



MACo LEGISLATIVE UPDATE

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The Montana Association of Counties (MACo) publishes this weekly bulletin containing summary descriptions of bills of interest to local government officials. Each issue's hearing schedule lists only the bills that have been introduced during the week.

Previous issues of the MACo *Legislative Update* can be found on our website's policy section or [click here for direct access to the archive](#).

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POLICY ON OUR WEBSITE

The [Policy section on our website](#) is continually updated with the status of MACo bills as well as the weekly schedule. Be sure to bookmark it during the session!

MACo & THE MONTANA LEGISLATURE

The Montana Association of Counties' website has a section dedicated to helping members keep track of the happenings during the Montana's Legislative Session: [click here to go to our policy pages](#). In this area of the website, you'll find MACo's resolutions, links to pertinent bills, the current and past issues of our weekly *Legislative Update*, hearing calendars, committee listings, and more.

2021 PROJECTED SESSION CALENDAR

Note: Legislative leadership holds the authority to further revise the schedule, including the days the Legislature meets and proposed breaks.

In accordance with [5-2-103, MCA](#), each regular session of the Legislature convenes on the first Monday in January of each odd-numbered year or, if January 1st is a Monday, on the first Wednesday.

Introduction deadlines: Generally, bills and resolutions must be introduced within 2 legislative days after delivery. JR 40-50, H40-10. "General bills" is used to denote all bills, except appropriation or revenue bills, and all joint resolutions.

Notes: Deadline dates are determined according to legislative days.

Certain bills and resolutions relating to administrative rules may be transmitted at any time during the session. JR 40-200(3).

Jan. 4: 67th Legislative Session Convenes (Day 1)

Jan. 19: Last day to request General Bills & Resolutions (Day 12)

Jan. 26: Last day to request Revenue Bills (Day 17)

Feb. 17: Last day for Committees to request General Bills & Resolutions (Day 36)

Feb. 20: Last day to introduce General Bills, ex. Committee Bills (Day 39)

Feb. 27: Transmittal of General Bills to other Chamber & Last day to request Appropriation Bills (Day 45 – Halfway Point)

Feb. 28 thru March 3: Transmittal Break

March 16: Last day for committees to request Revenue Bills, Bills Proposing Referenda, or bills to implement HB 2 (Day 56)

March 20: Transmittal of Revenue-Estimating Joint Resolution; and last day to request Study Resolutions (Day 60)

March 22: Last day to introduce Appropriation Bills, Revenue Bills & Bills Proposing Referenda (Day 61)

March 29: Transmittal of Appropriation Bills, Revenue Bills & Bills Proposing Referenda (Day 67)

April 2-5: Easter Break

April 8: Transmittal of amendments to General Bills (Day 73)

April 15: Last day to introduce Study resolutions (Day 79)

April 16: Transmittal of amendments to Appropriation Bills, Revenue Bills, and Revenue Estimating Resolution, as well as Bills Proposing Referenda (Day 80)

April 19: Transmittal of amendments to Revenue Estimating Joint Resolution (Day 82)

April 22: Transmittal of Interim Study Resolutions (Day 85)

April 28: Sine Die (Day 90 = End of Session)

LOBBYING & REPORTING REQUIREMENTS FOR COUNTIES

WRITTEN & PROVIDED BY MACO STAFF

The legislative session always seems to be just around the corner, and the Interims are becoming increasingly more active. Given MACo's members are county elected officials who take great interest in governing and Montana's laws, we are taking this moment to review the basics of lobbying:

1. An elected county official may lobby for or against the introduction or enactment of legislation/policy by legislators and/or other public agencies/officials.
2. While elected officials are exempt from the normal reporting requirements of lobbyists, they still may need to register with the Commissioner of Political Practices (COPP) as a "Principal" if the county pays for lobbying activities conducted on the county's behalf by hired or contract lobbyists and/or county employees.

WHAT IS LOBBYING?

Lobbying is controlled by [5-7-111, MCA](#), and [ARM, 44.12.102-211](#) and is defined as

- the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature; and
- the practice of promoting or opposing official action by any public official.

WHAT IS NOT LOBBYING?

The definition of lobbying provides that actions, when performed by a legislator, public official, elected local official, elected federal official, or an elected tribal official, while acting in an official governmental capacity, is not lobbying.

Additionally, an individual is not deprived of the constitutional right to communicate with public officials. There is nothing in the laws or regulations regarding reporting requirements when an individual lobbies on his/her own behalf--not the county's behalf.

