order imposing a curfew or occupancy reduction under Titles 10 or 50 of the Montana Code Annotated is unknown. The number of businesses that would be directly impacted by the curfew or occupancy reduction order and would therefore be eligible for the property tax payment exemption are unknown. However, due to the amount of Class 4 commercial properties and the heavy reliance of local governments on property taxes, the fiscal impacts of this bill on local governments would be **significant and unquantifiable**.
- [HB 0298](#) **Monitor** Steven Galloway Revise information included on property valuation statement
3/12/2021 - (S) Committee Report--Bill Concurred (S) Taxation
- [HB 0303](#) **Monitor** Joshua Kassmier Revise business equipment tax laws: Business Investment Grows (BIG) Jobs Act
3/16/2021 - (S) Hearing (S) Finance and Claims
- [HB 0323](#) **Opposed - Dead** Terry Moore Generally revise pension laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
Comments: This bill would affect employer contributions to the pension systems and change how and when the rate is changed annually.
- [HB 0330](#) **Monitor** Llew Jones Generally revise laws related to budget stability and managing volatility
2/23/2021 - (H) Revised Fiscal Note Printed
- [HB 0357](#) **Monitor** Jim Hamilton Revise property tax assistance program inflation adjustment laws
3/18/2021 - Senate - (S) Hearing (S) Taxation
Comments: This bill would increase the eligibility for property tax assistance programs.
- [HB 0372](#) **Dead** Brandon Ler Eliminate business equipment tax
3/19/2021 - (C) Amendments Available
- [HB 0394](#) **Monitor** Mark Noland Exempt certain pollution control and carbon capture equipment from property tax
3/18/2021 - Senate - (S) Hearing (S) Taxation
- [HB 0421](#) **Dead** Jedediah Hinkle Provide pension benefits for volunteer emergency care providers
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

- [HB 0424](#) **Dead** Emma Kerr-Carpenter Revise individual income tax laws
2/23/2021 - (H) Tabled in Committee (H) Taxation
- [HB 0431](#) **Dead** Mary Dunwell Revise property tax on intangible personal property
2/19/2021 - (H) Bill Withdrawn per House Rule H30-50(3)(b)
- [HB 0473](#) **Dead** Denley Loge Generally revise resort tax laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0516](#) **Dead** Derek Harvey Revising property entry laws for property tax valuation purposes
3/19/2021 - Senate - (S) Tabled in Committee (S) Taxation
Comments: This bill would restrict the ability of DOR employees to enter property to appraise or audit for property tax purposes without the property owners consent unless the property was sold, there was new construction, or there was an improvement more than 10% of the valuation of the property added in the last 12 months. The bill also removes the notice provisions regarding DOR entering property in the area.
- [HB 0532](#) **Opposed - Dead** Willis Curdy Generally revise bond and levy notification laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0621](#) **Monitor** Jonathan Windy Boy Revise distribution of marijuana revenue and provide tribal govt allocations
3/18/2021 - (H) Hearing (H) Taxation
- [HB 0636](#) **Monitor** Fiona Nave Revise property tax rates for agricultural, commercial, and residential property
3/24/2021 - House - (H) Hearing (H) Taxation
Comments: This bill would reduce Class 3 agricultural property from 2.16% to 2.14% of productive value; reduce most Class 4 residential property from 1.35% to 1.2% of market value; and increase the modifier for Class 4 residential dwellings worth more than \$1.5 million and commercial property from 1.4 to 1.42.
- [HJ 0002](#) **Monitor** Becky Beard Revenue estimating resolution
3/19/2021 - (H) Hearing (H) Taxation
- [HJ 0008](#) **Support** Frank Garner Provide for a study of pension laws
3/11/2021 - (S) Referred to Committee (S) State Administration
Comments: This is Rep. Garner's bill to study all pension issues and proposed solutions during the 2021 interim. The League **supports** this study in favor of making any changes to pension laws.
- [SB 0010](#) **Dead** Jill Cohenour Providing for circuit breaker income tax credit for property taxes paid
2/23/2021 - (S) Motion Failed (S) Taxation

[SB 0035](#) **Passed** Brian Hoven Repeal expired property tax exemption for electrical generation facilities
2/23/2021 - Chapter Number Assigned

[SB 0046](#) **Dead** Ryan Lynch Increase MUS-RP supplemental contribution to TRS
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

[SB 0051](#) **Monitor** Jason Ellsworth Exempting certain fiber optic, coaxial cable from property taxation

3/17/2021 - House - (H) Hearing (H) Appropriations

Comments: This bill will exempt fiber optic or coaxial cable, including all capitalized costs associated with construction and deployment of the cable, and other property that is normally operated in the installation and deployment of such cable, from taxation during installation and for a period of 5 years starting from the date of deployment. After 5 years, the exemption would have been phased out at 20% per year to full taxation after 10 years. To obtain the tax exemption, the company must reinvest the tax savings from the exemption in the installation of new fiber optic or coaxial cable in Montana within 2 years following the tax year in which the tax savings are received by the owner of fiber optic or coaxial cable without charging the costs to the consumer This bill (SB 239) was vetoed by Governor in the 2019 session. The League has proposed amendments to the bill that would require the department to provide notice to the local government for review and comment of the claim before exempting the property from taxation under this provision. The League will drop opposition to the bill if these amendments are made.

[SB 0052](#) **Monitor** Jason Ellsworth Revise lodging facility use tax and sales tax on lodging and rental cars

3/19/2021 - House - (H) Returned to Senate

[SB 0073](#) **Support - Dead** Keith Regier Provide for local distribution of lodging sales tax revenue
1/29/2021 - (S) Tabled in Committee (S) Taxation

Comments: This bill would redirect 75% of the lodging accommodations sales and use taxes to local governments, to be distributed on the basis of the collection of the taxes within each local government jurisdiction. The bill also appears to delay this new redirect of the taxes collected until December 30, 2024; until that time a portion of the taxes will continue to go to the construction of the Montana Heritage Center and after that time a portion will continue to go to the operation and maintenance of the MHC. The first distribution to local governments under the bill will be August 2022, for taxes collected in FY 2022.

[SB 0077](#) **Opposed - Dead** Tom McGillvray Revise special district financing and dissolution provisions
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

Comments: This bill creates two major changes to special district assessments (under the consolidated special district statute).

1. Limits the annual increase in the assessment to the inflationary cap provided for in 15-10-420 (one-half of the average rate of inflation for the prior 3 years); and

2. Create new landowner petition processes to dissolve the special district:
 - a. If those representing the property assessed at least 50% of the total assessment of the district petition to dissolve, the governing body must dissolve.
 - b. If those representing the property assessed at least 2% but less than 50% of the total assessment of the district petition to dissolve, the governing body must submit the question to the district electors.

Provide for new 10-year cap on any special district that encompasses the entire jurisdiction of the local government unless the local government submits the continuation of the district to the electors.

SB 0078 **Opposed - Dead** Douglas Kary Revise allowable special district assessment methods
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

Comments: This bill would remove the option to charge a special district assessment (under the consolidated special district statute) on the basis of the how much the taxable valuation of a lot or parcel bears to the total taxable valuation of the property of the district. Only applies to special districts created after the effective date of the Act.

