

MEMORANDUM

To: Jeff Laszloffy
From: Derek Oestreicher
RE: Government Affairs Report
Date: May 22, 2023

INTRODUCTION

As the Montana Legislature adjourned the 2023 Session on May 2, 2023, the Montana Family Foundation is pleased to report on the great successes and policy victories that have advanced God's kingdom here in the Big Sky State. The Government Affairs team at the Montana Family Foundation was in the Capitol nearly every day during the Session building relationships with legislators, lobbying on key bills, and praying for the future of the State of Montana. The following report provides an overview of the key pieces of legislation that the Montana Family Foundation lobbied, both in support and opposition, along with the outcome on each identified bill.

GOVERNMENT AFFAIRS REPORT

HOUSE BILLS

- **House Bill 23.** (Mark Thane). This bill proposed to revise the Student Scholarship education tax credit to diminish the allowable tax credit from \$200,000 down to \$2,000. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the House Taxation Committee prior to the transmittal deadline.
- **House Bill 225.** (Courtenay Sprunger). This bill establishes an adoption tax credit to provide \$7,500 for families adopting a child from foster care, and \$5,000 for families

adopting children outside of foster care. The Montana Family Foundation **supported** this bill, and it was **passed** in both chambers and was **signed** by the Governor on May 16, 2023.

- **House Bill 234.** (Bob Phalen). This bill clarifies that there is no exemption allowing teachers, librarians, or museum curators to display obscene material to minors. The Montana Family Foundation **supported** this bill, and it was **passed** in both chambers and was **signed** by the Governor on May 10, 2023.

- **House Bill 268.** (Josh Kassmier). This bill would establish a child tax credit through the individual income tax. The Montana Family Foundation **supported** this bill, and it was **tabled** in the House Appropriations Committee prior to the transmittal break.

- **House Bill 303.** (Amy Regier). This bill would establish the Medical Ethics and Diversity Act, which protects healthcare professionals from being forced to conduct medical procedures that violate their conscience. The Montana Family Foundation **supported** this bill, and it was **passed** in both chambers and was **signed** by the Governor on May 3, 2023.

- **House Bill 349.** (Lola Sheldon-Galloway). This bill would require obscenity filters for electronic devices. The Montana Family Foundation **supported** this bill, but it was **tabled** in the Senate Business and Labor Committee by a vote of 10 to 0 on March 30, 2023.

- **House Bill 359.** (Braxton Mitchell). This bill would prohibit minors from attending drag shows. The Montana Family Foundation **supported** this bill, and it was **passed** as amended in both chambers and has been transmitted to the Governor for signature.

- **House Bill 361.** (Brandon Ler). This bill would provide that using a student's legal name or referring to another student by their biological sex would not be considered discrimination. The Montana Family Foundation **supported** this bill, and it was **passed** in both chambers and was **signed** by the Governor on April 25, 2023.

- **House Bill 393.** (Sue Vinton). This bill would establish an Education Savings Account for students with special needs, otherwise providing a measure of school choice for parents with special needs children. The Montana Family Foundation **supported** this bill, and it was **passed** in both chambers and was **signed** by the Governor on May 18, 2023.

- **House Bill 408.** (Sue Vinton). This bill would increase the aggregate amount of educational tax credits allowed in the year 2024 up to \$5 million. The Montana Family Foundation **supported** this bill, and it was **passed** in both chambers and was **signed** by the Governor on May 18, 2023.

- **House Bill 432.** (Laurie Bishop). This bill proposed the most progressive abortion policies in Montana history, including partial-birth abortion and a repeal of nearly every abortion regulation passed by the Legislature over the past 30 years. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the House Judiciary Committee prior to the transmittal break.

- **House Bill 441.** (Ed Stafman). This bill would implement report cards for nonpublic schools receiving tax credit scholarships. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the House Taxation Committee prior to the transmittal break.

- **House Bill 442.** (Ed Stafman). This bill would require testing for nonpublic schools receiving tax credit scholarships. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the House Taxation Committee prior to the transmittal break.

- **House Bill 443.** (Kerri Seekins-Crowe). This bill would protect realtors from complaints against their realtor licenses that are based upon their free exercise of religion. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 3, 2023.

- **House Bill 471.** (Ed Stafman). This bill would provide that abortions may be obtained on the basis of religion. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the House Judiciary Committee prior to the transmittal break.

- **House Bill 498.** (Emma Kerr-Carpenter). This bill sought to establish the so-called Menstrual Equity Act in Montana. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the House Human Services Committee on February 21, 2023.

- **House Bill 502.** (Kerri Seekins-Crowe). This bill would revise education laws related to sexuality instruction in public schools, requiring notice to parents of sexuality instruction no more than 10 days and no less than 2 days prior to the proposed instruction. The Montana Family Foundation **supported** this bill, but it was **tabled** in the Senate Education Committee on April 5, 2023 by a vote of 11 to 0.

- **House Bill 544.** (Jane Gillette). This bill requires certain documentation and requirements before Medicaid will provide coverage for an abortion procedure. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 15, 2023.

