

STATE ADMINISTRATION AND VETERANS' AFFAIRS LEGISLATION

2021 LEGISLATIVE SESSION

ADMINISTRATIVE RULES

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- HB 47** **Providing Requirements for Emergency Rules under MAPA**
Provides definition of and requirements for "special notice".
- HB 447** **Generally Revising Laws Related to Legislative Oversight of Administrative Rules**
Requires agencies to send a copy of all proposal notices to the appropriate administrative rule committee when submitting to the Secretary of State. Prohibits agencies from adopting rules between October 1 and December 31 in the year preceding a regular session of the Legislature and provides an exception.
- SB 82** **Revise MAPA to Allow for a Tie Breaking Process in Interim Committees**
Makes the Speaker of the House and President of the Senate Ex Officio members on all administrative rule review committees for the purpose of breaking a tie vote on a question before the committee involving an objection to an administrative rule.
- SB 227** **Provide for Repeal of Administrative Rules by Joint Resolution**
Allows the Legislature, by joint resolution, to repeal a rule or amendment to a rule that was adopted after the adjournment of the most recent regular Legislative Session.

ELECTIONS

BALLOT INITIATIVES

- HB 651** **Generally Revise Ballot Initiative Laws**
Defines "appropriation" for the purposes of ballot initiatives. Requires interim committee to review ballot initiatives within committee's subject area and vote to support or not support placement of initiative on the ballot and requires the committee's vote be printed on the initiative. Requires paid signature gatherers to register with the Secretary of State's Office. Requires Attorney General to review proposed initiatives for regulatory takings and requires Attorney General's ruling be printed on the initiative.

CAMPAIGN FINANCE

- HB 71** **Revise Campaign Finance Reporting Dates for Municipal Elections**
Changes reporting deadlines for candidates and political committees participating in municipal elections in odd-numbered years.
- HB 221** **Allow Campaign Contributions to be used for Candidate Childcare**
Allows candidates to expend campaign funds for their childcare expenses while they are actively engaged in campaign activity. Includes reporting requirements and an exception for in-kind childcare.
- HB 689** **Generally Revise Campaign Finance and Campaign Practice Laws**
Requires political committees who lease space from the state or the University System and have more than \$5,000 in expenditures to file a report with Legislative Services. Requires the reports be distributed to the SAVA committee and Education Interim Committee (if leasing MUS facility).

SB 130 **Revise Laws Related to Campaign Finance Complaints**
Allows someone accused of a campaign finance violation to provide a written response. Requires the Commissioner of Political Practices to post the response to the Commissioner's website.

SB 224 **Generally Revise Campaign Finance Laws**
Allows candidates to use same account for primary and general elections with the requirement they maintain records distinguishing the two. Provides that a person who hosts a fundraising event on their personal property is not making a campaign contribution. Raises individual and political committee contribution limits for all public offices. Changes reporting deadlines. Raises limits for disclosure for individual contributions. Prohibits Commissioner of Political Practices from requesting additional information on the source of funds. Adjusts the 2-business-day reporting requirements. Eliminates requirement to report on contributions from a political party committee in the form of personal services and campaign materials. Revises incidental committee filing requirements. Changes reporting requirements for purpose of individual expenses.

SB 226 **Generally Revising Laws Related to Candidate Campaign Finance Loans**
Revises laws related to loans made by a candidate to the candidate's campaign.

SB 319 **Generally Revise Campaign Finance Laws**
Creates joint fundraising committees. Changes some reporting requirements. Establishes student organizations that are required to register as political committees are funded through additional optional student fees, the fees must be opt-in. Prohibits certain political activities in certain places operated by the Montana University System. Includes reporting requirements.

SB 339 **Solely Correcting an Erroneous Campaign Finance Statutory Reference**
Corrects an erroneous campaign finance statutory reference in Section 13-37-226, MCA.

