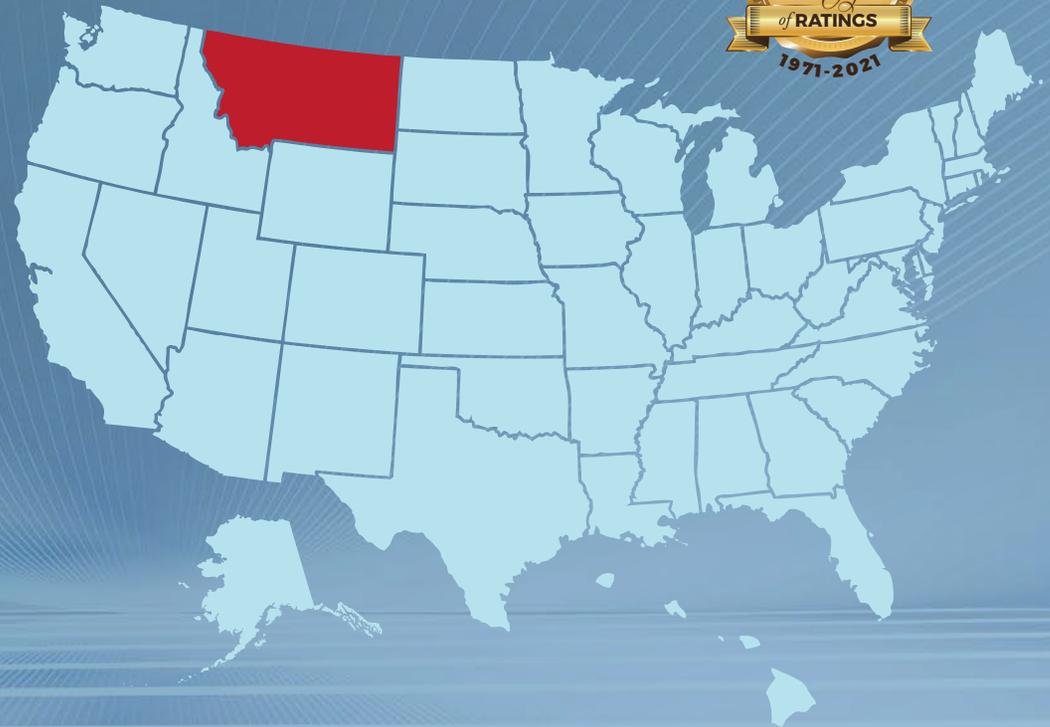




AMERICAN CONSERVATIVE
UNION FOUNDATION
**CENTER FOR
LEGISLATIVE
ACCOUNTABILITY**



RATINGS of MONTANA 2021



The nation's gold standard to hold nearly 8,000 lawmakers accountable for their voting records.



 ratings.conservative.org

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LETTER FROM THE CHAIRMAN

The American Conservative Union Foundation's Center for Legislative Accountability is proud to present our *Ratings of Montana* for 2021. Like our *Ratings of Congress*, ACU Foundation's *Ratings of the States* are meant to reflect how elected officials view the role of government in an individual's life. We begin with our philosophy (conservatism is the political philosophy that sovereignty resides in the person) and then apply the proper role of government (its essential role is to defend Life, Liberty and Property).

The Left has stormed our nation's corridors of power to take control over the lives of every American. Now, they have set their sights on the states, freedom's last line of defense.

President Lincoln once said, "America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves." The Left's agenda dismantles the vision of our founders when they pledged their lives, their fortunes, and their sacred honor.

We hope these Ratings will empower each and every American to hold their officials accountable and to rally behind the conservative champions who defend our freedoms in statehouses around the country.



Matt Schlapp
Chairman
American Conservative Union Foundation



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ABOUT THE CENTER FOR LEGISLATIVE ACCOUNTABILITY

The Center for Legislative Accountability (CLA), an initiative of the American Conservative Union Foundation (ACUF), is the premier organization for holding lawmakers accountable. The CLA produces the longest-running conservative congressional scorecard and our state program is the only one in the nation that scores all 8,000 lawmakers in the 50 states across every policy area. In addition to ACUF's Conservative Political Action Conference (CPAC), the largest gathering of conservatives in the world, the CLA develops conservative policy solutions and educates everyday citizens and activists on the proper role of government. In 1971, ACUF launched its *Ratings of Congress* to provide a comprehensive evaluation of the voting records of every Member of Congress.

The Ratings quickly became considered the “gold standard” and over the following decades have been utilized by activists, voters, academics and elected officials to determine which lawmakers best adhere to conservative principles. In 2011, these Ratings were expanded into state legislatures as part of a five-state pilot program. By 2015, *Ratings of the States* grew to include all 50 states and all 99 legislative chambers.

Today, the CLA annually analyzes over 105,000 pieces of legislation to issue scores for all of America’s federal and state lawmakers and presents awards to lawmakers who score 80% or better in recognition of their conservative voting records.

ACUF

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Chairman

Charlie Gerow
Vice Chairman

Randy Neugebauer
Treasurer

Kimberly Bellissimo
Secretary

Dan Schneider
Executive Vice President

Board Members

Veronica Birkenstock
Gordon Chang

Jonathan Garthwaite
Carolyn D. Meadows

ACU

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KT McFarland
Jim McLaughlin
Priscilla O’Shaughnessy
Ron Robinson
Mike Rose

Tim Ryan
Terry Schilling
Matt Smith
Thomas Winter



METHODOLOGY

The CLA's Ratings of Congress and the States illustrate how elected officials view the role of government in an individual's life. When determining a position on a particular issue, the CLA begins by defining conservatism: the political philosophy that sovereignty resides in the person. Then, we apply the founders' belief that the proper role of government is to protect Life, Liberty and Property.

In order to depict how closely a lawmaker adheres to conservative principles, the CLA selects from the full spectrum of issues relating to the economy, culture, national security and government integrity. Some key areas include taxation, spending, education, labor, licensure, regulation, environment, life, free speech, Second Amendment rights, foreign aid, defense priorities and global organizations, including the United Nations. All congressional and state analyses are conducted after the adjournment of a legislative session to ensure that no issue is neglected.

Each lawmaker is evaluated on a zero to 100 scale, with a score of 100 representing a voting record that is perfectly aligned with conservative principles. Officials who earn a score of 90% or higher are presented with the CLA's highest honor, the Award for Conservative Excellence, while those who earn a score of 80% or higher, but less than 90%, are presented with the Award for Conservative Achievement. Additionally, any lawmaker who earns a score of 10% or lower qualifies for the ACUF's Coalition of the Radical Left.

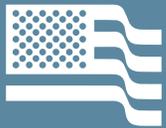
ANNUAL METRICS


ANALYZE
105,000
BILLS


SELECT
2,000
BILLS


RATE
8,000
ELECTED
OFFICIALS

To determine legislative rankings, the CLA annually evaluates over 105,000 bills that were introduced in Congress and every convening state legislature running from January 1 to December 31. Of those bills, the CLA ultimately selects roughly 2,000 pieces of legislation that best illustrate how elected officials view the role of government in an individual's life. The CLA calculates individual scores for a total of nearly 8,000 federal and state lawmakers based on over 157,000 votes cast on the 2,000 bills selected. The CLA provides a score for each legislative chamber, which is based upon the average scores of all members within that respective chamber. A legislature's overall score is calculated by averaging each state's two legislative chambers together in order to better reflect the differences in political power between the chambers. (The exception being Nebraska, the nation's only unicameral legislature comprising a single legislative chamber, on which the state's overall score is based.)



AMERICAN CONSERVATIVE
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 ACCOUNTABILITY**

Fred McGrath, *Director*
 Francis Finnegan, *Data Manager*
 Thomas Bradbury, *Deputy Director*

Zoe Reese, *Operations Associate*
 Larry Hart, *Senior Policy Fellow*
 Bryan Axler, *Policy Fellow*



2021 WINNERS & LOSERS

90-100% AWARD FOR CONSERVATIVE EXCELLENCE

12 since last year*

SENATE

BLASDEL, MARK	HINEBAUCH, STEVE	REGIER, KEITH
ELLSWORTH, JASON	KARY, DOUGLAS	SMITH, CARY
FITZPATRICK, STEVE	KEENAN, BOB	VANCE, GORDON
FRIEDEL, CHRIS	MANZELLA, THERESA	
GLIMM, CARL	MCGILLVRAY, TOM	

3 since last year*

HOUSE

BARTEL, DAN	HINKLE, JEDEDIAH
BEARD, BECKY	KNUDSEN, RHONDA
BERGLEE, SETH	MOORE, TERRY
BINKLEY, MICHELE	REGIER, AMY
HINKLE, CALEB	REGIER, MATT

80-89% AWARD FOR CONSERVATIVE ACHIEVEMENT

1 since last year*

SENATE

BOGNER, KENNETH	HERTZ, GREG
BROWN, BOB	HOWARD, DAVID
CUFFE, MIKE	LANG, MIKE
ESP, JOHN	OSMUNDSON, RYAN
GAUTHIER, TERRY	
GILLESPIE, BRUCE	

11 since last year*

HOUSE

BERTOGLIO, MARTA	GILLETTE, JANE	LER, BRANDON	PHALEN, BOB	STROMSWOLD, MALL-ERIE
BREWSTER, LARRY	GIST, STEVE	MALONE, MARTY	READ, JOE	TREBAS, JEREMY
CARLSON, JENNIFER	GUNDERSON, STEVE	MARSHALL, RON	REKSTEN, LINDA	TSCHIDA, BRAD
DURAM, NEIL	HILL, ED	MCKAMEY, WENDY	RICCI, VINCE	USHER, BARRY
FIELDER, PAUL	JONES, LLEW	MERCER, BILL	SCHILLINGER, JERRY	VINTON, SUE
FLEMING, FRANK	KASSMIER, JOSHUA	MITCHELL, BRAXTON	SEEKINS-CROWE, KERRI	ZOLNIKOV, KATIE
FULLER, JOHN	KERNS, SCOT	NAVE, FIONA	SHELDON-GALLOWAY, LOLA	
GALLOWAY, STEVEN	KNUDSEN, CASEY	NOLAND, MARK	SKEES, DEREK	
GALT, WYLIE	LENZ, DENNIS	PATELIS, JIMMY		