SB 0133 **Monitor** Greg Hertz Revise property tax appraisal and tax appeal process
3/18/2021 - Senate - (S) Revised Fiscal Note Printed

SB 0181 **Monitor** Greg Hertz Corporate Tax Modernization Act
2/12/2021 - (S) Hearing (S) Taxation

SB 0182 **Monitor** Greg Hertz Generally revise laws on state finance, reducing tax rate if conditions met
3/10/2021 - (H) Hearing (H) Taxation

SB 0184 **Monitor** Mark Blasdel Montana Entrepreneur Magnet Act
3/19/2021 - House - (H) 2nd Reading Pass Consideration

SB 0188 **Monitor** Mike Lang Revise school teacher retirement with pension
3/24/2021 - House - (H) Hearing (H) Education

SB 0191 **Monitor** Ryan Osmundson Generally revise state finance laws
2/25/2021 - (H) First Reading

SB 0212 **Opposed - Dead** Ryan Osmundson Revise laws related to property tax bills
3/12/2021 - (H) Tabled in Committee (H) Taxation

Comments: This bill would require a whole bunch of drafted disclosures on tax bills:

- consumer price index adjusted for population,
- average annual growth rate of Montana personal income, and
- property taxes levied by the state, the county, the county seat, and the five largest incorporated cities or towns by population within the county.

The League is hoping to work with Sen Osmundson on amendments that would reflect actual known and verifiable data, such as just breaking out 15-10-420 mill levies and voted mill levies by taxing jurisdiction.

- [SB 0214](#) Monitor Greg Hertz Revise laws related to temporary tribal property tax exemption
3/24/2021 - House - (H) Hearing (H) Taxation
- [SB 0221](#) Monitor Terry Gauthier Provide process to dissolve a rural special improvement district
3/22/2021 - House - (H) Scheduled for 3rd Reading
- [SB 0253](#) Monitor Greg Hertz Revise state income tax medical care savings account
investment options
3/18/2021 - (H) Hearing (H) Business and Labor
- [SB 0262](#) Monitor Mike Cuffe Revise forest lands taxation advisory committee
3/19/2021 - Senate - (S) Sent to Enrolling
- [SB 0263](#) Monitor Mike Cuffe Revise forest lands property taxes and rates
3/18/2021 - Senate - (S) Hearing (S) Finance and Claims
- [SB 0284](#) Monitor Russel Tempel Generally revise county gravel pit permitting
3/31/2021 - (H) Hearing (H) Natural Resources
- [SB 0288](#) Monitor Walt Sales Revise property exemption for agricultural processing facilities
3/24/2021 - House - (H) Hearing (H) Taxation
- [SB 0293](#) Dead Christopher Pope Revising property tax laws related to electric generation
2/26/2021 - (S) Fiscal Note Printed
- [SB 0313](#) Support - Dead Christopher Pope Provide for local option tax: Montana Tax Fairness and Rural
Revenue Initiative
2/26/2021 - (S) Tabled in Committee (S) Taxation
- [SB 0375](#) Monitor Keith Regier Limit property tax increases for certain individuals
3/19/2021 - Senate - (S) Hearing (S) Taxation
- [SB 0376](#) Monitor Greg Hertz Corporate tax modernization through double-sales factor
apportionment
3/23/2021 - Senate - (S) Hearing (S) Taxation
- [SB 0385](#) Oppose Greg Hertz Revise special district laws and provide time limit on property
tax levies
3/24/2021 - Senate - (S) Hearing (S) Local Government
- Comments:** This bill would limit all new local government voted mill levies under 15-10-425 to 10 years duration (except libraries, levies to secure bonds, and certain school mill levies). The bill would remove the authority of local governments to create new special purpose districts under the

consolidated special district statute by resolution. If passed, all special districts created after the effective date of the Act would have to be by voter approval and would have a 10-year limitation. Bonds could only be issued within the first 7 years of the creation of the district. District boundaries would also have to be changed by voter approval and could only be proposed once per year.

02 Infrastructure

[HB 0005](#) Monitor Llew Jones Long-Range Building Appropriations

2/26/2021 - (H) Hearing (H) Appropriations

Comments: HB 5 contains appropriations of state special revenues, federal special revenues, or long-range building account funds for certain authorized state agency capital construction projects. Projects have already been identified and prioritized by state agencies and provided to the Governor's Office of Budget and Program Planning for inclusion in HB 5 or its companion bonding bill, HB 14.

[HB 0006](#) Support Mike Hopkins Renewable Resource Grants

2/26/2021 - (H) Hearing (H) Appropriations

Comments: HB 6 provides cash appropriations (state special revenues) for the renewable resources grant and loan program housed at DNRC. The bill contains \$1.8 million for emergency, planning, irrigation, watershed, and private grants during the 2023 biennium, and approximately \$3.5 million in funding for 28 municipal infrastructure projects.

[HB 0007](#) Support Mike Hopkins Reclamation and Development Grants

2/26/2021 - (H) Hearing (H) Appropriations

Comments: HB 7 provides cash appropriations (state special revenues) for the reclamation and development grant program housed at DNRC. The bill contains \$800,000 for planning grants to be awarded during the 2023 biennium and just over \$2 million in funding for 6 municipal infrastructure and remediation projects.

[HB 0008](#) Support Mike Hopkins Renewable Resources Bonds and Loans

2/26/2021 - (H) Hearing (H) Appropriations

Comments: HB 8 is the state's biennial regional water project bonding bill. The bill includes the state match for federal funds on the Central Montana, Dry-Redwater, Dry Prairie and North Central regional water projects through the issuance of bonds against the coal severance tax bond fund.

[HB 0011](#) Support Wendy McKamey Treasure State Endowment Program

2/26/2021 - (H) Hearing (H) Appropriations

Comments: HB 11 provides cash appropriations (state special revenue) for the Treasure State Endowment Program housed at Commerce. The bill contains \$1 million for emergency and planning grants; \$5 million for regional water projects; and approximately \$9 million in funding for 15 municipal infrastructure projects.

[HB 0012](#) Monitor Mike Hopkins Historic Preservation Grants

3/22/2021 - House - (H) Committee Report--Bill Passed as Amended (H) Appropriations

[HB 0014](#) Support Mike Hopkins Long-Range Building Bonding Program

2/26/2021 - (H) Hearing (H) Appropriations

Comments: HB 14 contains authorization for the sale of state bonds to fund certain authorized state agency capital construction projects and the appropriation of bond sale proceeds to fund those projects. Projects have already been identified and prioritized by state agencies and provided to the Governor's Office of Budget and Program Planning for inclusion in HB 14 or its companion bill that appropriates cash revenues for capital projects, HB 5.

HB 14 for the 2021 session contains an additional \$9.5 million in funding for municipal infrastructure projects through the TSEP program; an additional \$2 million for municipal infrastructure projects through the RRGL program; and an additional \$1.1 for municipal remediation and pollution cleanup projects through the RDP program.

[HB 0062](#) Support - Passed Mike Hopkins Update water and wastewater revolving loan program

2/26/2021 - Chapter Number Assigned

Comments: This bill will increase the bonding capacity for the SRF Drinking Water and Water Quality loan programs.

[HB 0130](#) Monitor David Bedey Generally revise laws related to alternative project delivery contracts

3/19/2021 - House - (H) Sent to Enrolling

[HB 0422](#) Support - Dead Kelly Kortum Authorize municipalities to operate broadband utilities

3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

Comments: It would repeal the 2001 statute prohibiting municipalities from providing and operating broadband services.

[HB 0464](#) Oppose Matt Regier Repeal local option gas tax

3/18/2021 - House - (H) Committee Report--Bill Passed (H) Transportation

Comments: This bill would repeal all statutes authorizing adoption of local option gas tax. Not clear but appears it would void current local option gas tax recently approved by Missoula County voters.