ELECTION SECURITY

HB 530 **Require Secretary of State to Adopt Rules Governing Election Security**
Requires the Secretary of State to adopt rules defining and governing election security. Requires annual compliance assessments and reporting at the state and county levels. Directs Secretary of State to adopt an administrative rule preventing individuals from receiving a pecuniary benefit in exchange for assisting with ballot distribution or collection.

LOBBYING

SB 1 **Revise Lobbying Laws to Update Terminology and Conform Lobbying Definition**
Changes terminology from "public official" to "legislator" and clarifies definitions of "lobbying" and "lobbyist".

SB 21 **Revise Deposit of Lobbying Fee and Repeal Broadcasting Special Account**
Requires lobbying fees and associated revenue be deposited into the state general fund and eliminates the state government broadcasting account.

POLLING PLACES

SB 196 **Generally Revise Polling Place Hours Laws**
Allows polling places serving fewer than 400 registered electors may open later than 7 a.m., but no later than noon, and requires written notification of the change to impacted voters. If the precinct is partially or completely within the boundaries of an Indian reservation, operation hours may not be changed without consulting the governing body of the reservation.

POLL WATCHERS

SB 93 **Revise Provisions Related to Poll Watchers**

Allows poll watchers from each political party at mail ballot election deposit locations during the days and times the deposit location is open.

SPECIAL DISTRICTS

SB 385 **Revise Special District Laws and Provide Time Limit on Property Tax Levies**

Revises provisions related to special districts, including the assessment rate, the details to include in the referendum, and a dissolution date for the district. Increases the required percentage of voters needed for a petition to institute the creation of a special district.

VOTER REGISTRATION

HB 176 **Close Late Voter Registration at Noon the Day Before the Election**

Closes late voter registration at noon the day before the election instead of 5 p.m.

SB 169 **Generally Revise Voter ID Laws**

Changes allowable main and alternate forms of identification that may be presented when registering to vote. Changes allowable identification for provisional voting, both in-person and by mail, and process for verifying identification after election day.

SB 170 **Require Annual Voter Registration List Maintenance**

Increases frequency of maintenance of voter register list from odd-numbered years to annually.

OTHER ELECTION-RELATED LEGISLATION

HB 325 **Elect Supreme Court Justices by Districts**

Establishes seven Supreme Court judicial districts, provides guidance for selection of the Chief Justice. Not applicable to Justices elected or appointed prior to the effective date of the act. Requires the act to appear on the November 2022 for vote by qualified electors of Montana.

HB 429 **Revise Governor's Power to Suspend Election Laws During Emergency**

Limits the Governor's ability to unilaterally revise election laws during a period of emergency. Allows the Governor to request the Secretary of State to poll the members of the legislature on changes to elections during a period of emergency. Requires consent of the Legislature through the poll to make changes to elections during a period of emergency.

HB 506 **Generally Revise Election Laws**

Establishes priorities for development of Congressional districts. Establishes procedure for prospective electors who are not eligible at the time of voter registration. Repeals 13-17-105, MCA, experimental use of voting systems.

SB 15 **Revise Election Laws Related to Accessibility for Disabled Electors**

Defines "disability" in relation to elections. Provides eligibility for agents for disabled voters. Adds the Americans with Disabilities Act and other federal laws to the Secretary of State's advice and training to elections officials. Adds guidance related to election costs. Changes terminology from "accessible voting technology" to "voter interface device availability". Requires voter interface devices be available for disabled voters during mail ballot elections and establishes exceptions. Allows election judges to take ballot to disabled elector if they are not able to access the polling location with a provision for maintaining secrecy of the individual's vote. Provides provisions for assistance to disabled electors. Adds requirement for plan for providing voter interface devices to required written plan from election administrators.

