

# Legislative **VOTING REVIEW** 2021

*A snapshot of the voting  
record of Billings area  
state legislators and  
summaries of the  
bills selected.*





## THE ONE WITH THE MANDATES

*Session shaped by coronavirus pandemic and GOP wave*

**T**wo factors fundamentally shaped the 67th Legislative Session: a global pandemic caused by the novel coronavirus and sweeping election victories by the Montana GOP. The first, which will be remembered for its catastrophic death toll, social distancing guidelines, and mask mandates, prompted numerous debates on whether to actually HAVE the session. If so, how would legislators, legislative staff, and the public be kept safe throughout the process? The result was a hybrid session, providing for in-person or remote testimony during committee hearings which not only allowed more at-risk residents the opportunity to testify without forsaking safety, it gave access to Montanans who would otherwise NOT have participated. Speaker of the House Wylie Galt claimed this session was the, "most accessible in history." Agreed.

The other mandate shaping the 67th Legislative Session came from Montana voters who determined state government would no longer be purple, but deep red. Republicans swept into office with a massive legislative majority and took back the governor's office after 16 years of Democratic control. With unified

state government, conservatives could now pass bills previously dealt fatal blows by Democrat veto pens.

The title of this article is a reference to episode titles of the tv sitcom, *Friends*. But make no mistake, the session was anything but friendly. One moderate Republican acknowledged as much in an interview over the transmittal break, "We've also got to give [Democrats] a place to stand on some of these policy issues instead of just keep hammering stuff down their throat just because we can."

Despite the tenor of the session, the outcome was good for business. Businesses will benefit from the over \$2 billion of federal stimulus providing grants and loans and substantial allocations for expanding broadband connectivity throughout the state. Numerous bills were passed with positive results for the priority issue areas identified by our membership: workforce development, tax reform, and public safety.

### **Montana's Workforce**

Billings businesses have struggled with workforce issues. Whether it's needing to better prepare graduates to enter the workforce or providing

incentives to attract skilled workers, both needed to be addressed to help our businesses grow. House Bill 246 expands opportunities for work-based learning by empowering local school boards to provide credit for experiential learning and custom-designed courses. It also allows more industry experts to instruct students. House Bill 143 addresses Montana's dismal starting teacher pay by incentivizing school districts to meet a competitive base pay goal for starting teachers, hopefully keeping our best and brightest graduates from leaving the state.

### **Tax Reform**

Two bills SB 159 and SB 399 will significantly rewrite our tax code. By 2024 the state's top personal income tax rate will be 6.5%, down from 6.9%, the top rate relative to other mountain west states. Additionally, tax filing will be simplified by reducing the number of tax brackets from seven to two and basing MT taxable income on federal taxable income. Because most of our members are small businesses that file as pass-through entities, the reduction and simplification will greatly benefit them.

### **Public Safety**

Violent crime, jail overcrowding, and addiction issues continue to impact our community and our businesses. Billings-area legislators proposed a number of different options to address these issues such as providing rewards for tips leading to human trafficking and drug dealing convictions or establishing an education program for inmates, aimed at reducing recidivism rates. Not all bills passed, but a couple of note are HB 578 that addresses jail overcrowding by requiring the Dept. of Corrections to notify the courts why they cannot take custody of their prisoners within five days of sentencing. Additionally the recreational marijuana bill provides funding for the governor's healing and ending

addiction through recovery and treatment (HEART) fund and allows local governments to enact a local option tax on recreational weed sales that could go to addressing addiction issues locally.

I've greatly enjoyed the opportunity to represent and advocate for our Billings business community. While there were many accomplishments for our business community, work remains. Affordable housing, diversifying revenue streams (local option), and public safety will remain issues that need work.

Lastly, I want to thank our citizen legislators for their hard work and long hours representing Montanans at the Capitol this session. We know it's not an easy task and there are many sacrifices along the way. Thank you and we look forward to working together on the issues we continue to face.