*Compared to number of qualifying lawmakers in the previous session
 Republicans in ALL CAPS, Democrats in initial caps, asterisk indicates Independents/Libertarians/other



 **≤ 10%** **COALITION OF THE RADICAL LEFT**

↓ 1 since last year*

SENATE

Ellis, Janet

O'Brien, Shannon

↑ 2 since last year*

HOUSE

Caferro, Mary

Hamilton, Jim

Hayman, Denise

Olsen, Andrea

Running Wolf, Tyson

Stafman, Ed

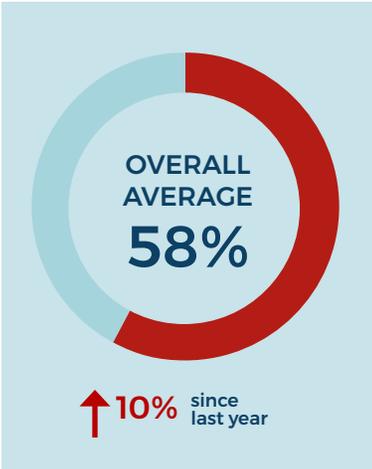
Stewart Peregoy, Sharon

Weatherwax, Marvin

Whiteman Pena, Rynalea

*Compared to number of qualifying lawmakers in the previous session
 Republicans in ALL CAPS, Democrats in initial caps, asterisk indicates Independents/Libertarians/other

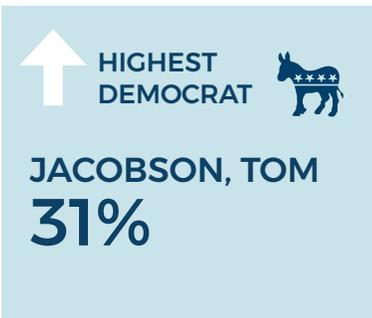
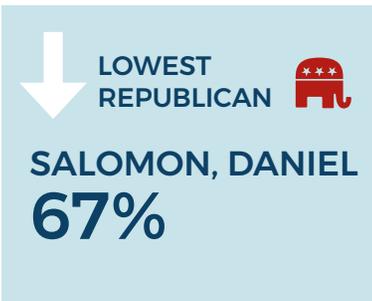
MONTANA SENATE STATISTICS



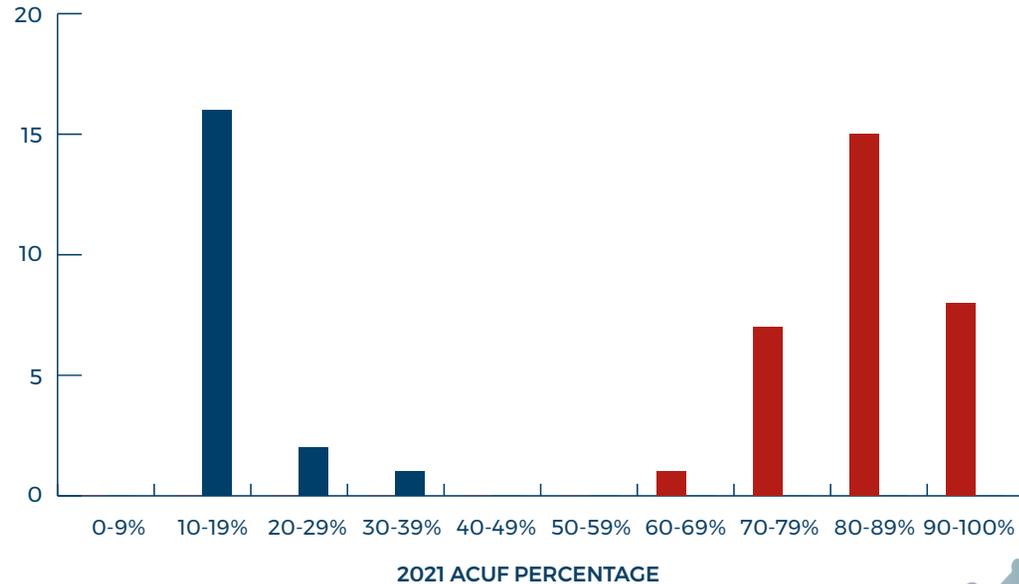
MONTANA SENATE CONSERVATIVE RATINGS

RED = REPUBLICANS
31 TOTAL IN SENATE

BLUE = DEMOCRATS
19 TOTAL IN SENATE



OF STATE SENATORS





MONTANA SENATE VOTE DESCRIPTIONS

- 1. SB 65 Protecting Businesses from Lawsuit Abuse Related to COVID-19.** This bill limits the liability of businesses for actions related to an injury from exposure or potential exposure to Chinese coronavirus (COVID-19). This bill provides an exemption when the exposure is caused by "gross negligence" or "wanton misconduct." This bill also ensures that workers cannot bring lawsuits against their employer for exposure to COVID-19 unless caused by an intentional act. ACU supports efforts to protect businesses from frivolous litigation related to COVID-19 and supported this bill. The Senate passed the bill on February 4, 2021 by a vote of 32-18 and the bill was signed into law.
- 2. SB 89 Providing Public Employees "Paycheck Protection" from Union Bosses.** This bill strengthens the right to work without joining a union or paying dues by providing "paycheck protection" from union bosses for public employees. Under the bill, unions are prohibited from deducting union dues from any public employee's paycheck without express consent from the employee. This bill is in response to the Janus v. AFSCME Supreme Court ruling which found that state laws forcing nonunion employees to pay union dues violate the First Amendment's protections of free speech and association. ACU supports the right to work without joining a union or paying dues, supports efforts to combat the coercion and intimidation of greedy union bosses and supported this bill. The Senate defeated the bill on March 1, 2021 by a vote of 22-28.
- 3. SB 99 Strengthening Parental Rights by Requiring Parental Permission for Sexual Education.** This bill strengthens parental rights by ensuring parents have the right to review human sexuality teaching materials taught in schools and to withdraw their child from sex education instruction. Under the bill, the school must ensure that parents and guardians are notified of any curriculum or event which provides human sexuality instruction no less than 48 hours prior to holding the event or introducing the material. Along with the notification, the school must release the instruction intended to be taught, as well as making public the curriculum materials, and inform the parent or guardian of their right to withdraw their student from the instruction. Additionally, the bill provides that no abortion provider is allowed to offer any course materials about human sexuality. ACU supports strengthening of parental rights and increasing transparency within the education system and supported this bill. ACU supports the strengthening of parental rights and supported this bill. The Senate passed the bill on February 23, 2021 by a vote of 31-19 and the bill was signed into law.
- 4. SB 101 Expanding Access to Health Care by Exempting Direct Patient Care Agreements from Costly Insurance Regulations.** This bill would help expand access to health care by exempting "direct patient care agreements" (DPCAs) from costly and stringent insurance mandates imposed under Obamacare and state law. DPCAs are health agreements made between health care providers and patients (or their employer) that typically include a monthly subscription fee for covered services. The bill clarifies that DPCAs may be offered in the state and are not insurance and therefore are not subject to numerous draconian federal and state mandates. ACU supports a free market in health care and providing patients with greater flexibility to select the health care services that best suit their needs and supported this bill. The Senate passed the bill on March 22, 2021 by a vote of 33-16 and the bill was signed into law.
- 5. HB 102 Strengthening Second Amendment Rights by Enacting Constitutional Carry.** This bill strengthens Second Amendment rights by establishing "constitutional carry" (permitless carry) in Montana. As a result, all individuals over the age of 21 who are permitted to lawfully own a firearm are now able to carry a concealed firearm in most public places without having to obtain a special permit. The bill still requires a permit in state and local government buildings. Additionally, the bill prohibits public universities from outright prohibiting the carrying of a firearm on campus and places limitations on the restrictions administrators may impose. ACU supports the founders' belief in the Second Amendment and supported this bill. The Senate passed the bill on February 3, 2021 by a vote of 29-21 and the bill was signed into law.
- 6. SB 106 Creating a New Employment Barrier for Veterinary Technicians by Imposing a New Licensing Regime.** This bill creates a new employment barrier and ultimately drives up animal care costs by imposing an excessive new licensing regime on individuals who serve as veterinary technicians. The bill is largely designed to enrich the American Veterinary Medical Association (who heavily lobbied for the bill) by requiring individuals to graduate from the association's program as well as obtain at least 4,500 hours of experience. ACU opposes the proliferation of licensing mandates which restrict competition and drive up consumer costs and this measure which is designed to enrich the AVMA and opposed this bill. The Senate passed the bill on April 12, 2021 by a vote of 50-0 and the bill was signed into law.