- SB 113** **Limiting Referendums to 100 Words, Exclusive of Statute Sections**
Requires all bills referred by the Legislature to the people for a vote must have a title of 100 words or less with an exception for section numbers of statutes being repealed or amended.
- SB 350** **Generally Revise Election Laws Related to Minor Parties**
Allows any elector to present a petition to the Secretary of State to request that a political party may hold a primary election even if they don't qualify under statute and provides requirements and processes.
- SB 351** **Revise Ballot Tabulation Dates for Counties**
Allows election administrators to test all central count vote tabulation machines before automatic tabulation begins. Requires Secretary of State to adopt rule to include the change.

MILITARY AFFAIRS

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- HB 22** **Allow in-kind services for easement on state land used for military facilities**
Allows acceptance of in-kind services or materials in exchange for utilities easements on state lands used for armories or other military facilities.
- HB 68** **Provide Early School Enrollment for Children of Relocated Military Families**
Allows children of military families required to relocate to Montana to enroll in classes before establishing residency.
- HB 270** **Revise Laws Related to Military Spouse Drivers Licenses**
Removes requirement that spouses of military personnel get a Montana driver's license within 90 days of becoming employed in Montana.
- HB 362** **Clarify Credit for Military Leave During Employment**
Clarifies language requiring military leave be credited in full after six months of employment.
- HB 438** **Revise Commercial Driver License Laws to Include Military Waiver**
Clarifies waiver from driving exams for commercial vehicles for current and former military service members. Includes eligibility criteria for waiver.
- HB 549** **Revise State Suicide Reduction Plans to Include Specific Military-Related Data**
Requires the inclusion of information specific to veterans, active duty, reserve, and guard members of the uniformed services in the state suicide reduction plans.
- HB 590** **Clarify Military Access to Federal Leave of Absence**
Clarifies that members of the military on voluntary or involuntary duty are entitled to a leave of absence pursuant to the federal Uniformed Services Employment and Reemployment Rights Act of 1994. Provides court remedies for employer violations.

MONTANA NATIONAL GUARD

- HB 29** **Adopt Most Recent Federal Military Codes and Regulations**
Adopts the most recent federal military laws, regulations, and codes applicable to the governance of the Montana National Guard.
- HB 31** **Clarify Terminology on Military Titles and Command Authority**
Clarifies the titles, roles, and authority of the Adjutant General and Assistant Adjutants Generals of the Montana National Guard.

SB 243 **Create Presumption of Domicile for Students who join Montana National Guard**
Creates presumption that a member of the Montana National Guard is domiciled in Montana for the purposes of qualifying for in-state tuition for post-secondary education.

VETERANS' AFFAIRS

HB 178 **Revise Grant Dispersal Procedures for County Veterans' Service Offices**
Requires the Board of Veterans' Affairs to distribute funds as block grants to qualifying county or multicounty veterans' services offices. Includes updated grant application process.

HB 357 **Revise Property Tax Assistance Program Inflation Adjustment Laws**
Revises the inflationary adjustment for income used to determine eligibility for property tax assistance programs for disabled veterans.

HB 491 **Revise Access to Military Discharge Records**
Requires the Montana Veterans' Affairs Division to release military discharge documentation dated 62 years or more prior to the request date and qualifies as a public document under U.S.C. 552a. Changes terminology from "certificate" to "document".

HB 667 **Revise Tobacco Tax Allocation for State Veterans' Nursing Homes**
Increases the amount of the tobacco tax allocation for the operation and maintenance of the state veterans' nursing homes.

HJ 21 **Urge Designation of State Funeral for Last WWII Medal of Honor Recipient**
Joint resolution of the Montana House and Senate urging President Biden to designate a state funeral for the last surviving World War II Medal of Honor recipient.

SJ 19 **Resolution to Honor 75th Anniversary of Ending of WWII**
Joint resolution of the Montana Senate and House recognizing the Montana World War II generation, veterans, families, and all who supported the US during the War. Recognizes the year 2020 as the 75th anniversary of the end of World War II. Declares 2021 a special recognition of the sacrifices of Montanans in World War II.