NEED MORE? THE MCA DEFINES LOCAL GOVERNMENT LOBBYING

[44.12.107](#) Local Government Lobbying—Definitions and Reporting

- (1) A local government entity, which includes but is not limited to a county, a consolidated government, an incorporated city or town, a school district, or a special district, that engages in lobbying is a principal subject to the requirements of Title 5, chapter 7, MCA, and this chapter. A local government entity is exempt from reporting the following actions as lobbying activities:
 - (a) recommendations or reports to the legislature or a committee thereof, or a public official, in response to a request expressly requesting or directing a specific study, recommendation, or report by a state agency on a particular subject;
 - (b) any duty that is mandated by law, rule or executive order, such as the governor's annual message to the legislature;
 - (c) budget preparation activities related to preparation and submittal of the governor's executive budget as required by Article VI, section 9 of the Montana Constitution (5-7-211 , MCA) ;
 - (d) information or testimony provided in response to a request from the legislature, a legislative committee, or a public official if the information or testimony does not support or oppose the official action under consideration; and
 - (e) the actions of elected local officials while acting in their official capacity for a local government entity to promote or oppose the introduction or enactment of legislation before the legislature or the members of the legislature ([5-7-102 \(11\) \(b\)](#), [MCA](#)) .
- (2) Except as provided in (1) and unless otherwise exempted by Title 5, chapter 7, MCA, or other provisions of this chapter:
 - (a) the employees, agents, officers, and attorneys of a local government entity who are paid, reimbursed, or retained to lobby must register as lobbyists if they receive payments equal to or greater than the amount specified under [5-7-112](#), [MCA](#); and

(b) each local government entity must file reports under Title 5, chapter 7, MCA, and this chapter concerning the activities of their lobbyists or their individuals who lobby or support or assist a lobbying activity. Local government entities shall file consolidated lobbying reports covering the lobbying activities of all employees, officers, attorneys, and agents.

History: Sec. [5-7-111](#), MCA; IMP, Sec. [5-7-102](#), [5-7-111](#), [5-7-208](#), [5-7-211](#), MCA; NEW, 1982 MAR p. 1208, Eff. 6/18/82; AMD, 1994 MAR p. 2749, Eff. 10/14/94; AMD, 2002 MAR p. 2458, Eff. 9/13/02; AMD, 2004 MAR p. 1979, Eff. 8/20/04.

MONTANA'S ADMINISTRATIVE RULES ARE HELPFUL AS WELL

Any lobbying activity, other than those specifically enumerated in [44.12.107\(1\)\(a-e\)](#), is subject to reporting requirements. Subsection (e) exempts local elected officials from reporting and specifically allows for the promotion or opposition of legislation by local elected officials, while acting in their official capacity.

Subsections [44.12.107\(2\)\(a-b\)](#) presents that county employees may provide **informational testimony**; however supporting or opposing legislation is subject to reporting requirements.

REPORTING

The Thin Line

The line between providing informational testimony and advocating or opposing legislation is often a very thin, but nevertheless, a very important line.

Example

A county employee attends a bill hearing in a legislative committee and gives well-prepared and thoughtful testimony that is entirely informational in nature. The employee is then asked a question by a committee member. The county employee's response could--and often does--enter the arena of advocating support or opposition.

The above example is not a problem, and nothing prohibits such a response; however, it could trigger reporting requirements.

WHEN IS REPORTING REQUIRED?

When payments for lobbying activities exceed \$2,650*, or the county enters into a written or oral agreement for lobbying services, the reporting requirements are triggered and are retrospective. This means that all costs--irrespective of when incurred--must be reported. Reimbursement for personal living expenses do not have to be reported.

To comply with the reporting requirements, your county must be registered as a "Principal," and a representative must be named. This would normally be the individual who will be responsible for completing and submitting the necessary reports.

Each individual who has engaged in lobbying activities must also be registered as a lobbyist, irrespective of the amount your county spent for that individual to lobby.

SOOOO, WHICH FORM DO I FILL OUT?

- **L-1 Form:** This is the application for registration as a lobbyist.
- **L-2 Form:** This is the application to register as a "Principal," which a county won't need, as it's for a Principle who pays **an (one) individual** more than \$2,600 to lobby on their behalf. An L-2 must be submitted for each lobbyist who is paid at least \$2,600 by the Principle.
- **Form L-3:** This is the application to register as a Principle who will pay **individuals** more than \$2,650 to lobby on their behalf. This is the form the county would submit to comply with the reporting requirements. (Principals who pay a single lobbyist \$2,650 or more must file a Form L-2.)
- **L-5 Form:** The financial reporting must be done via the L-5 form. This is used when expenditures exceed the \$2,650 threshold. A complete reporting calendar is incorporated in the L-5 report.