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7. **HB 112 Protecting Women's Athletics from Competition with Men.** This bill protects the institution of women's athletics by requiring all public education institutions to maintain a separate competition for female and male students. Under the bill, students participating in public school athletics or events are required to compete according to their biological sex. As a result, biological males who identify as females (or vice versa) may not compete with individuals of a different sex, unless the competition is designated coed. ACU believes all individuals should be treated with dignity and respect and have the same opportunities under the law. ACU also recognizes that there are numerous standard classifications in sports (such as age, weight, etc.) to ensure fair competition. Therefore, ACU supports ensuring fair competition among teams competing across the state and supported this bill. The Senate passed the bill on April 23, 2021 by a vote of 27-23 and the bill was signed into law.
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8. **HB 129 Expanding School Choice by Permitting 529 Tax Exempt Savings to be Used for K-12 Education.** This bill expands school choice by permitting tax-exempt savings held in 529 accounts to be used for K-12 education in addition to higher education costs permitted under previous law. The bill is in response to a provision within the Federal Tax Cuts and Jobs Act of 2017 championed by Sen. Ted Cruz (ACUF Lifetime 95%) which changed the definition of "qualified education" under 529 accounts to include elementary education at all types of schools, including public, private, and religious schools. ACU supports improving educational outcomes by empowering families through school choice and supported this bill. The Senate passed the bill on March 26, 2021 by a vote of 31-19 and the bill was signed into law.
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9. **HB 136 Protecting Life by Restricting Abortion once an Unborn Child is "Pain Capable" at 20 Weeks.** This bill would help protect life by prohibiting abortion of unborn children beginning at 20 weeks of pregnancy. At this point of development, the unborn child is capable of feeling pain and has a beating heart, functional brain and has developed motor skills in their arms, hands, fingers, and toes. This bill would provide an exception to cases in which it is necessary to prevent a serious health risk to the mother. ACU believes abortion is a human tragedy, supports restrictions to end the practice and supported this bill. The Senate passed the bill on February 26, 2021 by a vote of 31-19 and the bill was signed into law.
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10. **SB 157 Expanding Opportunities for School Choice Students to Participate in Athletics.** This bill would expand opportunities for homeschooled and private school students by allowing them to participate in public school athletics. The policy (championed by pro quarterback Tim Tebow) provides that a school district or an athletic association may not prohibit or restrict the ability of a student attending a nonpublic or home school (who qualifies) from participating in extracurricular activities at a school in the student's resident school district solely on the student's enrollment status. ACU supports school choice, opposes discrimination against school choice students and barring them from participating in public sports and supported this bill. The Senate passed the bill on February 20, 2021 by a vote of 32-17 and the bill was signed into law.
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11. **SB 159 Fostering Economic Growth by Reducing the State Income Tax.** This bill, part of the "Montana Comeback Plan," will provide slight tax relief by reducing the state's top income tax rate (on income earned over \$18,700) from 6.9% to 6.75%. The bill is expected to reduce taxes by an estimated \$30 million a year. ACU supports expanding economic growth through broad-based tax cuts and supported this bill as a step in the right direction. The Senate passed the bill on April 27, 2021 by a vote of 34-16 and the bill was signed into law.
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12. **HB 167 Protecting Children who Survive Abortion.** This bill, known as the "Born-Alive Infant Protection Act," requires a health care provider who is present at the time a child is born alive after an abortion is attempted and failed to take all medically appropriate and reasonable actions to preserve the life and health of the infant. The provider is required to provide the same degree of care to children who survive abortion as they would any other child. ACU believes abortion is a human tragedy, supports restrictions to end the practice and supported this bill. The Senate passed the bill on February 26, 2021 by a vote of 30-20. (Voters will decide to ratify the act in the November 2022 election.)
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13. **SB 169 Strengthening Election Integrity by Clarifying Voter ID Requirements.** This bill strengthens election integrity by clarifying acceptable forms of voter ID to combat vote fraud. Most notably, the bill requires additional proof of residency for voters presenting student IDs, which generally don't have a person's address or expiration date. ACUF's Center to Protect Voters and their Voices is a leader in rebuilding the safeguards of our election systems and ensuring that each legal vote count once and only once. ACU recognizes that election integrity safeguards such as photo ID requirements are designed to help ensure that one person cannot cast the ballot of another (or one person on behalf of many others). ACU supports efforts to strengthen election integrity and ensure that all legal ballots are counted, and that no illegal ballot is counted, which disenfranchises eligible voters and supported this bill. The Senate passed the bill on March 31, 2021 by a vote of 31-18 and the bill was signed into law.
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14. **SB 170 Strengthening Election Integrity through Updates to Voter Registration Maintenance.** This bill strengthens election integrity by requiring annual voter registration list maintenance. Under previous law, maintenance of the voter registration list was only required in odd-numbered years. ACUF's Center to Protect Voters and their Voices is a leader in rebuilding the safeguards of our election systems and ensuring that each legal vote count once and only once. ACU supports maintaining and updating voter registration databases to help prevent the disenfranchisement of eligible voters due to voter fraud and supported this bill. The Senate passed the bill on February 12, 2021 by a vote of 30-19 and the bill was signed into law.
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15. **SB 185 Strengthening Individual Rights by Placing a Check on Executive Power During States of Emergency.** This bill provides a critical check on executive branch powers by limiting the governor's power during a declared state of emergency. Specifically, this bill prohibits the governor from suspending a statute that affects the exercise of an individual's constitutional rights under the United States or the Montana constitution. ACU supports protecting individual rights through this check on executive branch powers, especially following the overreach taken by many governors during the COVID-19 pandemic and supported this bill. The Senate passed the bill on February 20, 2021 by a vote of 31-18 and the bill was signed into law.
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16. **SB 187 Increasing Unemployment by Raising the Minimum Wage to \$12 per Hour.** This bill reduces job opportunities by raising the minimum wage to \$10 per hour by 2022, \$11 per hour by 2023, and \$12 per hour by 2024. After 2024, the bill would then increase the minimum wage annually by the rate of inflation determined by the consumer price index. ACU opposes these artificial wages that hurt those who especially need employment experience, such as students and inexperienced employees, and opposed this bill. The Senate defeated the bill on February 26, 2021 by a vote of 19-30.
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17. **SB 199 Strengthening Food Freedom by Reducing Excessive Regulations.** This bill, known as the "Montana Local Food Choice Act," cuts government red tape to make it easier for Montanans to launch small businesses that sell homemade food. Under the bill, state agencies are largely prohibited from regulating the preparation, use, consumption, or delivery of homemade food products. ACU supports expanding "food freedom" and individual liberties and supported this bill. The Senate passed the bill on April 15, 2021 by a vote of 32-18 and the bill was signed into law.
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18. **HB 200 Strengthening National Security and Prohibiting Sanctuary City Policies.** This bill would strengthen national security and improve public safety by preventing localities from enacting "sanctuary city" policies that violate federal immigration laws by limiting cooperation with federal authorities. Additionally, the state will have the power to level fines and withhold grant funding from cities with "sanctuary city" policies. ACU supports efforts to help the federal government perform its constitutional role in enforcing the nation's immigration laws and supported this bill. The Senate passed the bill on March 16, 2021 by a vote of 30-20 and the bill was signed into law.
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19. **SB 203 Strengthening Fourth Amendment Protections by Requiring a Warrant for Electronic Data and Communications.** This bill strengthens civil liberties and Fourth Amendment protections by requiring law enforcement to obtain a warrant before seizing electronic data and communications. The bill will amend the Constitution of the State of Montana to include "electronic data and communications" in their protections against unreasonable searches and seizures. ACU supports the founders' belief in the Fourth Amendment, opposes warrantless collection of personal data and supported this bill. The Senate passed the bill on February 23, 2021 by a vote of 50-0. (The measure will appear on the ballot to be decided on by voters in November 2022.)
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23. **SB 215 Strengthening Religious Freedoms Through Legal Protections for Religious Expression.** This bill strengthens religious liberties by establishing a framework to protect against state actions that substantially burden a person's right to exercise their religion. ACU supports the First Amendment and strengthening protections for all to express and practice their sincerely held religious beliefs and supported this bill. The Senate passed the bill on March 1, 2021 by a vote of 26-24 and the bill was signed into law.
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21. **HB 215 Strengthening Individual Liberties by Slighting Easing Restrictions on the Use of Fireworks.** This bill expands individual liberties by easing bans on the sale and use of specific fireworks. For decades, certain fireworks were illegal statewide. Under this bill, fireworks such as skyrockets, roman candles, and bottle rockets are now legalized in the state. ACU recognizes fireworks have always been a medium to express American liberty, so much so that John Adams insisted Independence Day be celebrated with "Illuminations from one end of this Continent to the other from this Time forward forever more." ACU supports eliminating excessive regulation of commerce which infringes individual liberties and drives up consumer costs and supported this bill. The Senate passed the bill on March 12, 2021 by a vote of 35-15 and the bill was signed into law.
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22. **HB 218 Strengthening Free Speech Protections on College Campuses.** This bill strengthens free speech as protected under the First Amendment by directing all public institutions of higher education to adopt free expression policies that protect the freedom of all students and faculty to assemble and speak. Specifically, the bill prohibits the enactment of "free speech zones" on campuses which prohibit free expression anywhere outside the zone. Under the bill, all outdoor areas of campus are designated as public forums where students may peacefully assemble, protest, speak and distribute printed materials, and carry signs and circulate petitions, so long as the activity does not substantially disrupt the educational opportunities of students. Additionally, the bill requires that any restrictions imposed on free speech "employ clear, published, content- and viewpoint-neutral criteria." ACU supports the protection of First Amendment rights and supported this bill. The Senate passed the bill on March 23, 2021 by a vote of 49-0 and the bill was signed into law.
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23. **HB 226 Allowing To-Go Cocktails and Alcoholic Beverages.** This bill eases restrictions on the alcoholic beverage industry by permitting the sale of "to-go cocktails." The state temporarily eased restrictions on alcoholic beverage sales to provide relief to struggling businesses amid the economic shutdown relating to the Chinese coronavirus (COVID-19), this bill makes those provisions permanent. Under the bill, licensed entities and liquor stores can offer curbside pickup of alcoholic beverages that were ordered online or through the phone for pickup. ACU supports expanding consumer choice through a freer market in the alcoholic beverage industry, supports fostering economic growth by eliminating unnecessary, anti-competitive regulations and supported this bill. The Senate passed the bill on March 24, 2021 by a vote of 40-10 and the bill was signed into law.
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24. **SB 228 Protecting Public Employees' Right to Work without Paying Union Dues.** This bill ensures public employees have the "right to work" without joining a labor union by aligning state law with the U.S. Supreme Court's decision in *Janus v. AFSCME*. The bill contains a critical provision (excluded in HB 289) which ensures an employee may cease union membership by providing a 14 days written notice. Without this protection, union bosses across the nation have implemented schemes making it nearly impossible for employees to withdraw their membership. ACU supports the *Janus* decision and the right to work without mandatory union dues or membership and supported this bill. The Senate defeated the bill on March 1, 2021 by a vote of 25-25.
-
25. **HB 229 Restricting Taxpayer Funding of Abortion.** This bill would protect life by restricting the government's ability to force taxpayers to fund abortion. The bill prohibits a taxpayer-subsidized insurance policy from offering coverage for abortion under the Patient Protection and Affordable Care act. Due to this bill, taxpayers would only be required to fund abortions in the cases in which the life of the mother is endangered, or the pregnancy is a result of incest or rape. ACU believes abortion is a human tragedy, supports restrictions to end the practice and supported this bill as a step in the right direction. The Senate passed the bill on April 15, 2021 by a vote of 31-19 and the bill was signed into law.
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26. **SB 234 Increasing the Integrity of the Unemployment Compensation System.** This bill, known as the Unemployment Insurance Program Integrity Act, helps safeguard funds by requiring verification of employment status. Specifically, the bill requires the state to utilize a government or commercially available database to verify the state's unemployment insurance rolls by checking new hire records against unemployment insurance rolls on a weekly basis, and checking state, county, and local prison and jail records. ACU supports increasing the rectitude of the unemployment system, especially at a time when coupled with federal benefits recipients are receiving payouts greater than their previous salaries and supported this bill. The Senate passed the bill on March 1, 2021 by a vote of 31-19 and the bill was signed into law.
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27. **HB 235 Subsidizing Farmers through Food Stamps.** This bill establishes a new program designed to enrich a certain industry by mandating that taxpayers provide matching funds for certain food stamp purchases. Under the bill, recipients of the Supplemental Nutrition Assistance Program (SNAP) are provided with a dollar-for-dollar match of their food stamp funds if they use the funds to purchase fruits and vegetables produced in Montana at farmers markets and direct-to-consumer venues. ACU opposes this program which is designed to enrich a certain industry at the expense of taxpayers and opposed this bill. The Senate passed the bill on April 26, 2021 by a vote of 27-23 but the bill was vetoed by the governor.
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28. **SB 237 Reducing Electricity Costs by Weakening Renewable Energy Mandates.** This bill would result in lower electricity costs by repealing a portion of the state's "renewable" energy mandate. Under existing law, large utilities are required to obtain 15% of their electricity from renewable sources. This bill would eliminate the portion of the mandate which forces the utilities to purchase a certain amount of electricity from small community owned entities that offer renewable energy. ACU supports all sources of energy, does not believe government should favor one source of energy over another, opposes unnecessarily driving-up energy costs for consumers to enrich special interests and supported this bill as a step in the right direction. The Senate passed the bill on March 2, 2021 by a vote of 30-19 and the bill was signed into law.
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29. **SB 248 Allowing College Athletes to Profit from their Own Name.** The NCAA exploits athletes, engages in anticompetitive practices, and prevents athletes from engaging in other commercial activities available to every other person in America. That is why ACU considers the NCAA to be a criminal enterprise and why this legislation is a good first step toward protecting the rights of college athletes. Specifically, the bill establishes the right of a student-athlete enrolled in a postsecondary institution to earn compensation for the use of their name, image, or likeness and to contract with and retain professional representation of an athlete agent. ACU recognizes that the NCAA has effectively become a quasi-government agency whose members are the highest paid government employees in the country who use their governmental power to harm private citizens. ACU supports the ability of athletes to receive compensations for their name, image and likeness and supported this bill. The Senate passed the bill on February 27, 2021 by a vote of 45-5 and the bill was signed into law.
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30. **SB 251 Improving the State's Legal Climate by Combatting "Phantom Damages".** This bill is designed to improve the state's legal climate and reduce lawsuit abuse. Specifically, this bill reforms the state's "collateral source" rule to limit the ability of plaintiffs' attorneys from seeking "phantom damages," or medical damages that exceed the cost of actually treating the injury. ACU supports reducing lawsuit abuse which drives up insurance premiums for everyone, while also providing just legal outcomes by ensuring a court can consider relevant evidence in a case and supported this bill. The Senate passed the bill on April 15, 2021 by a vote of 31-19 and the bill was signed into law.
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31. **HB 252 Expanding Cronyism by Socializing the Job Training Costs of Select Individuals and Companies.** This bill creates a new mechanism of cronyism which socializes the job training costs of select individuals and businesses favored by government. Specifically, the bill awards tax credits to certain vocational and trade businesses that are worth up to 50% of the costs of an employee to enroll in a technical school or receive training. The bill permits employers to receive subsidies of up to \$2,000 per employee annually and for up to 12 employees. ACU supports a tax code that is broadly applied and with as low of rates possible for everyone. ACU opposes this cronyism which provides select industries, businesses, and individuals with competitive advantages while shifting tax burdens to other individuals not favored by government and opposed this bill. The Senate passed the bill on March 26, 2021 by a vote of 32-18 and the bill was signed into law.
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32. **HB 254 Reforming Labor Law to Reduce Lawsuit Abuse.** This bill implements a series of reforms to the state's Wrongful Discharge from Employment Act (WDEA) to provide a more just procedure in discharges and reduce lawsuit abuse. Most notably, the bill increases the default employee probationary period from 6 months to 12, clarifies "good causes" for terminations, and places limitations on damages and lawsuits. ACU supports expanding employment opportunities and improving the state's business climate through these labor law reforms and supported this bill. The Senate passed the bill on March 17, 2021 by a vote of 28-22 and the bill was signed into law.
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33. **HB 257 Protecting Private Businesses from Overreaching Local Health Ordinances.** This bill helps protect private businesses from overreaching health ordinances imposed by municipalities, such as during the COVID-19 pandemic. The bill shields businesses from local mask mandates and largely prevents municipalities from abusing their authority and getting between private businesses and their customers. ACU supports this measure to combat overreaching local regulations, supports the ability of Americans to manage their own risk related to illnesses, believes that many of government's reactions to COVID-19 have done more harm than good and supported this bill. The Senate passed the bill on April 29, 2021 by a vote of 33-17 and the bill was signed into law.