[HB 0494](#) Monitor Derek Harvey Revise transportation construction law

3/18/2021 - (S) Hearing (S) Energy and Telecommunications

[HJ 0006](#) Support Dave Fern Provide for study of natural resources trust fund

3/19/2021 - Senate - (S) Committee Report--Bill Concurred (S) Taxation

Comments: This is Rep. Fern's bill to study the coal severance tax trust fund and funding of programs by the trust, including its ability to fund infrastructure programs like TSEP grant and SRF loans.

[SB 0042](#) **Dead** [Redacted] Carlie Boland Allow use of school major maintenance funds for lead remediation
2/8/2021 - (H) Hearing (H) Education

[SB 0048](#) **Dead** [Redacted] Mike Fox Allowing transfer of certain highway funding to tribes
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

[SB 0258](#) **Monitor** [Yellow] Duane Ankney Renaming the Treasure State Endowment program
3/24/2021 - House - (H) Hearing (H) Natural Resources

[SB 0285](#) **Monitor** [Yellow] Steve Hinebauch Provide gas and fuel tax refund for agriculture
3/19/2021 - Senate - (S) Rereferred to Committee (S) Finance and Claims

[SB 0297](#) **Support** [Blue] Jason Ellsworth ConnectMT Act to establish broadband deployment
3/24/2021 - House - (H) Hearing (H) Energy, Technology and Federal Relations
Comments: This bill would create a statewide broadband infrastructure funding program at the MT Department of Commerce. Broadband service providers could apply for and receive grant funding to expand broadband services to areas without access to broadband service with minimum speeds 10 of at least 25 megabits a second downstream and 3 megabits a second upstream. The bill has an appropriation of \$2 million dollars but may be supplemented with up to \$350 million from ARPA funding in HB 632.

[SB 0340](#) **Dead** [Redacted] Christopher Pope Advanced meter infrastructure act
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

03 Tax Increment Financing

[HB 0615](#) **Dead** [Redacted] Mike Hopkins Revise tax increment financing laws related to bonding
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

[HB 0616](#) **Monitor** [Yellow] Mike Hopkins Revise laws related to the adoption of a tax increment provision
3/18/2021 - (C) Amendments Available

04 Land Use, Planning and Housing

[HB 0021](#) **Support** [Blue] Geraldine Custer Authorize funding for the multifamily coal trust home loan program
2/2/2021 - (S) Hearing (S) Finance and Claims
Comments: This bill increases the original authority for loans from coal tax trust fund for low-income housing development. HB 16 in 2019 session created the program and authorized up to \$15 million in loans against the trust. HB 21 proposes to increase that amount to \$30 million.

- [HB 0116](#) Monitor Vince Ricci Indoor cleanup standards for methamphetamine
3/17/2021 - House - (H) Transmitted to Governor
- [HB 0123](#) Dead David Bedey Revise laws regarding the stringency of local septic regulations
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0134](#) Opposed - Dead Danny Tenenbaum Allow zoning for duplex, triplex, and fourplex housing in certain municipalities
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
Comments: This bill would require municipalities with population of 5,000 to 50,000 to treat duplexes as permitted by right in all single-family zones. The bill would require municipalities with a population of 50,000 to treat up to fourplexes as permitted by right in all single-family zones. The bill would also prohibit municipalities with a population greater than 5,000 from requiring any off-street parking for duplexes, triplexes, or fourplexes.
- [HB 0196](#) Dead Edward Buttrey Revise homeowner association laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0200](#) Oppose Kenneth Holmlund Establish laws prohibiting sanctuary cities in Montana
3/17/2021 - House - (H) Sent to Enrolling
Comments: This bill is a replica of HB 146 that was vetoed in the 2019 session, with the exception of an additional clarification that a local government cannot prohibit compliance with an immigration detainer request if “the arrest is authorized under state law.” The bill would impose penalties - including fees and loss of state grants - on local governments that enact, adopt, implement, enforce, or put on the ballot a policy that prohibits or restricts the entity, official, or employee from sending, receiving, exchanging, or maintaining information regarding a person’s citizenship or immigration status “for a lawful purpose.”
- [HB 0259](#) Oppose Sue Vinton Revise property and zoning laws
3/17/2021 - (C) Amendments Available
Comments: This bill will prohibit local governments from adopted inclusionary housing ordinances. Such ordinances require developers to pay a fee or dedicate real property for the construction of affordable housing units. This bill would repeal existing ordinances in Bozeman and Whitefish.
- [HB 0292](#) Monitor Geraldine Custer Revise local subdivision review regarding title insurance procedure
3/16/2021 - Senate - (S) Committee Report--Bill Concurred (S) Local Government
- [HB 0304](#) Support Frank Garner Revise definition of community land trust
3/19/2021 - Senate - (S) Returned to House
Comments: Revise definition of community land trust. This bill provides clarification to community land trust statutes to allow construction and administration of townhomes within a CLT. This is one of the four Housing Coalition bills.

[HB 0327](#) **Dead** Julie Dooling Provide default definitions for covenants limiting the use of real property
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

[HB 0352](#) **Opposed - Dead** Jedediah Hinkle Revise laws related to conservation easements
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
Comments: This bill would require any conservation easement purchased using in whole or in part using public funds must provide public access to the easement property. If the easement is being purchased by a non-governmental organization, the public access must include public recreation that is reasonable and possible on the property.

There are no definitions for any of these terms in the act – “public funds,” “public access,” or “public recreation.” The sponsor has stated that it is intended to include the broadest amount of activity possible, including hunting, camping, off-road vehicle use, etc.

[HB 0395](#) **Opposed - Dead** Julie Dooling Prohibit the creation of new zoning districts during a state of emergency
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

Comments: This bill would overturn all new zoning districts (annexation, new code updates, and PUDs) created during an emergency as of January 1, 2020 and into the future under the current emergency and any newly declared emergency. Would void hundreds of new lot approvals created through annexation alone to date.

[HB 0397](#) **Support** Joshua Kassmier Establish workforce housing tax credits
3/24/2021 - Senate - (S) Hearing (S) Taxation
Comments: This bill would establish a state income tax workforce housing credit for entities that construct and operate workforce housing units. Credit certifications would be issued by the Board of Housing. This is one of the Housing Coalition bills that the League pledged to support.

[HB 0432](#) **Monitor** Steve Gunderson Revise property tax exemptions for affordable housing
3/19/2021 - Senate - (S) Committee Report--Bill Concurred (S) Taxation

[HB 0444](#) **Monitor** Edward Buttrey Revise subdivisions of land exempted from sanitation in subdivision review
3/18/2021 - (C) Amendments Available

[HB 0450](#) **Support** Steve Gunderson Provide that exempt divisions of land must meet zoning regulations
3/15/2021 - (S) Hearing (S) Local Government
Comments: This bill will clarify that subdivision exemptions created under 76-3-201 must meet applicable zoning regulations.