PENSIONS AND BENEFITS

PUBLIC EMPLOYEE PENSION PLANS

HB 72 **Revise Funding for Highway Patrol Retirement System HPORS**
Revises special revenue account contributions to the Montana Highway Patrol Retirement System.

HB 81 **Generally Revise Laws on Administration of MPERA Retirement Systems**
Revises provisions related to alternate payee rights under family law orders, required benefit distributions under federal law, and military service purchase eligibility. Clarifies guaranteed annual benefit adjustment timeline and amount. Clarifies provisions governing long-term disability benefit payments under the PERS defined contribution plan.

HB 88 **Generally Revise Laws on Administration of TRS**
Clarifies the definition of "earned compensation" and reporting requirements for employers. Revises mandatory distribution provisions. Corrects the referenced period for reporting compensation earned by a disabled member.

- HJ 8** **Provide for a Study of Pension Laws**
Joint resolution of the House and Senate requesting an interim study of Montana's Public Employee Retirement Systems and recommendations for a long-term funding model.
- SB 175** **Generally Revise Contributions to the Judges' Retirement System**
Temporarily suspends employer contributions to the Judges' Retirement System and reduces the employer contribution amount. Provides a contingency for the reduction in the event the funded ratio of the plan drops below a certain amount.

PUBLIC EMPLOYEE BENEFITS

- HB 76** **Revise Montana VEBA Provisions**
Adds definitions for "dependent" and "participant". Allows VEBA members to receive tax-free employer contributions of unused sick and vacation leave. Revises death benefits.

ADDITIONAL STATE ADMINISTRATION LEGISLATION

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- HB 58** **Extend Bond Validation Act**
Extends the application of Bond Validating Act.
- HB 95** **Revise Ethics Laws Related to Confidentiality**
Removes confidentiality provisions related to ethics complaints concerning public employees and unelected public officers.
- HB 159** **Revise Governor's Power to Spend Certain Unanticipated Federal Funds**
Gives the Legislature authority to approve the Governor's power over large unanticipated funds, items, and services received for the purposes of emergency or disaster services. Outlines a procedure for the Secretary of State to poll members of the Legislature when they are not in session.
- HB 497** **Establish Interim Budget Committees**
Establishes interim budget committees of the Legislature, provides details for membership and leadership positions, and outlines duties of the committees.
- SB 36** **Code Commissioner Bill**
Revises, clarifies, and amends several sections of the Montana Code Annotated. Corrects erroneous references contained in materials enacted by the 67th Legislature and previous legislatures.
- SB 232** **Revise Laws Related to Highway Patrol Compensation**
Requires that the salary survey used to establish the base salary for highway patrol officers include certain city police departments.
- SB 254** **Revising Daylight Savings Time**
Establishes year-round Mountain Daylight Savings Time and exempts all areas of the state from Mountain Standard Time.
- SB 272** **Generally Revise Montana Information Technology Act**
Changes the makeup of the Information Technology Board. Provides exemptions for the Secretary of State's office and the Department of Justice.

- SB 276** **Eliminate Secretary of State's Microfilm Requirements**
Removes requirement that the Secretary of State approve microfilm projects and equipment purchases.
Eliminates the authority for the Secretary of State to operate a central microfilm unit.
- SB 287** **Generally Revise Public Project Financing Laws**
Referred to as the "State Building Construction Loan Act of 2021". Includes numerous changes to the laws governing financing public projects and revises the process for awarding public financing contracts.
- SB 309** **Revising State Lottery Laws Relating to Compensation of Lottery Employees**
Exempts the Lottery Director from certain state employee pay provisions and removes salary provisions for the Lottery Director and Assistant Lottery Director.
- SJ 17** **Resolution on Daylight Savings Time**
Joint resolution of the Senate and House to urge the U.S. Congress to allow Montana to enact year-round Daylight Savings Time.