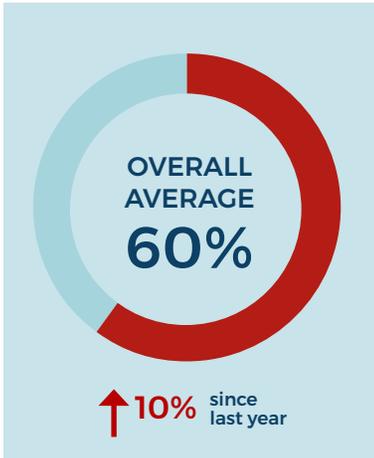
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34. **HB 258 Strengthening Second Amendment Rights by Making Montana a “Gun Rights Sanctuary State”.** This bill, known as the Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act, would prohibit state and local enforcement of most federal gun control laws implemented after January 1, 2021. ACU supports the founders’ belief in the Second Amendment, opposes unnecessary gun control measures that do not improve public safety and infringe the right of law-abiding individuals to keep and bear arms and supported this bill. The Senate passed the bill on April 1, 2021 by a vote of 30-20 and the bill was signed into law.
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35. **HB 259 Strengthening Property Rights by Prohibiting “Inclusionary Zoning” Mandates.** This bill strengthens property rights by prohibiting localities from imposing affordable housing mandates, such as establishing inclusionary zoning ordinances. For example, the bill prohibits zoning regulations that require developers to sell their housing at a certain price or to individuals of a certain income level. Additionally, developers may not be forced to pay a fee or contribute to a local housing authority in order to sell their housing at a certain price. ACU supports strengthening the right of property owners and developers to utilize their property, supports eliminating excessive zoning and building regulations which unnecessarily drive up housing costs, and supported this bill. The Senate passed the bill on March 26, 2021 by a vote of 31-19 and the bill was signed into law.
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36. **SB 277 Strengthening State Rights by Providing a Check on Presidential Executive Orders.** This bill provides a critical check on unconstitutional actions taken by the federal executive branch. Under the bill, the legislative council is directed to review executive orders issued by the president and provide recommendations to the state Attorney General (AG) and the governor for further review. If the AG finds that the executive order is unconstitutional, then the state, a political subdivision, or an organization receiving public funds from the state may not implement the executive order. ACU supports strengthening state rights and placing a check on unconstitutional actions taken by the federal government and supported this bill. The Senate passed the bill on March 1, 2021 by a vote of 31-19 and the bill was signed into law.
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37. **HB 285 Strengthening Individual Liberties by Allowing the Operation of Cigar Bars.** This bill strengthens the ability of smoking age adults to exercise their individual liberties while expanding job and business growth. Specifically, the bill authorizes the operation of “cigar bars” which are currently banned under the Montana Clean Air Act. ACU supports the right of private business owners to decide if smoking should be allowed in their establishments, believes that both tobacco is a personal liberty issue and that government regulations on products are only appropriate when their use substantially impacts others and supported this bill. The Senate defeated the bill on April 27, 2021 by a vote of 24-26.
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38. **HB 289 Aligning State Law with the Janus v. AFSCME U.S. Supreme Court Decision.** This bill helps ensure public employees have the “right to work” without joining a labor union by aligning state law with the U.S. Supreme Court’s decision in Janus v. AFSCME. The Janus ruling found that state laws which force nonunion public-sector employees to pay “agency fees” violate the First Amendment’s protection of freedoms of speech and association. This bill repeals the section of code that allowed public unions to charge dues to nonmembers. However, the bill fails to include other critical reforms (such as in SB 228) which make it easier for public employees to withdraw from their union. ACU supports the founders’ belief in the First Amendment, supports the right to work without being forced to join a union or pay dues and supported this bill. The Senate passed the bill on March 25, 2021 by a vote of 49-1 and the bill was signed into law.
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39. **HB 291 Driving Up Health Insurance Premiums by Mandating Coverage of Hearing Aids.** This bill drives up insurance costs by mandating all health insurance policies offered in the state provide coverage for hearing aids or treatment for individuals up to 18 years of age. ACU opposes health insurance mandates that ultimately make health insurance unaffordable and unobtainable for many individuals by prohibiting them from selecting the policies and coverages that best suit their needs and opposed this bill. The Senate passed the bill on March 26, 2021 by a vote of 45-5 and the bill was signed into law.
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40. **SB 301 Prohibiting Localities from Imposing Additional Employment Mandates.** This bill helps protect the ability of private businesses and employees to freely contract by prohibiting localities from imposing additional employment mandates. Specifically, the bill prohibits municipalities or counties from adopting any ordinance concerning wage or employment benefits that is not required by state or federal law. ACU supports the freedom of businesses and workers to freely contract, opposes additional government mandates which drive up costs and ultimately restrict hiring, and supported this bill. The Senate passed the bill on March 2, 2021 by a vote of 30-19 and the bill was signed into law.
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41. **HB 340 Expanding Cronyism by Providing an Additional \$2 Million in Subsidies to the Film Industry.** This bill expands cronyism by socializing an even greater amount of private film production costs onto Montana taxpayers. Specifically, the bill increases the amount of tax credits provided to the film industry from \$10 million to \$12 million per calendar year. ACU supports a tax code that is broadly applied with as low of rates as possible for everyone. ACU opposes this cronyism which provides a competitive advantage to one industry while shifting tax burdens to other industries and individuals not favored by government and opposed this bill. The Senate passed the bill on April 27, 2021 by a vote of 31-19 and the bill was signed into law.
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42. **HB 397 Expanding Cronyism by Providing \$45 Million in Subsidies to Government Favored Developers of “Affordable” Housing.** This bill enriches government-favored developers by socializing \$45 million in “affordable” housing costs onto Montana taxpayers. Specifically, the bill establishes a new “Workforce Housing Tax Credit” which is on top of the federal Low-Income Housing Tax Credit (LIHTC) program. As a result, government favored developers who construct certain “affordable” housing projects will receive the subsidies over the next 6 years through the new tax credit which is equal to 50% of the federal tax credit. ACU supports a tax code that is broadly applied with as low of rates as possible for everyone. ACU opposes this cronyism which enriches select companies while shifting tax burdens to other industries and individuals not favored by government. ACU believes the best way to make housing truly “affordable” is by eliminating excessive building and zoning mandates and opposed this bill. The Senate passed the bill on April 27, 2021 by a vote of 26-24 but the bill was vetoed by the Governor.
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43. **SB 397 Strengthening Property Rights by Permitting Construction of Accessory Dwelling Units.** This bill strengthens property rights by preventing localities from passing excessive ordinances that prevent homeowners from constructing “accessory dwelling units” (ADUs) on their property. ADUs, also known as “granny pods,” or “mother-in-law apartments,” are typically smaller, independent dwelling units located on the same lot as a traditional home. Under the bill, localities must allow property owners to exercise their property rights by adding ADUs to their property. However, localities may assess fees to account for the public services and infrastructure utilized by residents of ADUs. The localities may also establish certain regulations for ADUs. ACUF’s Center for 21st Century Property Rights is a leading voice on this issue and works to protect the property rights of all property owners. ACU supports strengthening property rights, supports efforts to eliminate unnecessary zoning and housing regulations that proliferate scarcity and drive-up housing costs and supported this bill. The Senate defeated the bill on April 1, 2021 by a vote of 21-29.
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44. **SB 398 Strengthening Individual Liberties by Prohibiting Localities from Imposing Bans on Nicotine Products.** This bill strengthens individual liberties by prohibiting municipalities from imposing additional bans on vaping or nicotine products. ACU supports strengthening individual liberties by combatting overreaching local ordinances and supported this bill. The Senate passed the bill on April 8, 2021 by a vote of 26-23 and the bill was signed into law.
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45. **HB 440 Imposing Excessive and Anti-Competitive Regulations on Montana Wineries.** This bill interferes in the marketplace by requiring that any winery in Montana ferment at least 50% of the fermentable agricultural products that are used in the wine production at the winery location itself. ACU supports a free and competitive market, opposes this government intrusion into the practices of private businesses which ultimately raise consumer costs and opposed this bill. The Senate passed the bill on March 25, 2021 by a vote of 31-19 but the bill was vetoed by the governor.
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46. **HB 504 Protecting Second Amendment Rights During a Declared Emergency.** This bill protects Second Amendment rights from being infringed during an emergency declaration by the state or a locality. Specifically, the bill ensures no action may be taken by government to prohibit, confiscate or regulate firearms, ammunition, components or other personal weapons. Additionally, the operations of businesses engaged in firearm sales or servicing may not be limited. ACU supports the founders’ belief in the Second Amendment and supported this bill. The Senate passed the bill on April 15, 2021 by a vote of 33-17 and the bill was signed into law.
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47. **HB 530 Strengthening Election Integrity by Combatting “Ballot Harvesting.”** This bill helps strengthen election integrity by making it unlawful for a person to engage in “ballot harvesting” or the practice of allowing political operatives and others to collect voters’ ballots and turn them in en masse to polling stations. The bill also requires state and county election administrators to assess their compliance with election security rules, with the secretary of state publishing an annual report. ACUF’s Center to Protect Voters and their Voices is a leader in rebuilding the safeguards of our election systems and ensuring that every legal vote count once and only once. ACU supports strengthening ballot integrity by preventing voter fraud which disenfranchises legal voters and supported this bill. The Senate passed the bill on April 26, 2021 by a vote of 31-19 and the bill was signed into law.
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48. HB 629 Expanding Cronyism by Awarding Tax Credits to Government Favored Industries. This bill expands cronyism by awarding tax credits to government-favored businesses and industries. Under the bill, large companies in one of nine sectors including the construction, mining, agricultural, forestry and manufacturing industries are awarded tax credits if they “create” at least 10 jobs the first year and at least 15 for each subsequent year. The tax credits are worth 50% of the businesses federal tax liability for each new employee. ACU supports a broadly applied tax code with as low of rates as possible for everyone. ACU opposes this cronyism which provides a competitive advantage to select industries and businesses while shifting tax burdens to other taxpayers not favored by government (such as small businesses) and opposed this bill. The Senate passed the bill on April 26, 2021 by a vote of 37-13 and the bill was signed into law.