- [HB 0470](#) **Dead** Marty Malone Allow for a citizen initiated planning board and additional zoning criteria
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0496](#) **Monitor** Bill Mercer Remove prohibitions on county board of appeals re: property use and zoning
3/16/2021 - (C) Printed - New Version Available
- [HB 0527](#) **Monitor** Fiona Nave Require draft proposals before initiating a county zoning/planning board
3/24/2021 - (S) Hearing (S) Local Government
- [HB 0528](#) **Opposed - Dead** Julie Dooling Generally revise county planning, zoning, and subdivision regulation laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0529](#) **Opposed - Dead** Julie Dooling Revise planning, zoning, and subdivision regulation laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [SB 0117](#) **Support - Dead** Tom Jacobson Generally revise laws governing the Housing Montana Fund
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal
Comments: This is the second of the Housing Coalition bills. It will add authority for grants to be awarded by the Housing Montana Fund, if and when there is money available in the fund. Under the existing statute, only loans are authorized.
- [SB 0135](#) **Monitor** Steve Fitzpatrick Allow a county commission to hold certain zoning appeal hearings de novo
3/17/2021 - House - (H) Committee Report--Bill Concurred (H) Local Government
- [SB 0161](#) **Support** John Esp Allow certain subdivisions to qualify for an expedited review
3/22/2021 - House - (H) 3rd Reading Concurred
Comments: This bill is the result of cooperative effort of MARs, MBIA, MACo, MAP, and MLCT. Will provide voluntary expedited review for subdivision when proposal complies with all zoning and subdivision development standards.
- [SB 0174](#) **Oppose** Greg Hertz Revise laws related to local subdivision review
3/11/2021 - (H) Hearing (H) Local Government
Comments: This bill adds limitations on the ability to condition a subdivision.
- It limits to conditions to those with a defined purpose or objective, but provides no guidance or standard for what purpose or objective means, or how or where those would need to be defined.
 - It requires that the purpose or objective must be identified specifically, documented, clearly defined, and limited to the 76-3-608(3)(a) criteria.

- It applies a new strict scrutiny standard to the imposition of conditions (they must be narrowly tailored to achieve each defined purpose or objective; and the least restrictive means to achieve the purpose or objective).
 - It provides that additional restrictions must be set forth in the governing documents of the subdivision.
 - HOA formation documents
 - CC&Rs
 - Architectural and design guidelines; and
 - Other HOA rules
- Governing body cannot have review or approval authority of these governing documents or amendments thereto unless directly and materially impact a condition of subdivision approval.
- Changes primary criteria to limit review to only specific, documentable, and clearly defined impacts.
- Changes primary criteria of agriculture, agricultural water user facilities to active agricultural production.

[SB 0178](#) Monitor Chris Friedel Prohibiting state building codes from requiring mandatory fire sprinklers
3/17/2021 - House - (H) Committee Report--Bill Concurred (H) Judiciary

[SB 0211](#) Monitor Steve Fitzpatrick Revise local subdivision review criteria regarding agriculture
3/17/2021 - (C) Printed - New Version Available

[SB 0231](#) Oppose Mark Blasdel Revise exempt well laws related to family transfer parcels
3/12/2021 - (H) Hearing (H) Natural Resources

Comments:

- It provides language that purports to override zoning regulations if 5-acre family transfer is subject to greater minimum lot sizes.
- Requires that the person who was gifted the lot by family transfer cannot “transfer or otherwise convey” (this language was changed to sold or otherwise transferred in 2013 with buildings for lease or rent statute) to a nonimmediate family member for 2 years unless person demonstrates documented financial, medial, or other hardship requiring “sale or conveyance” (a third inconsistent use of terms).
- Provides new violation provision specific to family transfer of \$5,000 for each division of land. This conflicts with violation of any other exemption or provision of the statute – guilty of misdemeanor and punishable of fine from \$100-\$500 or 3 month imprisonment for each sale, lease, or transfer in violation of any provision of statute.

[SB 0268](#) Support - Dead Brian Hoven Allow for the condemnation and reacquisition of a mobile home park

3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

Comments: This bill would add affordable housing as a public use for which eminent domain may be exercised. It would authorize the residents of a mobile home park organize and obtain commitment

to financing purchase of their park, then petition the local governing body to condemn their mobile home park. It does not require the local governing body to use eminent domain upon receipt of a qualifying petition, but if it does it must then turn the park over to the residents for purchase.

[SB 0269](#) Support Brian Hoven Allow mobile home owners the option to purchase a mobile home park
3/17/2021 - (C) Printed - New Version Available

Comments: This bill would require the owner of a mobile home park to provide written notice to the MT Board of Housing and to all mobile home owners residing in the mobile home park. The resident association of the park would then have a right of first refusal to purchase the park at a price negotiated between the owner and the association. Park owners who sell to the resident association or other non-profit or governmental entity would be exempt from capital gains on the profit from the sale.

[SB 0294](#) Monitor John Esp Allow for a referendum to terminate a county zoning district
3/16/2021 - (H) Hearing (H) Local Government

[SB 0349](#) Dead Steve Fitzpatrick Revise zoning laws
3/19/2021 - (C) Amendments Available

05 Water and Wastewater

[HB 0269](#) Monitor Ron Marshall Require elected official approval of sanitation related local health board rules
3/15/2021 - (S) Hearing (S) Local Government

[HB 0606](#) Dead Paul Fielder Requiring opt-in for advanced meter installation
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

[SB 0044](#) Support w/Amendments John Esp Revise subdivision laws
3/19/2021 - House - (H) Committee Report--Bill Concurred (H) Local Government

Comments: This bill makes clarifications and updates to the Subdivision in Sanitations Act. It clarifies that storm drain facilities are regulated under the act and are reviewed under the provisions of the Act. It clarifies that the creation of two or more spaces for RVs or mobile homes falls within the definition of subdivision under the Act. It contains language to try to clarify when drain field mixing zone and well isolation zone requirements apply to subdivisions. It provides authority to local boards of health to impose fees for review and inspection of applications. It makes clarifications to the condominium exemption in the Act and provides notice to buyers when an exemption from sanitation review has been used for a parcel for sale.

The Act contains changes to the requirements for a municipal facilities exclusion. The League opposes these provisions and has drafted amendments to remove those provisions. The agency and the sponsor will introduce those amendments with the bill at the hearing.

- [SB 0054](#) **Passed** Jason Ellsworth Require reviews of experimental on-site wastewater treatment systems
3/2/2021 - Chapter Number Assigned
- [SB 0136](#) **Monitor** Steve Fitzpatrick Clarify criteria for permits and water right changes
3/24/2021 - (H) Hearing (H) Natural Resources
- [SB 0164](#) **Oppose** Carl Glimm Revise non-degradation standard for nitrates
3/17/2021 - (H) Hearing (H) Natural Resources
Comments: This bill will increase the standard for nitrates from septic tanks from 5 (no Level II treatment) and 7.5 (level II treatment) to 10 mg/liter; and for nitrates from non-human waste sources from 7.5 to 10 mg/liter. The bill was amended in the Senate to allow a county commission to apply the 7.5 mg/liter limit to subdivisions creating more than 25 lots.
- [SB 0165](#) **Oppose** Carl Glimm Generally revise laws related to the department of environmental quality
3/19/2021 - House - (H) Hearing (H) Natural Resources
Comments: This bill will move all authority for sanitation rulemaking from DEQ to BER; moves review and approval of wells and septic systems to local governments; removes review entirely for septic systems unless within 500 feet of surface water; and exempts all minor and exempt subdivisions from storm drain review.
- [SB 0302](#) **Monitor** Walt Sales Extend authorization deadline for use of navigable riverbed
3/31/2021 - (H) Hearing (H) Natural Resources
- [SB 0324](#) **Dead** Mike Cuffe Repeal administrative rules related to selenium
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal
- [SB 0358](#) **Support** John Esp Repeal numeric nutrient standards for water quality
3/29/2021 - (H) Hearing (H) Natural Resources
Comments: This bill would repeal the existing numeric nutrient standards for point source dischargers and direct DEQ to develop and adopt rules for an adaptive management plan framework for nutrient regulation. The League **supports** with amendments in the House.
- [SB 0371](#) **Dead** Bob Keenan Repeal CSKT water rights compact
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

