

68th Legislative Session Report

by: Roger A. Hagan, MTNGA/EANGMT Legislative Liaison

The 68th Legislative Session of the Montana State Legislature of 2023 came to an abrupt close on Tuesday, May 2nd, following an unexpected early motion to 'sine die' (adjourn) made in the Senate. While your Montana National Guard Associations experienced one of the most productive and beneficial lawmaking sessions that I have seen in my 44 years of representing you, the early adjournment did leave us with a few loose ends and yet unanswered questions.

Entering the legislative session, we had several priorities set by your membership and our commitment to the Department of Military Affairs (DMA) initiatives. It is my belief that our associations and the DMA worked extremely well together, making it one of the best sessions ever. Additionally, over the course of the session, several legislators brought forth other bills that were of importance to our membership. All told, we discussed or testified for or against 48 bills and monitored an additional 100+ bills or bill draft requests. We worked closely with the Montana Department of the American Legion, and various other groups, on many legislative pieces, recognizing the common benefit for both the National Guard Association members and all veterans of Montana.

By far the most significant legislation that we were successful in passing was a state income tax exemption of military retirement. While HB 219, one of the two income tax exemption bills, was tabled in the House, SB 104 made it to the Governor's desk. This bill was signed by Governor Gianforte on May 16th.

Our organizations have been working on the tax exemption effort since 2008 and we were finally able to convince our legislators of the economic and workforce value of encouraging military retirees to relocate to or remain in Montana after they retire. While the legislation only provides an exemption for up to 50% of military retirement, based upon the retiree's Montana Wage Source Income, it certainly is a great step forward. This bill had 4 committee hearings, 18 votes, was left for dead once, revived thanks to a good effort by a legislator, and in total was moved from the Senate to the House and back to the Senate for votes over the period of 4+ months.

While the passage of SB 104 was the most long sought after legislation of our efforts, by far the most important legislation that we were successful in defeating (yes, DEFEATING) was HB 527 and SB 560. Both of these efforts were 'coily named' the Defend the Guard Act but were more appropriately considered a bill to DEFUND the Guard! Had either of these bills passed, the law would have prevented our Governor from allowing Montana National Guard members to deploy for overseas contingent operations unless there was a formal declaration of war by Congress.

As you may well know, this would have had a major impact from the federal perspective of the equipping, training, and missioning of our guard units. If the Montana National Guard is not available to mobilize for the defense of our nation, our value to the Department of Defense and America would be minimal, likely resulting in the loss of key missions and equipment. I am proud to say that our membership and that of the American Legion and VFW came out strongly against these two bills and were successful in defeating them. The 'Defend the Guard' effort was promoted by a national organization in over 31 states, and we fully expect the bill to come back in two years.

Sadly, one bill that we were unable to get passed was HB 82, a bill to grant a \$500 stipend to veterans who provided a prospect lead that resulted in a successful enlistment in the Montana National Guard. This was a key bill for the MT National Guard and had our association's strong support. Our recruiting numbers need bolstering, and this bill would have taken us a long way to assist in recruitment. For unknown reasons, this paltry \$250,000 appropriation became a pawn in other funding issues and was tabled in the Senate Finance and Claims Committee after a resounding success in the House and a 42-8 positive vote initially in the Senate.

My thanks to all MTNGA/EANGMT members who responded to our "Legislative Alerts", your involvement in the process is very important and has been valuable. Below is a comprehensive list of bills that your associations played a key part in being passed or defeated. Bills with an asterisk (*) are bills the MTNGA and EANGMT prioritized, and those DMA bills we supported. The bills without an (*) although not on our priority list are 'pop up' bills brought by legislators during the session that our associations either supported or opposed.