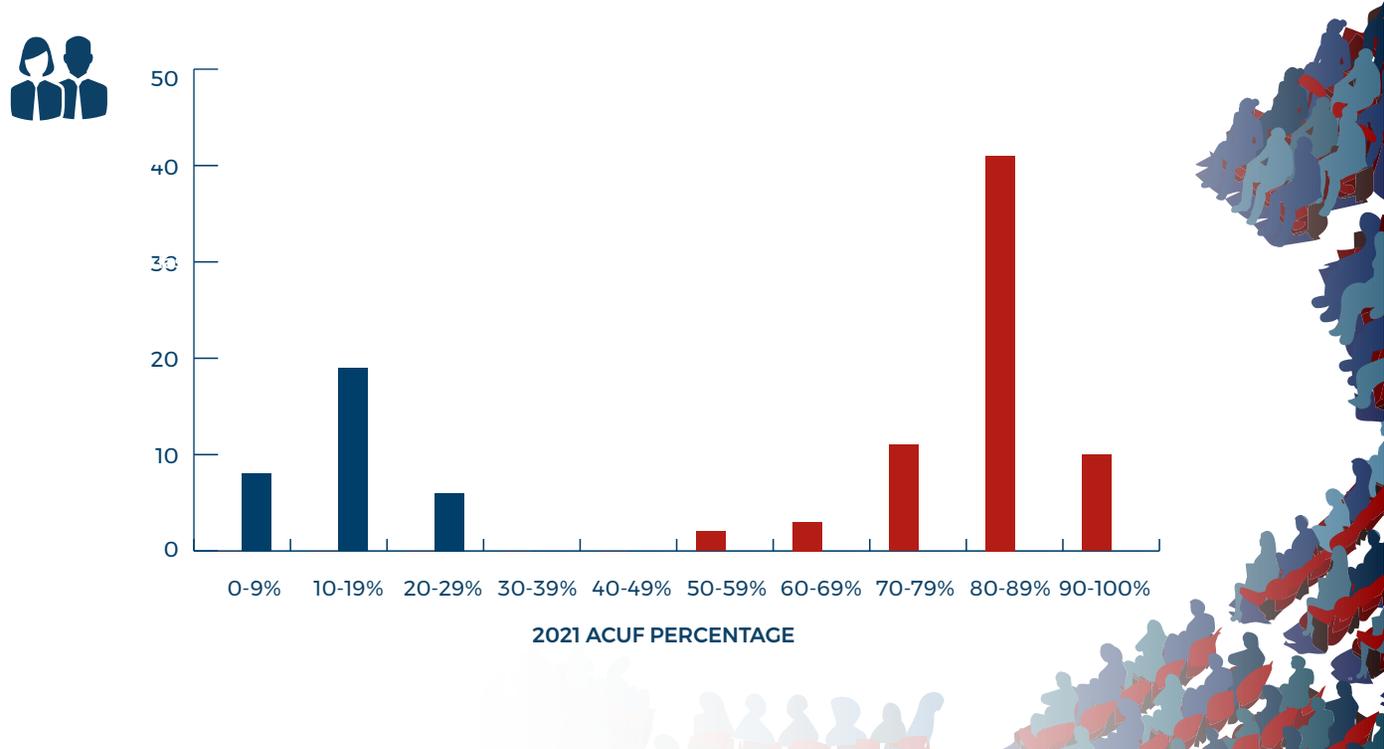
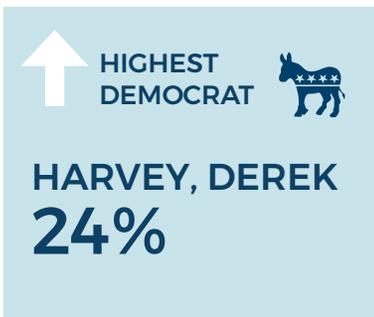
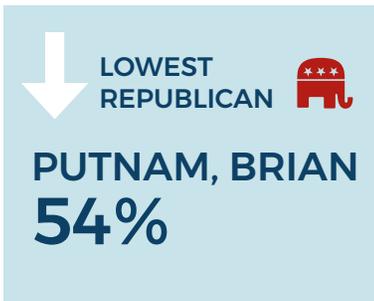
MONTANA HOUSE STATISTICS