WHERE ARE THE FORMS?

All forms are available on the COPP website at <http://politicalpractices.mt.gov/forms>.

WHAT DOES ALL OF THIS MEAN?

- Montana Law does not prohibit lobbying; it imposes reporting requirements.

- If you do not believe your county will expend more than \$2,650 on lobbying activities, you should still track ALL lobbying costs, in case you exceed the threshold.
- If you think your county will probably exceed the threshold, you should register as a Principal. Then closely track all expenditures and file the necessary reports, irrespective of the amount actually spent to-date.
- If you know your county will exceed the threshold because you plan to or have contracted with an individual for lobbying services, register as a Principal. Also, make sure that person has filed an application to be a registered lobbyist and

immediately begin tracking all expenditures. You should review the reporting calendar in the L-5 report and file all reports in a timely manner.

ADDITIONAL INFO: MACo IS A REGISTERED PRINCIPLE

MACo is registered as a Principal. MACo Executive Director, Eric Bryson; Deputy Director, Jason Rittal; General Counsel, McKenzie McCarthy; Communications Director, Shantil Siaperas; and PCT Land Use Attorney, Tara DePuy are registered to lobby on behalf of MACo. If you have questions, please contact either MACo or the COPP. For more information, please visit <http://politicalpractices.mt.gov>.

NEW FEATURES FOR PUBLIC TO ACCESS THE MONTANA LEGISLATURE'S RESOURCES

WRITTEN & PROVIDED BY SUSAN FOX, MONTANA LEGISLATIVE SERVICES DIVISION, EXECUTIVE DIRECTOR

The voices of Montanans will echo in the halls of the capitol in more ways than ever and from farther away when the 2021 Legislature convenes Monday.

“If there is a silver lining to the pandemic, it is the development of remote testimony capability,” said Susan Fox, executive director of the Legislative Services Division. Allowing Montanans the ability to testify without traveling to Helena has long been a goal of many legislative leaders, Fox said. But that wish became a necessity with the pandemic and the need to limit the number of people in the capitol.

There are no restrictions on in-person involvement, however the number of seats in hearing rooms are limited to maintain social distancing. The public is also subject to any Lewis and Clark County health directives regarding crowd size.

“Legislative staff worked diligently to provide the public with more opportunities than ever to interact with representatives and senators,” Fox said. New features include an ability to upload written testimony to a committee or request a link to testify remotely at a bill hearing. This is available for any bill that is scheduled for hearing. Testimony must be submitted by noon the day before the hearing to allow dissemination of the information to legislators and others.

The remote testimony feature debuts with the old standbys of sending an email, leaving a phone message, and traditional mail.

For more information, go to the Montana Legislature's Homepage leg.mt.gov and for links to:

1. more information on remote participation; and
2. the form to request to testify or upload your documents; and
3. the web messaging form; and
4. Bill Search, Legislator Search, Session Information, and Revenue and Budget Information; and
5. where to click to Watch/Listen to all meetings.

More information is also available by calling (406) 444-4800.

SCHEDULED HEARINGS

The Senate Local Government Committee (Senate LGC) meets Mondays, Wednesdays, and Fridays at 3:00 p.m. in room 405. The House Local Government Committee (House LGC) meets Tuesdays and Thursdays at 3:00 p.m. in room 472.

MACo bills are highlighted green, **priority bills are highlighted blue** (bills in which we have active involvement), and **watch bills are highlighted yellow** (bills that we are watching closely or on our radar—no active involvement).

MONDAY, JANUARY 4TH

TIME	COMMITTEE	ROOM	BILL No.	SHORT TITLE	SPONSOR
<p>THE 67TH LEGISLATIVE SESSION CONVENES AT NOON IN THE HOUSE AND SENATE'S RESPECTIVE CHAMBERS:</p> <p style="text-align: center;">CLICK HERE TO WATCH THE HOUSE SWEARING-IN CEREMONY</p> <p style="text-align: center;">CLICK HERE TO WATCH THE SENATE SWEARING-IN CEREMONY</p>					