* **HB 2, Representative Llew Jones, (R) Conrad** – General Appropriations Act – 2025 Biennium Budget for the Department of Military Affairs and Montana Veterans Affairs Division, budget included funding for MTNG Scholarship Program and other DMA requirements – (DMA initiative - **passed**)

* **HB 5, Representative Mike Hopkins, (R) Missoula** – Long-range building appropriations – includes funding for multiple DMA facility upgrades and several million \$ for a new Billings Readiness and Innovation Campus (DMA initiative - **passed**)

* **HB 63, Representative Scot Kerns, (R) Great Falls** – Generally revise liability laws related to armed forces and national guard (DMA initiative - **passed**)

* **HB 80, Representative George Nikolakakos, (R) Great Falls** – Adopt most recent federal military codes and regulations (DMA initiative - **passed**)

* **HB 81, Representative Braxton Mitchell, (R) Columbia Falls** – Create new state veterans' cemetery, next to Columbia Falls Veterans Home (DMA initiative - **passed**)

* **HB 82, Representative George Nikolakakos, (R) Great Falls** – Create Montana national guard enlistment incentive program (DMA initiative, tabled in Senate Finance & Claims Cmte - **failed**)

* **HB 89, Representative Paul Green, (R) Hardin** – Revise laws related to Montana national guard life insurance and court martials (*DMA initiative - passed*)

* **HB 107, Representative Brad Barker, (R) Roberts** – Generally revise the duties of SERC (*DMA initiative - passed*)

* **HB 134, Representative Katie Zolnikov, (R) Billings** – Revise laws related to the armory account (*DMA initiative - passed*)

* **HB 219, Representative Scot Kerns, (R) Great Falls** – Exempt certain military pensions and survivor benefits from income taxes (*Associations and American Legion priority - tabled in House Appropriations Cmte - failed*)

HB 223, Representative Scot Kerns, (R) Great Falls – Expanding the disabled veteran property tax assistance program (*tabled in Senate Finance and Claims Cmte - failed*)

HB 224, Representative Derek J. Harvey, (D) Butte – Revise vehicle registration law regarding military personnel (*passed*)

* **HB 264, Representative Marta Bertoglio, (R) Montana City** – Establish decennial veterans' long term care needs study (*Associations' and American Legion priority - passed*)

HB 274, Representative Scot Kerns, (R) Great Falls – Revise civil air patrol funding (*passed*)

HB 275, Representative Scot Kerns, (R) Great Falls – Provide for board of veteran affairs townhall meetings (*Associations and American Legion opposed - tabled in House State Administration Cmte - failed*)

* **HB 298, Representative Marta Bertoglio, (R) Montana City** – Revise board of veterans affairs laws (*DMA initiative - passed*)

HB 325, Representative Lyn Hellegaard, (R) Missoula – Revise eligibility for disabled veteran property tax assistance program (*passed*)

HB 336, Representative Edward Buttrey, (R) Great Falls – Provide licensure exemptions for military family child care providers (*passed*)

HB 377, Representative Linda Reksten, (R) Polson – Create a 250th commission for Montana, preparing for 250th Anniversary of the Declaration of Independence in 1776 (*passed*)

* **HB 427, Representative Scot Kerns, (R) Great Falls** – Revise military affairs laws regarding worker's compensation (*DMA initiative - passed*)

* **HB 462, Representative Marta Bertoglio, (R) Montana City** – Revise distribution of marijuana revenues (*Associations' and American Legion priority - tabled in House Appropriations Cmte - failed*)

HB 494, Representative Jim Hamilton, (D) Bozeman – Revise property tax assistance program and disabled veteran program (*tabled in House Taxation Cmte - failed*)

* **HB 527, Representative Lee Deming, (R) Laurel** – Require official action to release Montana national guard to active duty combat, aka DEFEND THE GUARD ACT (*Associations' and American Legion opposition priority – defeated on the House Floor 40-60 - failed*)

HB 545, Representative Edward Buttrey, (R) Great Falls – Revise state laws to recognize creation of US Space Force (*passed*)

HB 583, Representative Brad Barker, (R) Roberts – Revise occupations and education laws for military license reciprocity (*passed*)

HB 663, Representative Scot Kerns, (R) Great Falls – Establish a Montana veterans hall of fame (*passed*)

HB 669, Representative Bill Mercer, (R) Billings – Revise laws related to allocation of marijuana tax revenues (*Associations and American Legion priority - tabled in Senate Finance and Claims Cmte - failed*)