MONTANA HOUSE CONSERVATIVE RATINGS

RED = REPUBLICANS
67 TOTAL IN HOUSE

BLUE = DEMOCRATS
33 TOTAL IN HOUSE





MONTANA HOUSE VOTE DESCRIPTIONS

- 1. SB 65 Protecting Businesses from Lawsuit Abuse Related to COVID-19.** This bill limits the liability of businesses for actions related to an injury from exposure or potential exposure to Chinese coronavirus (COVID-19). This bill provides an exemption when the exposure is caused by “gross negligence” or “wanton misconduct.” This bill also ensures that workers cannot bring lawsuits against their employer for exposure to COVID-19 unless caused by an intentional act. ACU supports efforts to protect businesses from frivolous litigation related to COVID-19 and supported this bill. The House passed the bill on February 2, 2021 by a vote of 64-36 and the bill was signed into law.
- 2. SB 99 Strengthening Parental Rights by Requiring Parental Permission for Sexual Education.** This bill strengthens parental rights by ensuring parents have the right to review human sexuality teaching materials taught in schools and to withdraw their child from sex education instruction. Under the bill, the school must ensure that parents and guardians are notified of any curriculum or event which provides human sexuality instruction no less than 48 hours prior to holding the event or introducing the material. Along with the notification, the school must release the instruction intended to be taught, as well as making public the curriculum materials, and inform the parent or guardian of their right to withdraw their student from the instruction. Additionally, the bill provides that no abortion provider is allowed to offer any course materials about human sexuality. ACU supports strengthening of parental rights and increasing transparency within the education system and supported this bill. The House passed the bill on April 9, 2021 by a vote of 65-31 and the bill was signed into law.
- 3. SB 101 Expanding Access to Health Care by Exempting Direct Patient Care Agreements from Costly Insurance Regulations.** This bill would help expand access to health care by exempting “direct patient care agreements” (DPCAs) from costly and stringent insurance mandates imposed under Obamacare and state law. DPCAs are health agreements made between health care providers and patients (or their employer) that typically include a monthly subscription fee for covered services. The bill clarifies that DPCAs may be offered in the state and are not insurance and therefore are not subject to numerous draconian federal and state mandates. ACU supports a free market in health care and providing patients with greater flexibility to select the health care services that best suit their needs and supported this bill. The House passed the bill on March 11, 2021 by a vote of 65-34 and the bill was signed into law.
- 4. HB 102 Strengthening Second Amendment Rights by Enacting Constitutional Carry.** This bill strengthens Second Amendment rights by establishing “constitutional carry” (permitless carry) in Montana. As a result, all individuals over the age of 21 who are permitted to lawfully own a firearm are now able to carry a concealed firearm in most public places without having to obtain a special permit. The bill still requires a permit in state and local government buildings. Additionally, the bill prohibits public universities from outright prohibiting the carrying of a firearm on campus and places limitations on the restrictions administrators may impose. ACU supports the founders’ belief in the Second Amendment and supported this bill. The House passed the bill on February 5, 2021 by a vote of 68-30 and the bill was signed into law.
- 5. SB 106 Creating a New Employment Barrier for Veterinary Technicians by Imposing a New Licensing Regime.** This bill creates a new employment barrier and ultimately drives up animal care costs by imposing an excessive new licensing regime on individuals who serve as veterinary technicians. The bill is largely designed to enrich the American Veterinary Medical Association (who heavily lobbied for the bill) by requiring individuals to graduate from the association’s program as well as obtain at least 4,500 hours of experience. ACU opposes the proliferation of licensing mandates which restrict competition and drive up consumer costs and this measure which is designed to enrich the AVMA and opposed this bill. The House passed the bill on April 1, 2021 by a vote of 87-10 and the bill was signed into law.
- 6. HB 112 Protecting Women’s Athletics from Competition with Men.** This bill protects the institution of women’s athletics by requiring all public education institutions to maintain a separate competition for female and male students. Under the bill, students participating in public school athletics or events are required to compete according to their biological sex. As a result, biological males who identify as females (or vice versa) may not compete with individuals of a different sex, unless the competition is designated coed. ACU believes all individuals should be treated with dignity and respect and have the same opportunities under the law. ACU also recognizes that there are numerous standard classifications in sports (such as age, weight, etc.) to ensure fair competition. Therefore, ACU supports ensuring fair competition among teams competing across the state and supported this bill. The House passed the bill on April 23, 2021 by a vote of 60-39 and the bill was signed into law.



7. **HB 129 Expanding School Choice by Permitting 529 Tax Exempt Savings to be Used for K-12 Education.** This bill expands school choice by permitting tax-exempt savings held in 529 accounts to be used for K-12 education in addition to higher education costs permitted under previous law. The bill is in response to a provision within the Federal Tax Cuts and Jobs Act of 2017 championed by Sen. Ted Cruz (ACUF Lifetime 95%) which changed the definition of “qualified education” under 529 accounts to include elementary education at all types of schools, including public, private, and religious schools. ACU supports improving educational outcomes by empowering families through school choice and supported this bill. The House passed the bill on April 13, 2021 by a vote of 69-27 and the bill was signed into law.
8. **HB 136 Protecting Life by Restricting Abortion once an Unborn Child is “Pain Capable” at 20 Weeks.** This bill would help protect life by prohibiting abortion of unborn children beginning at 20 weeks of pregnancy. At this point of development, the unborn child is capable of feeling pain and has a beating heart, functional brain and has developed motor skills in their arms, hands, fingers, and toes. This bill would provide an exception to cases in which it is necessary to prevent a serious health risk to the mother. ACU believes abortion is a human tragedy, supports restrictions to end the practice and supported this bill. The House passed the bill on January 26, 2021 by a vote of 66-34 and the bill was signed into law.
9. **SB 157 Expanding Opportunities for School Choice Students to Participate in Athletics.** This bill would expand opportunities for homeschooled and private school students by allowing them to participate in public school athletics. The policy (championed by pro quarterback Tim Tebow) provides that a school district or an athletic association may not prohibit or restrict the ability of a student attending a nonpublic or home school (who qualifies) from participating in extracurricular activities at a school in the student’s resident school district solely on the student’s enrollment status. ACU supports school choice, opposes discrimination against school choice students and barring them from participating in public sports and supported this bill. The House passed the bill on April 9, 2021 by a vote of 69-27 and the bill was signed into law.
10. **SB 159 Fostering Economic Growth by Reducing the State Income Tax.** This bill, part of the “Montana Comeback Plan,” will provide slight tax relief by reducing the state’s top income tax rate (on income earned over \$18,700) from 6.9% to 6.75%. The bill is expected to reduce taxes by an estimated \$30 million a year. ACU supports expanding economic growth through broad-based tax cuts and supported this bill as a step in the right direction. The House passed the bill on April 26, 2021 by a vote of 65-32 and the bill was signed into law.
11. **HB 167 Protecting Children who Survive Abortion.** This bill, known as the “Born-Alive Infant Protection Act,” requires a health care provider who is present at the time a child is born alive after an abortion is attempted and failed to take all medically appropriate and reasonable actions to preserve the life and health of the infant. The provider is required to provide the same degree of care to children who survive abortion as they would any other child. ACU believes abortion is a human tragedy, supports restrictions to end the practice and supported this bill. The House passed the bill on April 22, 2021 by a vote of 66-34. (Voters will decide to ratify the act in the November 2022 election.)
12. **SB 169 Strengthening Election Integrity by Clarifying Voter ID Requirements.** This bill strengthens election integrity by clarifying acceptable forms of voter ID to combat vote fraud. Most notably, the bill requires additional proof of residency for voters presenting student IDs, which generally don’t have a person’s address or expiration date. ACUF’s Center to Protect Voters and their Voices is a leader in rebuilding the safeguards of our election systems and ensuring that each legal vote count once and only once. ACU recognizes that election integrity safeguards such as photo ID requirements are designed to help ensure that one person cannot cast the ballot of another (or one person on behalf of many others). ACU supports efforts to strengthen election integrity and ensure that all legal ballots are counted, and that no illegal ballot is counted, which disenfranchises eligible voters and supported this bill. The House passed the bill on March 26, 2021 by a vote of 65-33 and the bill was signed into law.
13. **SB 170 Strengthening Election Integrity through Updates to Voter Registration Maintenance.** This bill strengthens election integrity by requiring annual voter registration list maintenance. Under previous law, maintenance of the voter registration list was only required in odd-numbered years. ACUF’s Center to Protect Voters and their Voices is a leader in rebuilding the safeguards of our election systems and ensuring that each legal vote count once and only once. ACU supports maintaining and updating voter registration databases to help prevent the disenfranchisement of eligible voters due to voter fraud and supported this bill. The House passed the bill on March 18, 2021 by a vote of 68-32 and the bill was signed into law.