- **House Bill 562.** (Sue Vinton). This bill would authorize the establishment of community choice schools. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 18, 2023.

- **House Bill 566.** (Fred Anderson). This bill would eliminate the 48 hour notice requirement for schools to provide notice to parents of human sexuality instruction. The Montana Family Foundation **opposed** this bill, and the House voted to pass consideration of the bill on 2nd Reading on May 2, 2023, which effectively killed the bill as the House adjourned hours later.

- **House Bill 570.** (Marilyn Marler). This bill would provide a civil penalty against anyone who interfered with someone else's access to an abortion. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the House Judiciary Committee prior to the transmittal break.

- **House Bill 575.** (Lola Sheldon-Galloway). This bill would define "viability" with respect to abortion procedures and would prohibit any abortion of a viable human unborn child. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 3, 2023.

- **House Bill 625.** (Kerri Seekins-Crowe). This bill establishes the Infant safety and care act which requires healthcare providers to provide professional skill, care, and diligence to preserve the life of any child born alive after an attempted abortion. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 3, 2023.

- **House Bill 676.** (Kerri Seekins-Crowe). This bill would establish and provide for fundamental parental rights, including a parent's right to access information related to their child's upbringing, moral or religious training, medical records, and other records and information concerning the child. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 18, 2023.

- **House Bill 721.** (Matt Regier). This bill would prohibit dismemberment abortion procedures from being conducted on unborn children. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 16, 2023.

- **House Bill 744.** (Greg Kmetz). This bill provides that students in public school are permitted to engage in conversations with other students and teachers concerning religious

beliefs. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on April 26, 2023.

- **House Bill 745.** (Greg Kmetz). This bill provides that a student may freely engage in prayer or read the Bible in public schools. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on April 26, 2023.

- **House Bill 786.** (Lola Sheldon-Galloway). This bill would require reporting whenever individuals are harmed by abortion pills. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on April 26, 2023.

- **House Bill 837.** (Jed Hinkle). This bill would require curriculum transparency in all K-12 education in Montana. The Montana Family Foundation **supported** this bill, but it was **tabled** in the House Education Committee on April 26, 2023 and missed the deadline for appropriation bill transmittals.

- **House Bill 862.** (Mike Hopkins). This bill would prohibit the use of public funds to provide abortions with some limited exceptions. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 16, 2023.

- **House Bill 873.** (Lola Sheldon-Galloway). This bill sought to require humane disposal of fetal remains after an abortion. The Montana Family Foundation **supported** this bill, but the bill was **tabled** in the House Human Services Committee on March 30, 2023 by a vote of 19 to 0.

- **House Bill 913.** (Brad Barker). This bill sought to provide a mechanism for parents to seek removal of books and other materials from libraries. The Montana Family

Foundation **opposed** this bill, and the bill **failed** on 2nd Reading in the Senate on April 27, 2023.

- **House Bill 937.** (Lola Sheldon-Galloway). This bill would require licensure of abortion clinics in the State of Montana. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 16, 2023.

- **House Bill 968.** (Amy Regier). This bill sought to revise abortion laws to require parental consultation prior to a minor receiving an abortion. The Montana Family Foundation **supported** this bill, and it was **passed** by both but was **vetoed** by the Governor on May 16, 2023.

SENATE BILLS

- **Senate Bill 99.** (John Fuller). This bill provides for a Youth Health Protection Act to prohibit “transition” surgeries and puberty blocking treatments from being conducted on minors. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and **signed** by the Governor on April 28, 2023, after an amendatory veto.

- **Senate Bill 154.** (Keith Regier). This bill would statutorily define that the constitutional right to privacy does not contain a right to an abortion. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 3, 2023.

- **Senate Bill 191.** (Steve Fitzpatrick). This bill would provide that the Montana standard for a preliminary injunction would mirror the federal court standard. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and has been **signed** by the Governor on March 2, 2023.

- **Senate Bill 210.** (Carl Glimm). This bill would prohibit consent as a defense to physician-assisted suicide. The Montana Family Foundation **supported** this bill, but it **failed** 3rd Reading by a vote of 24 to 26 prior to the transmittal break.

- **Senate Bill 243.** (Keith Regier). This bill would create an unfair labor practice for any real-estate organization to discriminate against members on the basis of religion for non-work-related activities. The Montana Family Foundation **supported** this bill, but it was **tabled** in the Senate Business, Labor, and Economic Affairs Committee prior to the transmittal break.

- **Senate Bill 307.** (Mark Noland). This bill would prohibit state agencies and state officials from imposing reporting requirements on non-profit entities that are more stringent, restrictive, or expansive than the requirements authorized by Montana law. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 8, 2023.

- **Senate Bill 315.** (Mary Ann Dunwell). This bill proposed to allow for comprehensive sex, gender, and sexuality education from Kindergarten through 12th grade in public schools. The Montana Family Foundation **opposed** this bill, and it was **tabled** in the Senate Education and Cultural Resources Committee prior to the transmittal break.