HB 752, Representative Braxton Mitchell, (R) Columbia Falls – Require the national anthem to be performed at sporting events (*tabled in House State Administration Cmte - failed*)

HB 840, Representative Ron Marshall, (R) Hamilton – Revise tobacco tax allocation for state veterans' nursing homes – (*passed*)

HB 843, Representative Scot Kerns, (R) Great Falls – Free hunting/fishing for service members/veterans with 50% disability rating (*tabled in House Appropriations Cmte - failed*)

HB 852, Representative Jill Cohenour, (D) East Helena – Provide for recognition of family members of deceased veterans (*passed*)

HB 878, Representative Tony Brockman, (R) Kalispell – Revise medical marijuana laws for veterans (*tabled in House State Administration Cmte - failed*)

HJ 14, Representative Lola Sheldon Galloway, (R) Great Falls – Acknowledge service of Korean War veterans (*passed*)

HR 3, Representative Lola Sheldon Galloway, (R) Great Falls – Resolution to acknowledge service of Vietnam veterans (*passed*)

* **SB 40, Senator Mike Cuffe, (R) Eureka** – Generally revise laws related to Montana national guard duty status (*DMA initiative passed*)

* **SB 66, Senator Mike Fox, (D) Hays** – Generally revise laws related to Montana national guard benefits and rights (*DMA initiative - passed*)

* **SB 104, Senator John Fuller, (R) Kalispell** – Exempt retired military pensions from state income tax (*Associations' and American Legion priority - passed*)

SB 221, Senator Barry Usher, (R) Laurel – Allow USS Montana crew to apply for license plates (*passed*)

SB 298, Senator Brad Molnar, (R) Laurel – Revise laws related to hunting by disabled persons (*tabled in House Fish, Wildlife, and Parks Cmte - failed*)

SB 309, Senator Dan Bartel, (R) Lewistown – Establish the Ensign James A Shelton Memorial Highway (**passed**)

SB 389, Senator Daniel Emrich, (R) Great Falls – Revising education laws to add a definition of "civics" (*tabled in Senate Education and Cultural Resources Cmte - failed*)

SB 423, Senator Kenneth Bogner, (R) Miles City – Generally revise liability related to firearm hold agreements (**passed**)

* **SB 442, Senator Mike Lang, (R) Malta** – Allow marijuana tax revenue to be used for county road maintenance, including funding for MT Veterans Affairs Division (*Associations' and American Legion priority – vetoed by the Governor - failed*)

SB 514, Senator Brad Molnar, (R) Laurel – Provide for individual income tax refunds of surplus revenue, includes military retirement (*tabled in Senate Taxation Cmte - failed*)

* **SB 560, Senator John Fuller, (R) Kalispell** – Establish the Defend the Montana Guard Act (*Associations' and American Legion opposition priority – defeated in the Senate State Administration Cmte 4-6 - failed*)

SJ 17, Senator Mike Fox, (D) Hays – Joint resolution recognizing veterans and military service “A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING MONTANANS WHO HAVE SERVED AND CONTINUE TO SERVE IN THE MILITARY AND DECLARING 2023-2025 AS THE ERA OF RECOGNITION AND COMMEMORATION OF THE MONTANA NATIONAL GUARD, MONTANA ARMY NATIONAL GUARD, MONTANA AIR NATIONAL GUARD, U.S. ARMY RESERVE, MARINE CORPS RESERVE, U.S. NAVY RESERVE, AND ALL ACTIVE DUTY MILITARY PERSONNEL” (*American Legions priority - passed*)

SJ 18, Senator John Fuller, (R) Kalispell – Joint resolution recognizing veterans and military service “A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA HONORING THE MONTANA 163RD INFANTRY REGIMENT; AND DECLARING MARCH 5, 2023, AS THE OFFICIAL DATE OF THE RECOGNITION OF THE 80TH ANNIVERSARY OF THE MONTANA 163RD INFANTRY REGIMENT'S VICTORY IN THE BATTLE OF SANANANDA, PAPUA, NEW GUINEA” (*American Legion priority - passed*)

SJ 19, Senator Kenneth Bogner, (R) Miles City – Joint resolution for Honor and Remember Medallion (**passed**)