14. **SB 185 Strengthening Individual Rights by Placing a Check on Executive Power During States of Emergency.** This bill provides a critical check on executive branch powers by limiting the governor's power during a declared state of emergency. Specifically, this bill prohibits the governor from suspending a statute that affects the exercise of an individual's constitutional rights under the United States or the Montana constitution. ACU supports protecting individual rights through this check on executive branch powers, especially following the overreach taken by many governors during the COVID-19 pandemic and supported this bill. The House passed the bill on April 15, 2021 by a vote of 66-33 and the bill was signed into law.
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15. **SB 199 Strengthening Food Freedom by Reducing Excessive Regulations.** This bill, known as the "Montana Local Food Choice Act," cuts government red tape to make it easier for Montanans to launch small businesses that sell homemade food. Under the bill, state agencies are largely prohibited from regulating the preparation, use, consumption, or delivery of homemade food products. ACU supports expanding "food freedom" and individual liberties and supported this bill. The House passed the bill on April 9, 2021 by a vote of 70-26 and the bill was signed into law.
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16. **HB 200 Strengthening National Security and Prohibiting Sanctuary City Policies.** This bill would strengthen national security and improve public safety by preventing localities from enacting "sanctuary city" policies that violate federal immigration laws by limiting cooperation with federal authorities. Additionally, the state will have the power to level fines and withhold grant funding from cities with "sanctuary city" policies. ACU supports efforts to help the federal government perform its constitutional role in enforcing the nation's immigration laws and supported this bill. The House passed the bill on February 3, 2021 by a vote of 66-34 and the bill was signed into law.
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17. **SB 203 Strengthening Fourth Amendment Protections by Requiring a Warrant for Electronic Data and Communications.** This bill strengthens civil liberties and Fourth Amendment protections by requiring law enforcement to obtain a warrant before seizing electronic data and communications. The bill will amend the Constitution of the State of Montana to include "electronic data and communications" in their protections against unreasonable searches and seizures. ACU supports the founders' belief in the Fourth Amendment, opposes warrantless collection of personal data and supported this bill. The House passed the bill on April 22, 2021 by a vote of 76-23. (The measure will appear on the ballot to be decided on by voters in November 2022.)
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18. **HB 215 Strengthening Individual Liberties by Slighting Easing Restrictions on the Use of Fireworks.** This bill expands individual liberties by easing bans on the sale and use of specific fireworks. For decades, certain fireworks were illegal statewide. Under this bill, fireworks such as skyrockets, roman candles, and bottle rockets are now legalized in the state. ACU recognizes fireworks have always been a medium to express American liberty, so much so that John Adams insisted Independence Day be celebrated with "Illuminations from one end of this Continent to the other from this Time forward forever more." ACU supports eliminating excessive regulation of commerce which infringes individual liberties and drives up consumer costs and supported this bill. The House passed the bill on February 3, 2021 by a vote of 81-19 and the bill was signed into law.
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19. **SB 215 Strengthening Religious Freedoms Through Legal Protections for Religious Expression.** This bill strengthens religious liberties by establishing a framework to protect against state actions that substantially burden a person's right to exercise their religion. ACU supports the First Amendment and strengthening protections for all to express and practice their sincerely held religious beliefs and supported this bill. The House passed the bill on April 1, 2021 by a vote of 59-38 and the bill was signed into law.
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20. **HB 218 Strengthening Free Speech Protections on College Campuses.** This bill strengthens free speech as protected under the First Amendment by directing all public institutions of higher education to adopt free expression policies that protect the freedom of all students and faculty to assemble and speak. Specifically, the bill prohibits the enactment of "free speech zones" on campuses which prohibit free expression anywhere outside the zone. Under the bill, all outdoor areas of campus are designated as public forums where students may peacefully assemble, protest, speak and distribute printed materials, and carry signs and circulate petitions, so long as the activity does not substantially disrupt the educational opportunities of students. Additionally, the bill requires that any restrictions imposed on free speech "employ clear, published, content- and viewpoint-neutral criteria." ACU supports the protection of First Amendment rights and supported this bill. The House passed the bill on February 19, 2021 by a vote of 96-3 and the bill was signed into law.
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21. **HB 226 Allowing To-Go Cocktails and Alcoholic Beverages.** This bill eases restrictions on the alcoholic beverage industry by permitting the sale of “to-go cocktails.” The state temporarily eased restrictions on alcoholic beverage sales to provide relief to struggling businesses amid the economic shutdown relating to the Chinese coronavirus (COVID-19), this bill makes those provisions permanent. Under the bill, licensed entities and liquor stores can offer curbside pickup of alcoholic beverages that were ordered online or through the phone for pickup. ACU supports expanding consumer choice through a freer market in the alcoholic beverage industry, supports fostering economic growth by eliminating unnecessary, anti-competitive regulations and supported this bill. The House passed the bill on February 10, 2021 by a vote of 80-19 and the bill was signed into law.
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22. **HB 229 Restricting Taxpayer Funding of Abortion.** This bill would protect life by restricting the government’s ability to force taxpayers to fund abortion. The bill prohibits a taxpayer-subsidized insurance policy from offering coverage for abortion under the Patient Protection and Affordable Care act. Due to this bill, taxpayers would only be required to fund abortions in the cases in which the life of the mother is endangered, or the pregnancy is a result of incest or rape. ACU believes abortion is a human tragedy, supports restrictions to end the practice and supported this bill as a step in the right direction. The House passed the bill on February 5, 2021 by a vote of 70-28 and the bill was signed into law.
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23. **SB 234 Increasing the Integrity of the Unemployment Compensation System.** This bill, known as the Unemployment Insurance Program Integrity Act, helps safeguard funds by requiring verification of employment status. Specifically, the bill requires the state to utilize a government or commercially available database to verify the state’s unemployment insurance rolls by checking new hire records against unemployment insurance rolls on a weekly basis, and checking state, county, and local prison and jail records. ACU supports increasing the rectitude of the unemployment system, especially at a time when coupled with federal benefits recipients are receiving payouts greater than their previous salaries and supported this bill. The House passed the bill on April 12, 2021 by a vote of 75-24 and the bill was signed into law.
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24. **HB 235 Subsidizing Farmers through Food Stamps.** This bill establishes a new program designed to enrich a certain industry by mandating that taxpayers provide matching funds for certain food stamp purchases. Under the bill, recipients of the Supplemental Nutrition Assistance Program (SNAP) are provided with a dollar-for-dollar match of their food stamp funds if they use the funds to purchase fruits and vegetables produced in Montana at farmers markets and direct-to-consumer venues. ACU opposes this program which is designed to enrich a certain industry at the expense of taxpayers and opposed this bill. The House passed the bill on March 11, 2021 by a vote of 55-44 but the bill was vetoed by the governor.
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25. **SB 237 Reducing Electricity Costs by Weakening Renewable Energy Mandates.** This bill would result in lower electricity costs by repealing a portion of the state’s “renewable” energy mandate. Under existing law, large utilities are required to obtain 15% of their electricity from renewable sources. This bill would eliminate the portion of the mandate which forces the utilities to purchase a certain amount of electricity from small community owned entities that offer renewable energy. ACU supports all sources of energy, does not believe government should favor one source of energy over another, opposes unnecessarily driving-up energy costs for consumers to enrich special interests and supported this bill as a step in the right direction. The House passed the bill on April 20, 2021 by a vote of 66-32 and the bill was signed into law.
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26. **SB 248 Allowing College Athletes to Profit from their Own Name.** The NCAA exploits athletes, engages in anticompetitive practices, and prevents athletes from engaging in other commercial activities available to every other person in America. That is why ACU considers the NCAA to be a criminal enterprise and why this legislation is a good first step toward protecting the rights of college athletes. Specifically, the bill establishes the right of a student-athlete enrolled in a postsecondary institution to earn compensation for the use of their name, image, or likeness and to contract with and retain professional representation of an athlete agent. ACU recognizes that the NCAA has effectively become a quasi-government agency whose members are the highest paid government employees in the country who use their governmental power to harm private citizens. ACU supports the ability of athletes to receive compensations for their name, image and likeness and supported this bill. The House passed the bill on March 30, 2021 by a vote of 94-5 and the bill was signed into law.
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27. **HB 251 Ensuring the “Right to Work” without Being Forced to Pay Union Dues.** This bill, known as the Worker Freedom Act, ensures employees have the “right to work” without joining a union. ACU believes the right to own and exercise individual liberty over one’s labor is inherent to a free society, supports this “right to work” measure which protects workers from the coercion of greedy and politically powerful union bosses and supported this bill. The House defeated the bill on March 2, 2021 by a vote of 38-62.
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28. **SB 251 Improving the State's Legal Climate by Combatting "Phantom Damages"**. This bill is designed to improve the state's legal climate and reduce lawsuit abuse. Specifically, this bill reforms the state's "collateral source" rule to limit the ability of plaintiffs' attorneys from seeking "phantom damages," or medical damages that exceed the cost of actually treating the injury. ACU supports reducing lawsuit abuse which drives up insurance premiums for everyone, while also providing just legal outcomes by ensuring a court can consider relevant evidence in a case and supported this bill. The House passed the bill on April 1, 2021 by a vote of 63-34 and the bill was signed into law.
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29. **HB 252 Expanding Cronyism by Socializing the Job Training Costs of Select Individuals and Companies**. This bill creates a new mechanism of cronyism which socializes the job training costs of select individuals and businesses favored by government. Specifically, the bill awards tax credits to certain vocational and trade businesses that are worth up to 50% of the costs of an employee to enroll in a technical school or receive training. The bill permits employers to receive subsidies of up to \$2,000 per employee annually and for up to 12 employees. ACU supports a tax code that is broadly applied and with as low of rates possible for everyone. ACU opposes this cronyism which provides select industries, businesses, and individuals with competitive advantages while shifting tax burdens to other individuals not favored by government and opposed this bill. The House passed the bill on February 23, 2021 by a vote of 72-28 and the bill was signed into law.
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30. **HB 254 Reforming Labor Law to Reduce Lawsuit Abuse**. This bill implements a series of reforms to the state's Wrongful Discharge from Employment Act (WDEA) to provide a more just procedure in discharges and reduce lawsuit abuse. Most notably, the bill increases the default employee probationary period from 6 months to 12, clarifies "good causes" for terminations, and places limitations on damages and lawsuits. ACU supports expanding employment opportunities and improving the state's business climate through these labor law reforms and supported this bill. The House passed the bill on February 10, 2021 by a vote of 66-34 and the bill was signed into law.