06 Natural Resource Communities

- [HB 0314](#) **Dead** Braxton Mitchell Require PSC to consider economic impact of coal plant closure
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [SB 0086](#) **Monitor** Duane Ankney Generally revise obligations and conditions for property impacted by coal
3/25/2021 - Senate - (S) Hearing (S) Energy and Telecommunications
- [SB 0087](#) **Support** Duane Ankney Revise coal-fired power/water-right owner legal responsibilities
3/15/2021 - (H) Hearing (H) Energy, Technology and Federal Relations
Comments: This bill would revise legal obligations of Coal fired power plant owners related to public water supplies. Requiring conveyance costs to be considered in ensuring access to a water supply and meeting legal obligations for remediation.
- [SB 0134](#) **Monitor** Jason Small Revise board of investment loans for coal-fired generation remediation
3/12/2021 - (H) Hearing (H) Energy, Technology and Federal Relations

07 Local Control and Other

- [HB 0071](#) **Monitor** Frank Garner Revise campaign finance reporting dates for municipal elections
3/19/2021 - Senate - (S) Returned to House
- [HB 0086](#) **Support - Dead** Mary Dunwell Allow the creation of regional fire protection authorities
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0088](#) **Monitor** Marta Bertoglio Generally revise laws on administration of TRS
3/22/2021 - Senate - (S) Scheduled for 3rd Reading
- [HB 0102](#) **Opposed Passed** Seth Berglee Generally revise gun laws
2/18/2021 - Chapter Number Assigned
Comments: Permit less concealed carry and campus carry bill. Allows for open carry and conceal carry (with or without a permit) in all locations except in portions of buildings used for state and local government offices (requires a permit for conceal carry). It provides for reasonable costs, attorney fees, and damages" for a deprivation of these rights.
- [HB 0104](#) **Monitor** Marty Malone Revise county leasing authority
3/17/2021 - House - (H) Transmitted to Governor

- [HB 0106](#) **Opposed - Dead** Ron Marshall Prohibit expansion of the Montana clean indoor air act
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
Comments: This bill would prohibit DPHHS, local governments, or local boards of health from adopting and enforcing any ordinances or regulations beyond what is specifically provided for in the Montana clean indoor air act.
- [HB 0121](#) **Support w/Amendments** David Bedey Require elected official approval of local health board and officer actions
3/19/2021 - (S) Hearing (S) Business, Labor, and Economic Affairs
Comments: The League **supports** this bill as amended. It allows the public health board to issue any order as authorized under existing law, and provides that the governing body may take an action thereafter to rescind or modify the order. The amendments provide that for a city-county health board, the interlocal agreement between the entities will set forth the governing body for purposes of taking such an action. Further amendments require the governing body to hold and hearing and take public comment before rescinding or modifying the order, and prohibit the order from limiting physical attendance at religious services.
- [HB 0122](#) **Dead** David Bedey Revising state disaster and emergency services and executive power
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0132](#) **Dead** Fred Anderson Require property tax bill to include comparison to prior year
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0135](#) **Dead** Steve Gunderson Provide for interim committee review of agency rules prior to adoption
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0137](#) **Opposed - Dead** Ron Marshall Generally revise vaping and alternative nicotine products laws
3/17/2021 - Senate - (S) Tabled in Committee (S) Business, Labor, and Economic Affairs
Comments: This bill prohibits local governments from regulating alternative nicotine products or vapor products differently than state regulations and repeals existing authority for local regulation of tobacco products.
- [HB 0145](#) **Dead** Paul Fielder Allow local boards of health and health officers to issue recommendations
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

- [HB 0158](#) Monitor Caleb Hinkle Create study commission to review covid-19 statute & rule suspensions
3/15/2021 - (S) Referred to Committee (S) Public Health, Welfare and Safety
Comments: This bill creates a study commission to review the Governor's authority to suspend statutes and rules during declared emergencies. This could impact some of the helpful directives we were able to obtain during the COVID-19 emergency. As written, there are no local government representatives on the commission.
- [HB 0168](#) Dead Bill Mercer Generally revise laws related to union fees
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0169](#) Opposed - Dead Steve Gist Deter the fraudulent use or theft of taxpayer-funded resources
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0201](#) Monitor Kenneth Holmlund Revise prevailing wage district laws and dispatch city designations
3/16/2021 - (S) Hearing (S) Business, Labor, and Economic Affairs
- [HB 0223](#) Oppose Bill Mercer Create statutory authority for sworn law enforcement officers to hold aliens
3/19/2021 - (C) Printed - New Version Available
Comments: Create statutory authority for sworn law enforcement officers to hold aliens. This bill is the companion bill to HB 200 that prohibits sanctuary cities. It requires law enforcement officers to arrest persons in custody who are the subject of an immigration detainer request. Under recent 9th Circuit ruling, it does not obviate the 4th Amendment issues related to unreasonable search and seizure for detaining someone without probable cause.
- [HB 0230](#) Oppose Matt Regier Generally revise emergency and disaster laws
3/18/2021 - (S) Hearing (S) Judiciary
Comments: As amended, this bill prohibits municipalities from passing ordinances during emergencies that would limit the ability of persons to attend church.
- [HB 0236](#) Opposed - Dead Matt Regier Revise local health board & health officer powers, duties, and penalties
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
Comments: This bill limits the authority of the local health board to quarantine only those that have a confirmed communicable disease; limits the penalty for an individual violating a public health board order to \$25 and a business to \$2,500 and removes all criminal penalties; requires all public health board authority to have approval/no objection from the local governing body.
- [HB 0237](#) Dead Denley Loge Generally revise cell phone regulations
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

[HB 0257](#) **Oppose** [REDACTED] Jedediah Hinkle Revise laws relating to government mandates and businesses

3/22/2021 - Senate - (S) Hearing (S) Judiciary

Comments: This bill would prohibit municipalities, counties, and health boards from adopt ordinances, resolutions, or orders that:

- compel a private business to deny a customer of the private business access to the premises or access to goods or services;
- deny a customer of a private business the ability to access goods or services provided by the private business, unless the person is confirmed to have a communicable disease and is under a quarantine order; or
- include any of the following actions for noncompliance with a resolution or ordinance that includes actions described in subsections (2)(b) and (2)(c):
 - allow for the assessment of a fee or fine;
 - require the revocation of a license required for the operation of a private business;
 - find a private business owner guilty of a misdemeanor; or
 - bring any other retributive action against a private business owner, including but not limited to criminal charges.

Also prohibits the above actions from being included in the state DES plan.

[HB 0258](#) **Oppose** [REDACTED] Jedediah Hinkle Revise laws related to firearms, ammunition, and accessories

3/19/2021 - Senate - (S) Committee Report--Bill Concurred (S) Judiciary

Comments: This bill would prohibit municipal, county, and state employees (including LE) from enforcing, assisting in the enforcement of, otherwise cooperating, spending public funds, or allocating public resources to the enforcement of any federal law adopted on or after January 1, 2021 that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

[HB 0268](#) **Monitor** [REDACTED] Bob Phalen Revise laws related to maintenance district assessments

3/19/2021 - House - (H) Sent to Enrolling

[HB 0281](#) **Dead** [REDACTED] Steve Gunderson Revise laws related to E bikes

3/19/2021 - Senate - (S) Motion Failed

[HB 0285](#) **Dead** [REDACTED] Jeremy Trebas Create cigar bars

3/19/2021 - Senate - (S) Tabled in Committee (S) Judiciary

[HB 0316](#) **Opposed - Dead** [REDACTED] Bill Mercer Revise Governor's emergency authority and provide appeal for county ph decisions