- **Senate Bill 390.** (Daniel Emrich). This bill would provide for freedom in school choice and would establish an equality of educational opportunity education savings account program. The Montana Family Foundation **supported** this bill, but it was **tabled** in the Senate Education and Cultural Resources Committee prior to the transmittal break, and a blast motion failed to resurrect the bill by a vote of 21 to 29.

- **Senate Bill 413.** (Carl Glimm). This bill would prohibit sexuality instruction below the sixth grade level in public schools. The Montana Family Foundation **supported** this bill,

but it was **tabled** in the Senate Education and Cultural Resources Committee prior to the transmittal break.

- **Senate Bill 458.** (Carl Glimm). This bill would define the terms “sex,” “male,” and “female,” in Montana law. The Montana Family Foundation **supported** this bill, and it was **passed** by both chambers and was **signed** by the Governor on May 19, 2023.

ANALYSIS

House Bills

- The Montana Family Foundation **supported** 25 House Bills. Twenty (20) of these bills were **passed** by both chambers. Eighteen (18) of these bills have been **signed** by the Governor, one (1) bill was vetoed, and one (1) bill has been transmitted to the Governor awaiting signature as of the date of this report (HB 359). This constitutes an 76% success rate for House Bills supported by the Montana Family Foundation.
- The Montana Family Foundation **opposed** 9 House Bills, and all 9 of these bills were either **tabled** or **died** in the process. This constitutes a 100% success rate for House Bills opposed by the Montana Family Foundation.
- The Montana Family Foundation **supported** 9 Senate Bills, and 5 of these bills were **passed** by both chambers and have either been signed or are expected to be signed by the Governor. This constitutes a 55% success rate for Senate Bills supported by the Montana Family Foundation.
- The Montana Family Foundation **opposed** 1 Senate Bill, and this bill (Senate Bill 315) was **tabled** in committee. This constitutes a 100% success rate for Senate Bills opposed by the Montana Family Foundation.
- Overall, the Montana Family Foundation **supported** 34 pieces of legislation during the 2023 Session, and 24 of these bills were passed in both chambers and have either

been signed or are expected to be signed by the Governor. This constitutes a 70.5% success rate for all bills supported by the Montana Family Foundation.

- Overall, the Montana Family Foundation **opposed** 11 pieces of legislation during the 2023 Session, and all 11 of these bills were either tabled or died in the process. This constitutes a 100% success rate for all pieces of legislation opposed by the Montana Family Foundation.
- Altogether, the Montana Family Foundation lobbied in support and opposition of 45 pieces of legislation.

CONCLUSION

The 2023 Legislative Session was, arguably, the most pro-life session in the history of Montana. Altogether, 9 substantial pro-life pieces of Legislation were advanced to the Governor's desk for signature (including HB 303, HB 544, HB 575, HB 625, HB 721, HB 786, HB 862, HB 937, and HB 968). House Bill 968 was vetoed by Governor Gianforte. House Bill 721 has already faced a legal challenge—even before the legislation has been signed into law—and we expect that additional legal challenges will be levied by the militant abortionist special interest groups, but the Montana Family Foundation stands ready to defend the constitutionality of these new laws to protect the unborn.

In addition to the great strides made to defend the sanctity of life, the Montana Legislature enacted novel legislation aimed to defend God's design for human biology. Senate Bill 99 was signed into law on April 28, 2023. With the passage of this legislation, all children under the age of 18 will be protected from experimental medical interventions—not treatments—like puberty blockers, cross-sex hormones, and “gender” reassignment surgeries. Moreover, the Legislature prudently enacted Senate Bill 458 to define the terms “sex,” “male,” and “female” in Montana law. Despite the seemingly innocuous nature of a

definitions bill, this legislation proved to be the most controversial of the Session. In the end, the law now clearly recognizes only two biological sexes—male and female—while recognizing the extremely rare biological anomalies commonly referred to as “intersex” conditions.

School choice legislation also made great headway in Montana. First, House Bills 549 and 562 were both passed and are on their way to the Governor’s desk for signature. The Montana Family Foundation did not support or oppose House Bill 549, but did support House Bill 562—which would authorize the establishment of “community choice” schools. Now, Montana parents will have another option to consider when deciding how to best educate their children. Likewise, House Bill 393 is heading to the Governor’s desk and, if signed, will establish an educational savings account program for students with special needs. Further, House Bill 408 is awaiting the Governor’s signature and will increase the aggregate amount available for the student scholarship and innovative education tax credits—another measure to provide school choice in Montana.

Religious liberty was also safeguarded during this Session. House Bill 303 has been transmitted to the Governor and will protect healthcare professionals from being forced to conduct medical procedures that violate their conscience or religious beliefs. House Bills 744 and 745 have been signed by the Governor. These bills protect religious expression for students and teachers at public schools and allow for prayer and Bible reading in public schools, respectively.

These are some of the many highlights from the 2023 Legislative Session. God has been so good to the State of Montana.