TUESDAY, JANUARY 5TH

TIME	COMMITTEE	ROOM	BILL No.	SHORT TITLE	SPONSOR
9:00 AM	(H) Appropriations	102	HB 1	Feed Bill to fund 67th Legislative session and prepare for 2023	Llew Jones(R) HD 18
9:00 AM	(H) Appropriations	102	HB 3	Supplemental Appropriations Bill	David Bedey(R) HD 86
9:00 AM	(H) Appropriations	102	HB 4	Appropriations by Budget Amendment	Dan Bartel(R) HD 29

WEDNESDAY, JANUARY 6TH

TIME	COMMITTEE	ROOM	BILL No.	SHORT TITLE	SPONSOR
8:00 AM	(H) Judiciary	137	HB 102	Generally revise gun laws	Seth Berglee(R) HD 58
8:00 AM	(H) Judiciary	137	HB 28	Revise Board of Crime Control laws to remove duty to hear POST Council appeals	Frank Fleming(R) HD 51
8:00 AM	(H) Judiciary	137	HB 92	Establish compensation program for wrongfully convicted individuals	Kathy Kelker(D) HD 47
9:00 AM	(H) Appropriations	102	HB 13	State Employee Pay Plan	Julie Dooling(R) HD 70
9:00 AM	(H) Appropriations	102	HB 18	Appropriation for Local Government Center	Geraldine Custer(R) HD 39
9:00 AM	(S) Judiciary	303	SB 19	Revise staffing and structure of Board of Crime Control	Keith Regier(R) SD 3
9:00 AM	(S) Judiciary	303	SB 47	Generally revise laws related to DOC commits	Ryan Lynch(D) SD 37
9:00 AM	(S) Judiciary	303	SB 50	Revise membership of the Board of Crime Control	Diane Sands(D) SD 49
10:30 AM	(S) Business, Labor, and Economic Affairs	422	SB 28	Revise captive insurance laws relating to examinations by the commissioner	Daniel R Salomon(R) SD 47
3:00 PM	(H) Transportation	455	HB 20	Revise MDT laws for grants for courtesy cars at certain airports	Becky Beard(R) HD 80
3:00 PM	(H) Transportation	455	HB 83	Generally revise vehicle laws	Julie Dooling(R) HD 70

THURSDAY, JANUARY 7TH

TIME	COMMITTEE	ROOM	BILL NO.	SHORT TITLE	SPONSOR
8:30 AM	(H) Taxation	152	HB 17	Allow alternative energy system tax credit to be refunded	Jim Hamilton(D) HD 61
8:30 AM	(H) Taxation	152	HB 23	Revise tax lien and tax deed process	Becky Beard(R) HD 80
8:30 AM	(H) Taxation	152	HB 52	Revise property tax reporting and clarifying AUM calculations	Tom Welch(R) HD 72
9:00 AM	(H) State Administration	455	HB 24	Create disaster resiliency fund	Steve Gunderson(R) HD 1
9:00 AM	(H) State Administration	455	HB 29	Adopt most recent federal military codes and regulations	Jeremy Trebas() D
9:00 AM	(H) State Administration	455	HB 30	Revise provision on filling conservation district board vacancies	Jessica Karjala(D) HD 48v
9:00 AM	(H) State Administration	455	HB 31	Clarify terminology on military titles and command authority	Edward Buttrey(R) HD 21
9:00 AM	(S) Judiciary	303	SB 16	Allow minors to consent to emergency shelter and services	Jen Gross(D) SD 25
9:00 AM	(S) Judiciary	303	SB 17	Clarify minors' ability to disaffirm contracts for housing is restricted	Jen Gross(D) SD 25
9:00 AM	(S) Judiciary	303	SB 4	Extend the Missing Indigenous Persons Task Force	Jason D Small(R) SD 21v
10:30 AM	(S) Business, Labor, and Economic Affairs	422	SB 49	Generally revise gambling laws	Mark Blasdel(R) SD 4
3:00 PM	(H) Fish, Wildlife and Parks	172	HB 45	Revise come home to hunt license requirements	Brian Putnam(R) HD 9
3:00 PM	(H) Fish, Wildlife and Parks	172	HB 48	Remove occupation from hunting/fishing license application requirements	Steve Gist(R) HD 25
3:00 PM	(H) Fish, Wildlife and Parks	172	HB 54	Revise who qualifies to accompany nonresident youth combination license hunters	Kerri Seekins-Crowe(R) HD 43