3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal

- [HB 0319](#) Monitor Alice Buckley Revise dates for special purpose elections
3/19/2021 - (S) Hearing (S) State Administration
- [HB 0326](#) Dead Barry Usher Generally revise bicycle laws
3/16/2021 - House - (H) Bill Withdrawn per House Rule H30-50(3)(b)
- [HB 0340](#) Support Wylie Galt Revise the MEDIA Act film tax credits
2/23/2021 - (H) Hearing (H) Taxation
Comments: This bill would increase the film tax credits and help incentivize further film industry related business and employment in Montana.
- [HB 0351](#) Dead Ron Marshall Revise disability parking laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0407](#) Oppose Mark Noland Establish a statewide uniformity for auxiliary container regulations
3/23/2021 - (S) Hearing (S) Business, Labor, and Economic Affairs
Comments: Establish a statewide uniformity for auxiliary container regulations. This bill preempts all local ordinances, resolutions, initiatives, or referenda regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on grocery bags, plastic cups, plastic bottles, aluminum cans, straws, plastic utensils, or other containers. It is also the first preemption bill I have seen that specifically removes the power of the local elector to propose or amend a local resolution or ordinance.
- [HB 0420](#) Opposed - Dead Scot Kerns Revise bicycle laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
Comments: This bill requires MDT to adopt administrative rules defining and specifying standards for designated bicycle lanes and bicycle routes.
- [HB 0428](#) Oppose Bill Mercer Generally revise civil liability laws related to state and local government
3/25/2021 - Senate - (S) Hearing (S) Judiciary
Comments: Replacement bill to HB 223 that would require law enforcement to comply with a detainer request but 1) adds immunity from any suits related to the action and 2) provides that we don't have to detain the person if they provide proof they are a citizen or that they have lawful immigration status in US. These amendments do not eliminate our concerns with the mandatory requirement.
- [HB 0436](#) Opposed - Dead Scot Kerns Generally revise firearms laws
3/16/2021 - (S) Hearing (S) Judiciary
Comments: This bill would remove the provisions in 45-8-351 remaining after the passage of LR-130/HB102 allowing local regulation of unpermitted concealed and all open carry in public buildings. It would also remove the remaining limitation in state law after HB 102 that prohibits unpermitted concealed carry in state and local government offices.

- [HB 0443](#) **Dead** [REDACTED] Derek Skees Generally revise organization of legislative branch
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0452](#) **Dead** [REDACTED] Kelly Kortum Permit local governments to use ranked choice voting in local elections
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0457](#) **Dead** [REDACTED] Bill Mercer Delay implementation of recreational marijuana laws
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0469](#) **Support** [REDACTED] Sara Novak Allow emergency funds to be used for the Emergency Management Assistance Compact
3/24/2021 - Senate - (S) Hearing (S) State Administration
Comments: This bill would provide appropriation authority for the Governor to reimburse localities for use of firefighters, police, and other responders under the intrastate emergency agreement from the wildfire fund. The localities can then submit their reimbursements back to the Governor when paid from the other states.
- [HB 0504](#) **Oppose** [REDACTED] Casey Knudsen Generally revise firearms and weapons laws
3/19/2021 - (C) Printed - New Version Available
Comments: This bill would restrict local governments from ordering the closure or limiting the hours of operation of firearm retailers during an emergency unless the limitation applies “equally to all forms of commerce within the jurisdiction.” It would also prohibit the closure or limiting the hours of operation of any shooting range or placing any restrictions on regarding the sale or service of a firearm or ammunition.
- [HB 0535](#) **Dead** [REDACTED] Derek Skees Eliminate the commissioner of political practices
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0536](#) **Dead** [REDACTED] Bill Mercer Revise laws related to political committees and rental/lease agreements w/ state
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- [HB 0545](#) **Dead** [REDACTED] Andrea Olsen Establish public transportation commission to study passenger transportation
2/24/2021 - (H) Tabled in Committee (H) Transportation
- [HB 0546](#) **Opposed - Dead** [REDACTED] Andrea Olsen Revise civil actions for constitutional rights violations
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
Comments: Subjects public officials to compensatory and punitive damages, attorneys fees, and costs for denying, restricting, or infringing on any rights protected under the Montana Constitution Art. II. Exempts arrests for probable cause, judicial officers, lawful incarceration, parole and pardon decisions, jurors, trial witnesses, legislators.

<u>HB 0547</u>	Dead	Jim Hamilton	Require legislative fiscal division to contract for actuarial services
		3/17/2021 - House - (H) 3rd Reading Failed	
<u>HB 0554</u>	Monitor	Joshua Kassmier	Require legislative approval of national heritage areas, historic trails
		3/16/2021 - (C) Amendments Available	
<u>HB 0560</u>	Opposed - Dead	Steve Gunderson	Establish the Montana second amendment preservation act
		3/16/2021 - House - (H) Tabled in Committee (H) Judiciary	
<u>HB 0562</u>	Monitor	Julie Dooling	Generally revise highway encroachment laws
		3/25/2021 - (S) Hearing (S) Highways and Transportation	
<u>HB 0568</u>	Opposed - Dead	Lola Sheldon-Galloway	Limit number and location of recreational marijuana dispensaries
		2/27/2021 - (H) Fiscal Note Printed	
<u>HB 0570</u>	Dead	Derek Skees	Prohibit infringement of constitutional right to nullify certain fed legislation
		3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal	
<u>HB 0582</u>	Dead	Robert Farris-Olsen	Clarify employer limitations in the Montana Medical Marijuana Act
		3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal	
<u>HB 0598</u>	Support	Kathy Whitman	Generally revise disability parking laws
		3/23/2021 - (S) Hearing (S) Highways and Transportation	
		Comments: This bill clarifies what is prohibited and what is allowed with respect to accessible parking. It conforms the parking standards that already apply to both public and private entities to the language of the federal ADA standards. It provides clearer language to assist local law enforcement as to what constitutes a violation of the statute to provide for fair and consistent enforcement of the law.	
<u>HB 0605</u>	Dead	Neil Duram	Generally revise equestrian laws
		3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal	
<u>HJ 0010</u>	Support	Denley Loge	Provide for an interim study regarding autonomous vehicle use in Montana
		3/19/2021 - Senate - (S) Committee Report--Bill Concurred (S) Highways and Transportation	
		Comments: This is Rep. Loge's bill to study the issue of autonomous vehicles during the 2021 interim, including on what issues and to what extent the state should preempt local regulation of AVs. The League supports studying these issues during the interim over enacting any preemption of local	

regulation until we have a more detailed understanding of what issues should be handled at the statewide level.

<u>HJ 0020</u>	Monitor	Mark Noland	Joint resolution to terminate the current declaration of emergency/disaster
3/10/2021 - House - (H) Fiscal Note Printed			
<u>HR 0002</u>	Monitor	Derek Skees	House rules resolution
1/29/2021 - (H) Filed with Secretary of State			
<u>SB 0001</u>	Passed	Douglas Kary	Revise lobbying laws to update terminology and conform lobbying definition
2/23/2021 - Chapter Number Assigned			
<u>SB 0021</u>	Passed	Edith McClafferty	Revise deposit of lobbying fee and repeal broadcasting special account
3/17/2021 - (C) Printed - Enrolled Version Available			
<u>SB 0067</u>	Passed	Steve Fitzpatrick	Revise laws pertaining to law enforcement
3/8/2021 - Chapter Number Assigned			
<u>SB 0080</u>	Monitor	Keith Regier	Limit the duration of interlocal agreements
3/19/2021 - (C) Draft Delivered to Requester			
Comments: This bill would put a 5-year term limit on all interlocal agreements under state law. The League, MACo, and MMIA proposed amendments to limit the applicability of the Act to only those interlocal agreements implementing jurisdiction over extraterritorial zoning under 76-2-310 and -311. The sponsor is amenable to the amendments and will introduce them with the bill at the hearing. The League will support the bill with the amendments.			
<u>SB 0108</u>	Oppose	Douglas Kary	Authorize elected official approval of city/county health board rules
3/9/2021 - (H) Hearing (H) Business and Labor			
Comments: This bill is one of the local public health authority bills we oppose and the only one that has transmitted to the other chamber. In summary, it:			
<ul style="list-style-type: none">• Does not contain our HB 121 amendments to provide for decision on local governing body through interlocal agreement;• Requires governing body approval for local health board to quarantine and isolate, abate public nuisances, protect the public from communicable disease, issue written orders to require any compliance with public health measures, adoption of sanitation regulations, receiving funds, adopting fees, or adopting local public health regulations• Allows board, with governing body approval and county attorney or state attorney general, to adopt measures to abate, restrain, or prosecute violations of public health laws• Requires local governing body approval for local health officers to require physical distancing, close buildings, and cancel events			

- Requires local governing body approval to issue a compliance order

Makes misdemeanor for violation of public health order discretionary.