## **Daniel J. Brooks**

*Business Advocacy Director*



MONTANA SENATE	Senate Bill 65 Covid liability protection Chamber Supports	House Bill 143 Increase starting teacher pay Chamber Supports	House Bill 252 MT Trades Education Credit Chamber Supports	House Bill 624 Taskforce on childcare Chamber Supports	Senate Bill 399 Tax relief and simplification Chamber Supports	Senate Bill 376 Corporate tax modernization Chamber Supports	House Bill 303 Biz equipment tax exemption Chamber Supports	House Bill 340 Film tax credits Chamber Supports
Duane <b>ANKNEY</b>	+	+	+	+	+	+	+	+
Jason <b>SMALL</b>	+	+	+	+	+	+	+	+
Doug <b>KARY</b>	+	+	+	○	+	+	+	+
Tom <b>McGILLVRAY</b>	+	+	○	○	+	+	+	○
Mary <b>McNALLY</b>	○	+	+	+	○	○	+	+
Jen <b>GROSS</b>	○	+	○	+	○	○	○	+
Chris <b>FRIEDEL</b>	+	+	+	○	+	+	+	○
Cary <b>SMITH</b>	+	+	+	○	+	+	+	○
Brad <b>MOLNAR</b>	○	+	+	○	○	+	+	○
David <b>HOWARD</b>	+	+	○	○	+	+	+	○

Senate Bill 297 ConnectMT rural broadband Chamber Supports	Senate Bill 147 C-PACE capital enhancement Chamber Supports	House Resolution 34 Study pretrial diversion Chamber Supports	House Bill 701 Rec marijuana / HEART fund Chamber Supports	House Bill 578 Address jail overcrowding Chamber Supports	House Bill 464 Repeal local option gas tax Chamber Opposes	House Bill 188 Revise elec vehicle laws Chamber Supports	Senate Resolution 16 Urge support for KeystoneXL Chamber Supports	VOTING SCORE
+	+	+	+	+	○	+	+	93.8 %
+	+	+	+	+	○	+	+	93.8 %
+	+	+	○	+	○	+	+	81.3 %
+	○	+	○	+	○	+	+	62.5 %
+	+	+	+	+	+	○	○	68.8 %
○	+	+	+	+	+	○	○	50.0 %
+	○	+	+	+	○	+	+	75.0 %
+	○	+	○	+	○	+	+	68.8 %
+	+	+	○	+	○	+	+	62.5 %
+	○	+	○	+	○	+	+	62.5 %

## SCORECARD METHODOLOGY

### // BILL SELECTION

Bills were selected with consideration for our policy issue areas: workforce development, tax reform, public safety, economic development and infrastructure. We also selected bills that passed the legislature, ensuring every legislator had a chance to vote on each bill. This allows you to see how legislators voted and compare their votes to the rest of our delegation.

### // FAVORING BIPARTISANSHIP

While the selection of bills and resulting votes favors Republicans, a conscious effort was made to include bills that garnered votes from members of both parties. Of the 16 bills selected, 12 received votes from Republicans and Democrats in alignment with the chamber position.

### // CALCULATING SCORES

Voting Scores were calculated by taking the number of Business Positive votes and dividing by the total number of votes. Instances where legislators were excused or absent were not factored in to the final Voting Score.