FRIDAY, JANUARY 8TH

TIME	COMMITTEE	ROOM	BILL NO.	SHORT TITLE	SPONSOR
9:00 AM	(H) State Administration	455	HB 58	Extend Bond Validation Act	Jessica Karjala(D) HD 48
9:00 AM	(H) State Administration	455	HB 75	Allow MDT to conduct online sales of real property	Brian Putnam(R) HD 9
9:00 AM	(H) State Administration	455	HB 81	Generally revise laws on administration of MPERA retirement systems	Jim Hamilton(D) HD 61
9:00 AM	(H) State Administration	455	HB 88	Generally revise laws on administration of TRS	Marta Bertoglio(R) HD 75
9:00 AM	(S) Judiciary	303	SB 31	Require consideration of less restrictive options in guardianship proceedings	Mary McNally(D) SD 24
9:00 AM	(S) Judiciary	303	SB 39	Generally revise laws related to sexual offender evaluations and treatment	Keith Regier(R) SD 3
3:00 PM	(H) Transportation	455	HB 55	Revise light requirements for snow removal equipment	Denley M Loge(R) HD 14
3:00 PM	(H) Transportation	455	HB 77	Revise motor carrier laws	Ross H Fitzgerald(R) HD 17

2021 MACo PROPOSED LEGISLATION

MACo staff provides county elected officials with research, training, and technical support and services, monitors legislation and works with state agencies, legislators, and the Executive Branch in helping shape public policy. Below is the list of MACo proposed legislation for the 2021 Legislative Session. This legislation is the product of the MACo Resolutions that were brought forward by member counties and passed by an assembly of MACo members. A resolution proposes to amend Montana law to solve a problem—meaning a resolution becomes legislation with the help of MACo Staff, Sponsor Counties, and Montana’s Legislators and Executive Branch.

MACo RESOLUTIONS & ASSOCIATED LEGISLATION				
BILL NO.	SHORT TITLE	RES. NO.	SPONSOR	STATUS
LC0639	Generally revise laws related to special districts	2020-11	Geraldine Custer (R) HD 39	(C) Draft Request Received: 10/21/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC0738	Generally revise prevailing wage laws	2020-09	Ken Holmlund (R) HD 38	(C) Draft to Requester for Review: 12/31/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC1083	Revise renewable energy laws	2020-06	Tom Welch (R) HD 72	(C) Draft to Requester for Review: 12/28/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC1176	Clarify definition of bison	2020-16	Ken Holmlund (R) HD 38	(C) Draft to Requester for Review: 12/17/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC1214	Revise county leasing authority	2020-10	Marty Malone (R) HD 59	(C) Draft Ready for Delivery: 01/03/2021
	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING A COUNTY'S AUTHORITY TO LEASE COUNTY PROPERTY INCLUDING PROPERTY LEASED FOR A DETENTION CENTER; ALLOWING A COUNTY TO EXTEND A LEASE TO 40 YEARS; AND AMENDING SECTIONS 7-8-2231 AND 7-32-2201, MCA."			
LC1295	Generally revise tax laws	2020-05	Jason D Small (R) SD 21	(C) Draft Request Received: 11/24/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC1299	Establish state/public lands use sustainability program	2020-14	Mike Lang (R) SD 17	(C) Draft Request Received: 11/24/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC1319	Generally revise pre-hearing detention for involuntary commitment	2020-03	Jim Hamilton (D) HD 61	(C) Draft On Hold: 12/31/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			

MACo RESOLUTIONS & ASSOCIATED LEGISLATION CONTINUED ON NEXT PAGE . . .

MACo RESOLUTIONS & ASSOCIATED LEGISLATION (CONTINUED)

BILL NO.	SHORT TITLE	RES. NO.	SPONSOR	STATUS
LC1320	Generally revise involuntary commitment hearing requirements	2020-13	Jim Hamilton (D) HD 61	(C) Draft On Hold: 12/31/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC1809	Generally revise tax deed laws	2020-07	Steve Hinebauch (R) SD 18	(C) Draft Request Received: 12/04/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC1902	Revise laws related to maintenance district assessments	2020-04	Bob Phalen (R) HD 36	(C) Draft Request Received: 12/10/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC2485	Generally revise rural special improvement district laws	2020-08	Terry Gauthier (R) SD 40	(C) Draft Request Received: 12/13/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			
LC2610	Revise notice laws when property submitted for tax exempt status	2020-01	Greg Hertz (R) SD 6	(C) Draft Request Received: 12/13/2020
	BILL LANGUAGE IS NOT AVAILABLE AS OF YET.			

* after status indicates the bill is probably dead