<u>SB 0122</u>	Dead	Keith Regier	Revise laws related to interim and statutory committee membership
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal			
<u>SB 0123</u>	Monitor	Keith Regier	Allow a county to locate a county office outside of a county seat
3/18/2021 - Senate - (S) Transmitted to Governor			
<u>SB 0141</u>	Dead	David Howard	Prohibition on alteration of law by state court
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal			
<u>SB 0147</u>	Monitor	Mary McNally	Establish commercial property assessed capital enhancements program
3/12/2021 - (H) Hearing (H) Energy, Technology and Federal Relations			
<u>SB 0171</u>	Monitor	Chris Friedel	Increasing county procurement options with cooperative purchasing agreements
3/19/2021 - House - (H) Committee Report--Bill Concurred (H) Local Government			
<u>SB 0173</u>	Monitor	David Howard	Eliminate continuing emergency or disaster without legislative involvement
3/10/2021 - (H) Hearing (H) Business and Labor			
<u>SB 0185</u>	Monitor	David Howard	Revise governor's emergency powers
3/10/2021 - (H) Hearing (H) Business and Labor			
<u>SB 0209</u>	Dead	Tom Jacobson	Limit all commercial marijuana cultivation to enclosed indoor settings
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal			
<u>SB 0215</u>	Oppose	Carl Glimm	Establish the religious freedom restoration act
3/19/2021 - House - (H) Committee Report--Bill Concurred (H) Judiciary			
Comments: This bill is a redo of HB 615 in 2015. It would enact a state Religious Freedom and Restoration Act that would impose strict scrutiny review of all regulation that burdens the free exercise of religion, requiring such regulations to be narrowly tailored to serve a compelling governmental interest. Specific issue League will oppose is the impact to typical land use regulations as applied to a religious organization or individual asserting a religious use.			

- [SB 0229](#) **Opposed - Dead** Janet Ellis Generally revise public record laws
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal
Comments: This bill would require local governments to acknowledge receipt of a records requests and provide an estimate of fees within 5 days of receipt of the request. It would also require the entity to fulfill the request within 30 days of the acknowledgement or paying the fee if one is required.
- [SB 0233](#) **Monitor** Duane Ankney Generally revise the board of environmental review
3/26/2021 - (H) Hearing (H) Natural Resources
- [SB 0260](#) **Oppose** Steve Fitzpatrick Generally revise related to property interests and transfer of businesses
3/16/2021 - Senate - (S) Revised Fiscal Note Printed
Comments: This bill would create a per se takings for any diminution in value of more than 25% caused by a government action that damages or takes an interest in real property. The bill adds state issued business licenses, real and personal property, water rights, and intangible property to constitutionally protected property interests under Montana law. Amendments clarified that the bill does not apply to land use regulations, “other regulations or ordinances necessary to protect documented public health, welfare, or safety impacts,” or municipal licenses. The League will continue to **oppose** until we can get that standard changed to “reasonably related to a governmental interest.”
- [SB 0277](#) **Oppose** Tom McGillvray Generally revising laws related to state's rights
3/18/2021 - House - (H) Committee Report--Bill Concurred (H) Judiciary
Comments: This bill would authorize the AG (either at the request of the legislative council or on the AG own initiative) "determine" the constitutionality of a presidential executive order and restrict all local governmental entities from “implementing such an order” if it relates to a specific list of subjects.
- [SB 0278](#) **Monitor** Greg Hertz Generally revise civil liability law
3/19/2021 - House - (H) Committee Report--Bill Concurred (H) Judiciary
- [SB 0283](#) **Monitor** Carl Glimm Generally revise laws regarding firearms on school grounds
3/26/2021 - House - (H) Hearing (H) Judiciary
- [SB 0287](#) **Monitor** Walt Sales Generally revise public project financing laws
3/19/2021 - House - (H) Hearing (H) State Administration
- [SB 0289](#) **Dead** Brian Hoven Revise employment application by eliminating reference to criminal record
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal

- [SB 0301](#) **Oppose** Theresa Manzella Provide statewide uniformity regarding wages/benefits for political subdivisions
3/19/2021 - House - (H) Committee Report--Bill Concurred (H) Business and Labor
Comments: Provide statewide uniformity regarding wages/benefits for political subdivisions. It prohibits a local government from requiring any employer to provide any employees with a wage or employment benefit that is not required by state or federal law. Section 7-1-111(2) already preempts self-governing authorities from exercising any power that applies or affects the provisions of Title 39, which includes all labor laws up to and including minimum wage law. This bill is unnecessary and duplicative and serves only to make it unclear whether 7-1-111(2) means what it says in its entirety.
- [SB 0319](#) **Dead** Greg Hertz Generally revise campaign finance laws
3/19/2021 - House - (H) Tabled in Committee (H) State Administration
- [SB 0323](#) **Monitor** Chris Friedel Generally revise Montana Administrative Procedure Act
3/16/2021 - (S) Hearing (S) Finance and Claims
- [SB 0362](#) **Support - Dead** Brian Hoven Generally revise the Residential Mobile Home Lot Rental Act
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal
Comments: This bill would modify the Mobile Home Lot Rental Act to require mobile home park owners to: maintain common land and infrastructure; maintain reasonable rents and costs; discourage excessive rent increases; discourage evictions; and protect tenants from retaliation and unreasonable lease provisions. It would require a 1-year lease term (now month-to-month) with an automatic renewal with same provisions and terms. For parks with more than 75 units, it establishes a process for review of rent increases by the Montana Board of Housing. The bill puts limitations on the ability of a landlord to refuse to approval a sale of a unit within a park to a new owner or refuse to allow the sale for certain enumerated reasons. It provides for a definition of and certain rights of organized associations of the unit owners within a park. It lists actions by a unit owner for which a park owner may not retaliate by taking or threatening to take certain actions against a unit owner.
- [SB 0370](#) **Oppose** Jason Ellsworth Protecting constitutional rights during an emergency
3/19/2021 - House - (H) First Reading
Comments: This bill would restrict local governments from prohibiting, limiting, or curtailing political activities, free speech, or assembly (except as applicable to all essential services), production or operation of any media, operation or functioning of any local governing body, operation of courts, elections, or possession or sale of a firearm or ammunition during a declared state or local emergency. The bill would also prohibit confiscation of any firearm or ammunition, refusal to issue a firearm permit, closing or limiting the hours of operation of any shooting range or placing any restrictions on regarding the sale or service of a firearm or ammunition during a declared state or local emergency.
- [SJ 0001](#) **Monitor** Cary Smith Senate Joint Resolution on the joint rules
1/21/2021 - (H) Committee Report--Bill Concurred as Amended (H) Rules