## SCORECARD KEY

**+** : Business Positive Vote  
**○** : Business Negative Vote

**ABS** : Absent  
**EXC** : Excused



MONTANA HOUSE	<b>Senate Bill 65</b> Covid liability protection <i>Chamber Supports</i>	<b>House Bill 143</b> Increase starting teacher pay <i>Chamber Supports</i>	<b>House Bill 252</b> MT Trades Education Credit <i>Chamber Supports</i>	<b>House Bill 624</b> Taskforce on childcare <i>Chamber Supports</i>	<b>Senate Bill 399</b> Tax relief and simplification <i>Chamber Supports</i>	<b>Senate Bill 376</b> Corporate tax modernization <i>Chamber Supports</i>	<b>House Bill 303</b> Biz equipment tax exemption <i>Chamber Supports</i>	<b>House Bill 340</b> Film tax credits <i>Chamber Supports</i>
Geraldine CUSTER	+	+	+	+	+	+	+	+
Barry USHER	+	+	+	○	+	+	+	+
Rynalea PENA	○	+	○	+	ABS	○	○	+
Sharon PEREGOY	○	+	+	EXC	○	○	○	+
Kerri CROWE	+	+	+	○	+	+	+	+
Larry BREWSTER	+	+	+	+	+	+	+	+
Katie ZOLNIKOV	+	+	+	+	+	+	+	+
Bill MERCER	+	+	+	○	+	+	+	○
Kathy KELKER	○	+	○	○	○	○	○	+
Jessica KARJALA	○	+	+	+	○	○	+	+
Emma CARPENTER	○	+	+	+	○	+	○	○
Mallorie STROMSWOLD	+	+	○	+	+	+	+	+
Frank FLEMING	+	EXC	+	EXC	+	+	+	+
Jimmy PATELIS	+	+	+	+	+	+	ABS	ABS
Dennis LENZ	+	+	+	○	+	+	+	+
Terry MOORE	+	+	○	○	+	+	+	○
Vince RICCI	+	+	+	○	+	+	+	+
Sue VINTON	+	+	+	○	+	+	+	+
Fiona NAVE	+	+	+	○	+	+	+	+
Seth BERGLEE	+	+	+	+	+	+	+	+

<b>Senate Bill 297</b> ConnectMT rural broadband <i>Chamber Supports</i>	<b>Senate Bill 147</b> C-PACE capital enhancement <i>Chamber Supports</i>	<b>House Resolution 34</b> Study pretrial diversion <i>Chamber Supports</i>	<b>House Bill 701</b> Rec marijuana / HEART fund <i>Chamber Supports</i>	<b>House Bill 578</b> Address jail overcrowding <i>Chamber Supports</i>	<b>House Bill 464</b> Repeal local option gas tax <i>Chamber Opposes</i>	<b>House Bill 188</b> Revise elec vehicle laws <i>Chamber Supports</i>	<b>Senate Resolution 16</b> Urge support for KeystoneXL <i>Chamber Supports</i>	VOTING SCORE
+	+	+	+	+	+	+	+	100 %
+	○	+	○	+	○	+	+	75.0 %
+	+	ABS	+	+	EXC	○	○	53.8 %
+	+	+	+	+	+	○	○	60.0 %
+	○	+	○	+	○	+	+	75.0 %
+	○	+	○	+	○	+	+	81.3 %
+	○	+	○	+	○	+	+	81.3 %
+	○	+	○	+	○	+	+	68.8 %
+	+	+	+	+	+	○	○	50.0 %
○	+	+	+	+	+	○	○	62.5 %
+	+	+	+	+	+	○	○	62.5 %
+	+	+	+	+	○	+	+	87.5 %
+	○	+	○	+	○	+	+	78.6 %
+	○	+	+	+	○	ABS	+	84.6 %
+	○	+	○	+	○	+	+	75.0 %
+	○	+	○	+	○	+	+	62.5 %
+	○	+	+	+	○	+	+	81.3 %
+	○	+	+	+	○	+	+	81.3 %
○	○	+	○	+	○	+	+	68.8 %
+	○	+	○	+	○	+	+	81.3 %

# BILL SUMMARIES

HB = House Bill  
SB = Senate Bill

Red = Republican  
Blue = Democrat

**BILL #**

**Bill Sponsor**

**Chamber Position**

Senate vote: 25 - 25

House vote: 50 - 50

## Short Description

Each bill has a summary section describing what the bill does and why it is important.