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31. **HB 257 Protecting Private Businesses from Overreaching Local Health Ordinances**. This bill helps protect private businesses from overreaching health ordinances imposed by municipalities, such as during the COVID-19 pandemic. The bill shields businesses from local mask mandates and largely prevents municipalities from abusing their authority and getting between private businesses and their customers. ACU supports this measure to combat overreaching local regulations, supports the ability of Americans to manage their own risk related to illnesses, believes that many of government's reactions to COVID-19 have done more harm than good and supported this bill. The House passed the bill on April 29, 2021 by a vote of 68-31 and the bill was signed into law.
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32. **HB 258 Strengthening Second Amendment Rights by Making Montana a "Gun Rights Sanctuary State"**. This bill, known as the Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act, would prohibit state and local enforcement of most federal gun control laws implemented after January 1, 2021. ACU supports the founders' belief in the Second Amendment, opposes unnecessary gun control measures that do not improve public safety and infringe the right of law-abiding individuals to keep and bear arms and supported this bill. The House passed the bill on February 27, 2021 by a vote of 66-33 and the bill was signed into law.
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33. **HB 259 Strengthening Property Rights by Prohibiting "Inclusionary Zoning" Mandates**. This bill strengthens property rights by prohibiting localities from imposing affordable housing mandates, such as establishing inclusionary zoning ordinances. For example, the bill prohibits zoning regulations that require developers to sell their housing at a certain price or to individuals of a certain income level. Additionally, developers may not be forced to pay a fee or contribute to a local housing authority in order to sell their housing at a certain price. ACU supports strengthening the right of property owners and developers to utilize their property, supports eliminating excessive zoning and building regulations which unnecessarily drive up housing costs, and supported this bill. The House passed the bill on February 16, 2021 by a vote of 64-35 and the bill was signed into law.
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34. **SB 277 Strengthening State Rights by Providing a Check on Presidential Executive Orders.** This bill provides a critical check on unconstitutional actions taken by the federal executive branch. Under the bill, the legislative council is directed to review executive orders issued by the president and provide recommendations to the state Attorney General (AG) and the governor for further review. If the AG finds that the executive order is unconstitutional, then the state, a political subdivision, or an organization receiving public funds from the state may not implement the executive order. ACU supports strengthening state rights and placing a check on unconstitutional actions taken by the federal government and supported this bill. The House passed the bill on April 1, 2021 by a vote of 59-38 and the bill was signed into law.
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35. **HB 285 Strengthening Individual Liberties by Allowing the Operation of Cigar Bars.** This bill strengthens the ability of smoking age adults to exercise their individual liberties while expanding job and business growth. Specifically, the bill authorizes the operation of “cigar bars” which are currently banned under the Montana Clean Air Act. ACU supports the right of private business owners to decide if smoking should be allowed in their establishments, believes that both tobacco is a personal liberty issue and that government regulations on products are only appropriate when their use substantially impacts others and supported this bill. The House passed the bill on February 24, 2021 by a vote of 55-43. (The bill failed to advance in the Senate.)
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36. **HB 289 Aligning State Law with the Janus v. AFSCME U.S. Supreme Court Decision.** This bill helps ensure public employees have the “right to work” without joining a labor union by aligning state law with the U.S. Supreme Court’s decision in Janus v. AFSCME. The Janus ruling found that state laws which force nonunion public-sector employees to pay “agency fees” violate the First Amendment’s protection of freedoms of speech and association. This bill repeals the section of code that allowed public unions to charge dues to nonmembers. However, the bill fails to include other critical reforms (such as in SB 228) which make it easier for public employees to withdraw from their union. ACU supports the founders’ belief in the First Amendment, supports the right to work without being forced to join a union or pay dues and supported this bill as a step in the right direction. The House passed the bill on March 1, 2021 by a vote of 86-12 and the bill was signed into law.
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37. **HB 291 Driving Up Health Insurance Premiums by Mandating Coverage of Hearing Aids.** This bill drives up insurance costs by mandating all health insurance policies offered in the state provide coverage for hearing aids or treatment for individuals up to 18 years of age. ACU opposes health insurance mandates that ultimately make health insurance unaffordable and unobtainable for many individuals by prohibiting them from selecting the policies and coverages that best suit their needs and opposed this bill. The House passed the bill on February 26, 2021 by a vote of 92-8 and the bill was signed into law.
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38. **SB 301 Prohibiting Localities from Imposing Additional Employment Mandates.** This bill helps protect the ability of private businesses and employees to freely contract by prohibiting localities from imposing additional employment mandates. Specifically, the bill prohibits municipalities or counties from adopting any ordinance concerning wage or employment benefits that is not required by state or federal law. ACU supports the freedom of businesses and workers to freely contract, opposes additional government mandates which drive up costs and ultimately restrict hiring, and supported this bill. The House passed the bill on April 14, 2021 by a vote of 65-32 and the bill was signed into law.
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39. **HB 340 Expanding Cronyism by Providing an Additional \$2 Million in Subsidies to the Film Industry.** This bill expands cronyism by socializing an even greater amount of private film production costs onto Montana taxpayers. Specifically, the bill increases the amount of tax credits provided to the film industry from \$10 million to \$12 million per calendar year. ACU supports a tax code that is broadly applied with as low of rates as possible for everyone. ACU opposes this cronyism which provides a competitive advantage to one industry while shifting tax burdens to other industries and individuals not favored by government and opposed this bill. The House passed the bill on April 28, 2021 by a vote of 77-20 and the bill was signed into law.
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40. **HB 397 Expanding Cronyism by Providing \$45 Million in Subsidies to Government Favored Developers of “Affordable” Housing.** This bill enriches government-favored developers by socializing \$45 million in “affordable” housing costs onto Montana taxpayers. Specifically, the bill establishes a new “Workforce Housing Tax Credit” which is on top of the federal Low-Income Housing Tax Credit (LIHTC) program. As a result, government favored developers who construct certain “affordable” housing projects will receive the subsidies over the next 6 years through the new tax credit which is equal to 50% of the federal tax credit. ACU supports a tax code that is broadly applied with as low of rates as possible for everyone. ACU opposes this cronyism which enriches select companies while shifting tax burdens to other industries and individuals not favored by government. ACU believes the best way to make housing truly “affordable” is by eliminating excessive building and zoning mandates and opposed this bill. The House passed the bill on March 16, 2021 by a vote of 79-19 but the bill was vetoed by the Governor.
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41. **SB 398 Strengthening Individual Liberties by Prohibiting Localities from Imposing Bans on Nicotine Products.** This bill strengthens individual liberties by prohibiting municipalities from imposing additional bans on vaping or nicotine products. ACU supports strengthening individual liberties by combatting overreaching local ordinances and supported this bill. The House passed the bill on April 26, 2021 by a vote of 59-40 and the bill was signed into law.
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42. **HB 440 Imposing Excessive and Anti-Competitive Regulations on Montana Wineries.** This bill interferes in the marketplace by requiring that any winery in Montana ferment at least 50% of the fermentable agricultural products that are used in the wine production at the winery location itself. ACU supports a free and competitive market, opposes this government intrusion into the practices of private businesses which ultimately raise consumer costs and opposed this bill. The House passed the bill on March 2, 2021 by a vote of 66-32 but the bill was vetoed by the governor.
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43. **HB 504 Protecting Second Amendment Rights During a Declared Emergency.** This bill protects Second Amendment rights from being infringed during an emergency declaration by the state or a locality. Specifically, the bill ensures no action may be taken by government to prohibit, confiscate or regulate firearms, ammunition, components or other personal weapons. Additionally, the operations of businesses engaged in firearm sales or servicing may not be limited. ACU supports the founders’ belief in the Second Amendment and supported this bill. The House passed the bill on April 26, 2021 by a vote of 70-28 and the bill was signed into law.
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44. **HB 530 Strengthening Election Integrity by Combatting “Ballot Harvesting.”** This bill helps strengthen election integrity by making it unlawful for a person to engage in “ballot harvesting” or the practice of allowing political operatives and others to collect voters’ ballots and turn them in en masse to polling stations. The bill also requires state and county election administrators to assess their compliance with election security rules, with the secretary of state publishing an annual report. ACUF’s Center to Protect Voters and their Voices is a leader in rebuilding the safeguards of our election systems and ensuring that every legal vote count once and only once. ACU supports strengthening ballot integrity by preventing voter fraud which disenfranchises legal voters and supported this bill. The House passed the bill on April 27, 2021 by a vote of 66-34 and the bill was signed into law.
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45. **HB 573 Holding Big Tech Accountable for Deceptive and Fraudulent Practices.** This bill holds “Big Tech” companies such as Twitter, Facebook, and Google accountable for their deceptive and fraudulent practices. These companies have violated their own standards and terms of use by discriminating against individuals on the basis of political views but have avoided accountability for their actions due to a special legal carveout known as “Section 230”. This bill allows users of these platforms to seek justice against the abusers through complaint proceedings overseen by the public service commission. ACU believes congress incorrectly favored Big Tech through this special legal carveout, which has resulted in discrimination against countless conservatives, including the de-platforming of CPAC speeches. ACU supports this measure to combat the fraudulent and deceptive practices of Big Tech and supported this bill. The House defeated the bill on March 2, 2021 by a vote of 49-50.
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46. **HB 629 Expanding Cronyism by Awarding Tax Credits to Government Favored Industries.** This bill expands cronyism by awarding tax credits to government-favored businesses and industries. Under the bill, large companies in one of nine sectors including the construction, mining, agricultural, forestry and manufacturing industries are awarded tax credits if they “create” at least 10 jobs the first year and at least 15 for each subsequent year. The tax credits are worth 50% of the businesses federal tax liability for each new employee. ACU supports a broadly applied tax code with as low of rates as possible for everyone. ACU opposes this cronyism which provides a competitive advantage to select industries and businesses while shifting tax burdens to other taxpayers not favored by government (such as small businesses) and opposed this bill. The House passed the bill on April 27, 2021 by a vote of 74-26 and the bill was signed into law.
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