<u>SJ 0013</u>	Support	Steve Hinebauch	Interim study of prevailing wage laws
		3/18/2021 - House - (H) First Reading	
	Comments: This is Sen. Hinebauch's bill to study the prevailing wage law system in Montana. The League supports this study as the system has not be reviewed in an over two decades.		
<u>SR 0001</u>	Monitor	Cary Smith	Senate Resolution on the Senate rules
		1/19/2021 - (S) Filed with Secretary of State	
<u>SR 0004</u>	Monitor	Jeffrey Welborn	Confirm Governor's appointee for Director, Department of Environmental Quality
		2/3/2021 - (S) Filed with Secretary of State	
<u>SR 0005</u>	Monitor	Gordon Vance	Confirm Governor's appointee for Director of Dept. of Transportation
		2/4/2021 - (S) Filed with Secretary of State	
<u>SR 0008</u>	Monitor	Brian Hoven	Confirm Governor's appointee for Director of Dept. of Revenue
		2/4/2021 - (S) Filed with Secretary of State	
<u>SR 0009</u>	Monitor	Gordon Vance	Confirm Governor's appointees to the Transportation Commission
		2/5/2021 - (S) Filed with Secretary of State	
<u>SR 0016</u>	Monitor	Douglas Kary	Confirm Governor's appointee to the Public Employee Retirement Systems Board
		2/12/2021 - (S) Filed with Secretary of State	
<u>SR 0020</u>	Monitor	Steve Fitzpatrick	Confirm Governor's appointee to State Fund Board of Directors
		2/12/2021 - (S) Adverse Committee Report Adopted (S) Business, Labor, and Economic Affairs	
<u>SR 0022</u>	Monitor	Douglas Kary	Confirm Governor's appointees to the Board of Investments
		2/17/2021 - (S) Filed with Secretary of State	
<u>SR 0023</u>	Monitor	Douglas Kary	Confirm Governor's appointees to Public Employees Retirement System Board
		2/23/2021 - (S) Adverse Committee Report Adopted (S) State Administration	
<u>SR 0027</u>	Monitor	Steve Fitzpatrick	Confirm Governor's appointees to State Fund Board of Directors
		2/18/2021 - (S) Filed with Secretary of State	

<u>SR 0035</u>	Monitor	[REDACTED] Duane Ankney	Confirm Governor's appointees to the Coal Board
		2/16/2021 - (S) Filed with Secretary of State	
<u>SR 0037</u>	Monitor	[REDACTED] Duane Ankney	Confirm Governor appointees to Boards of Oil and Gas Conservation
		2/16/2021 - (S) Filed with Secretary of State	
<u>SR 0053</u>	Monitor	[REDACTED] Jeffrey Welborn	Confirm Governor's appointee for Director of Dept. of Nat Resources & Conserv
		2/19/2021 - (S) Filed with Secretary of State	
<u>SR 0058</u>	Monitor	[REDACTED] Jeffrey Welborn	Confirm Governor's appointees for Board of Environmental Review
		2/23/2021 - (S) Filed with Secretary of State	

08 Law Enforcement and Criminal Justice

<u>HB 0028</u>	Monitor	Frank Fleming	Revise Board of Crime Control laws to remove duty to hear POST Council appeals
		3/19/2021 - House - (H) Transmitted to Governor	
<u>HB 0092</u>	Monitor	Katherin Kelker	Establish compensation program for wrongfully convicted individuals
		3/23/2021 - Senate - (S) Hearing (S) Judiciary	
<u>HB 0144</u>	Monitor	Paul Fielder	Revise laws for preserving authority of sheriffs, constables, and peace officers
		3/17/2021 - House - (H) Transmitted to Governor	
<u>HB 0243</u>	Monitor	Mike Hopkins	Generally revise laws related to law enforcement officers
		3/22/2021 - Senate - (S) Scheduled for 2nd Reading	
<u>HB 0333</u>	Monitor	Barry Usher	Generally revise laws related to sexual and violent offenders
		3/19/2021 - (S) Hearing (S) Judiciary	
<u>HB 0391</u>	Monitor	Frank Fleming	Revise and enhance penalties for criminal distribution of dangerous drugs
		3/30/2021 - Senate - (S) Hearing (S) Judiciary	
<u>HB 0425</u>	Monitor	Jerry Schillinger	Generally revise crime victim compensation laws
		3/19/2021 - House - (H) Sent to Enrolling	

- HB 0501** **Oppose** Jeremy Trebas Generally revise criminal procedure and criminal laws
3/22/2021 - Senate - (S) Hearing (S) Judiciary
Comments: This bill would remove criminal trespass charge for persons that refuse vaccination or face masks enter property where vaccination or face masks are required.
- HB 0578** **Monitor** Terry Moore Revise laws related to commitment of defendants
3/8/2021 - (S) Referred to Committee (S) Judiciary
- HB 0583** **Dead** Kerri Seekins-Crowe Generally revise criminal justice laws
3/19/2021 - House - (H) Tabled in Committee (H) Appropriations
- HB 0584** **Dead** Kerri Seekins-Crowe Requiring certain costs paid to detention center be based on actual costs
3/9/2021 - (H) Tabled in Committee (H) Appropriations
- HB 0596** **Dead** Joe Read Generally revise laws related to false arrest and imprisonment
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- HB 0603** **Dead** Jeremy Trebas Provide for Montana Innocence Inquiry Commission
3/2/2021 - House - (H) Missed Deadline for General Bill Transmittal
- SB 0019** **Passed** Keith Regier Revise staffing and structure of Board of Crime Control
2/18/2021 - Chapter Number Assigned
- SB 0050** **Passed** Jason Ellsworth Revise membership of the Board of Crime Control
3/2/2021 - Chapter Number Assigned
- SB 0071** **Dead** Keith Regier Remove penalties for law enforcement re: health officer assistance
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal
- SB 0127** **Monitor** Chris Friedel Revise laws on the selection of municipal court judges
3/17/2021 - Senate - (S) Sent to Enrolling
- SB 0194** **Dead** Keith Regier Generally revise criminal procedure laws
3/2/2021 - Senate - (S) Missed Deadline for General Bill Transmittal
- SB 0203** **Monitor** Kenneth Bogner Constitutional amendment regarding electronic communications
3/11/2021 - (H) Committee Report--Bill Concurred (H) Judiciary
Comments: This bill would place a constitutional amendment on the November 2022 ballot that would add electronic data and communications to the list of items protected from unreasonable search and seizure. MACOP is opposing and the public safety coalition and city attorneys would like the League to oppose.

- [SB 0219](#) Monitor David Howard Providing for release of call location to law enforcement in an emergency
3/24/2021 - (H) Hearing (H) Judiciary
- [SB 0220](#) Monitor Jill Cohenour Revise assault on a peace officer laws
3/17/2021 - (H) Hearing (H) Judiciary
- [SB 0223](#) Monitor Terry Gauthier Generally revise weapons laws for retired law enforcement
3/18/2021 - House - (H) Committee Report--Bill Concurred (H) Judiciary
- [SB 0238](#) Monitor Terry Gauthier Revise compensation for sheriffs, undersheriffs, and deputy sheriffs
3/18/2021 - House - (H) Hearing (H) Local Government
- [SB 0240](#) Monitor Theresa Manzella Revise crime reporting laws
3/18/2021 - House - (H) Committee Report--Bill Concurred (H) Judiciary
- [SB 0365](#) Monitor Keith Regier Generally revise and reorganize driving under the influence laws
3/19/2021 - (H) Hearing (H) Judiciary