**SB 65**  
**Sen. Fitzpatrick**

**Chamber Supports**  
Senate vote: 32 - 18  
House vote: 64 - 36

*Covid liability protections*

This bill provides additional protections to businesses taking steps to protect employees, customers, and the public. Businesses may not be sued unless an act of gross negligence, willful and wanton misconduct, or intentional tort is committed. It also provides an affirmative defense whereby a defendant credibly providing evidence of taking reasonable measures to apply public health guidance cannot be held liable for alleged Covid contractions.

**HB 143**  
**Rep. Jones**

**Chamber Supports**  
Senate vote: 50 - 0  
House vote: 95 - 2

*Increase starting teacher pay*

This bill provides additional funding through the quality educator payment to school districts who meet the legislative goal for competitive base pay of teachers. Currently, Montana is ranked last among states in starting teacher pay. The incentive structure proposed in HB 143 is a great way to allow for locally-tailored solutions to increase starting teacher pay, benefiting teachers as well as our business community.

**HB 252**  
**Rep. Jones**

**Chamber Supports**  
Senate vote: 32 - 18  
House vote: 72 - 28

*MT trades education credit*

This bill creates a tax credit for education and training of an employee in a trade profession, anticipated to work at least 6 months during the year in which the training occurs. The tax credit is equal to 50% of the training expenses, not to exceed \$2,000 per employee annually. An employer's total tax credit may not exceed \$25,000 annually and training can be in a typical classroom, on the job site, or on-line.

**HB 624**  
**Rep. Buckley**

**Chamber Supports**  
Senate vote: 27 - 23  
House vote: 66 - 30

*Taskforce on childcare*

House Bill 624 would establish a task force of business leaders to make recommendations for incentivizing employer-supported early childcare, improving childcare access and affordability for employees, and enhancing workforce development. This proposal is business-lead and privately funded, so it will not cost the state. Identifying possible solutions will help our businesses challenged with childcare issues.

**SB 399**  
**Sen. Hertz**

**Chamber Supports**  
Senate vote: 30 - 20  
House vote: 67 - 31

*Tax relief & simplification act*

This bill makes a number of changes to MT tax code including reducing the top income tax rate to 6.5% starting in tax year 2024. It also simplifies MT taxes by reducing the number of tax brackets from seven to two and basing MT taxable income on federal taxable income. Simplifying the MT tax code will provide a reduction in administrative and compliance costs for our small businesses who make up a majority of chamber membership.

**SB 376**  
**Sen. Hertz**

**Chamber Supports**  
Senate vote: 36 - 14  
House vote: 86 - 14

*Corporate tax modernization*

This bill alters how the state calculates the corporate income tax. Currently our state uses a three factor apportionment, equally weighting property, payroll, and sales factors. This bill double-weights the sales factor. Accordingly, this reduces the taxes attributable to property and payroll, helping make Montana more attractive to businesses looking to relocate as it decreases the share of taxes on property and payroll.

**HB 303**  
**Rep. Kassmier**

**Chamber Supports**  
Senate vote: 39 - 11  
House vote: 64 - 33

*Business equipment tax exemption*

The governor's Business Investment Grows (BIG) Jobs Act reduces the cost of doing business in Montana. Current law allows a tax exemption on the first \$100,000 of business equipment subject to the business equipment tax (BET). The BIG Jobs Act would triple that exemption to \$300,000, effectively eliminating payment of the BET by over 4,000 small business owners. The bill also backfills local funds from the reduction in revenue.

**HB 340**  
**Rep. Galt**

**Chamber Supports**  
Senate vote: 31 - 19  
House vote: 77 - 20

*MEDIA act film tax credits*

The bill revises the Montana Economic Development Industry Advancement (MEDIA) Act, passed with bipartisan support in 2019, which provides tax credits for film production in Montana. The bill increases the state's \$10 million cap on credits issued to \$12 million. According to a June 2020 study, the original MEDIA Act resulted in \$47.6 million in total economic impact in Montana by incentivizing film production in the state.







**SB 297**  
**Sen. Ellsworth**

Chamber Supports  
Senate vote: 48 - 2  
House vote: 93 - 5

*ConnectMT rural broadband*

Establishes the broadband infrastructure deployment grant program, administered by Dept. of Commerce. Projects are eligible if they are in unserved (less than 25 mbps download and 10 mbps upload) or underserved areas (less than 100 mbps download and 20 mbps upload), funds only go toward capital expenses, and applicants pay at least 20% of the project costs. This will significantly benefit our eastern MT businesses.

**HJ 34**  
**Rep. Usher**

Chamber Supports  
Senate vote: 50 - 0  
House vote: 96 - 2

*Study pretrial diversion programs*

This bill will examine best practices, programs in other states, and funding sources for pretrial and pre-sentencing diversion programs. It also seeks to identify Montana statutes that create or support opportunities for individuals to be diverted from the criminal justice system. With jail overcrowding and recidivism a significant problem in our community, this bill will help identify new, or modify existing, programs to help address these issues.

**SB 147**  
**Sen. McNally**

Chamber Supports  
Senate vote: 28 - 22  
House vote: 60 - 37

*C-PACE commercial capital enhancement*

This legislation enables local governments to enact a C-PACE program which we see as another tool for economic development. While this program may not be for everyone, we believe it will be successful if even a few businesses are able to reduce their operating costs by installing new insulation, reducing water usage, or replacing an outdated HVAC system. These projects also mean jobs in our local communities.

**HB 701**  
**Rep. Hopkins**

Chamber Supports  
Senate vote: 34 - 16  
House vote: 67 - 32

*Rec. Marijuana / HEART funding*

This bill adjusts the recreational marijuana program enacted through Ballot Initiative 190. Two critical aspects of this bill are the provisions to put marijuana tax revenues into the governors healing and ending addiction through recovery and treatment (HEART) fund and allowing for a local option tax on marijuana sales. The HEART fund receives \$6 million from taxes, plus \$19 million from the federal government annually to address addiction issues.

**HB 578**  
**Rep. Moore**

Chamber Supports  
Senate vote: 49 - 0  
House vote: 99 - 0

*Address jail overcrowding*

This legislation requires Dept. of Corrections to give notice to the court if they are unable to accept delivery of a sentenced defendant within five days. The bill aims to produce efficiencies in the justice system, ensuring incarcerated individuals are moved to the appropriate facility in a timely manner. In some instances, state inmates remain in county jails for months causing overcrowding issues. This bill is a first step to address overcrowding.

**HB 188**  
**Rep. Loge**

Chamber Supports  
Senate vote: 31 - 19  
House vote: 66 - 30

*Revise elec vehicle laws to fund roads*

This bill imposes a new fee on electric vehicles in Montana. For electric vehicles (solely powered by electricity, not hybrids) classified as light vehicles, the fee is \$195 annually. Larger vehicles will pay more and fees collected go into the gas tax revenue account that gets used to fund construction and maintenance of roads and bridges in Montana. The intent is to ensure there is fairness in who uses and pays for roads in our state.

**HB 464**  
**Rep. Regier**

Chamber Opposes  
Senate vote: 32 - 18  
House vote: 68 - 31

*Repeal local option gas tax*

The bill repeals the local option gas tax provided in Montana law. The law allows counties to put on the ballot a question to voters on whether they want to enact a gas tax of two cents per gallon that can only go toward the construction, reconstruction, repair, and maintenance of public streets and roads. As far as tax policy goes the local option gas tax is a good one, tying revenue for maintenance to the actual users of the good.

**SJ 16**  
**Sen. Hinebauch**

Chamber Supports  
Senate vote: 33 - 17  
House vote: 69 - 28

*Urge support for KeystoneXL*

This bill urges Congress and the President to approve construction of the KeystoneXL pipeline. The increased property taxes in Montana, expected to come in at \$63 million annually, will significantly benefit school systems in counties where the pipeline runs. It's also expected to create upwards of 4,000 jobs. Oil will remain part of the world's energy mix for decades, let's move it in the safest way possible, through the KeystoneXL pipeline.



# THANK YOU

— to our —

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