

**SENATE JOURNAL
65TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
April 4, 2017

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Caferro. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Gross and Swandal excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/4/2017
Correctly engrossed: **HB 2, HB 368, HB 424, HJ 9.**

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 4/3/2017
HB 368, be amended as follows:

1. Page 1, line 12.

Strike: "(1)"

2. Page 1, line 15 through line 23.

Strike: subsection (2) through subsection (3) in their entirety

3. Page 3.

Following: line 1

Insert: "COORDINATION SECTION. Section 5. Coordination instruction. If both Senate Bill No. 337 and [this act] are passed and approved, then [section 2 of this act] is void."

And, as amended, be concurred in.

HB 424, be amended as follows:

1. Page 3.

Following: line 20

Insert: "(4) A grant or loan may not be awarded to a project that affects source watersheds or soil and range health if the project would reduce, restrict, or prohibit any lawful access to the property that existed prior to the project's implementation. This subsection does not apply to access that is temporarily created, granted, or reduced due to project operations."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

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MESSAGES FROM THE GOVERNOR

April 3, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Sales and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 264** (SB 264), "AN ACT REVISING RULEMAKING AUTHORITY FOR REPORTING REQUIRED BY THE BOARD OF OUTFITTERS; AMENDING SECTION 37-47-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 264 revises rulemaking authority for reporting required by the Montana Board of Outfitters (MBO). It limits reporting by outfitters to only information related to professional licensing, and would preclude reporting of information that is important to the state, hunters and anglers, and the people of Montana--information like acreage leased by outfitters, general locations where outfitters are providing services to hunters and anglers, and harvest rates. The bill eliminates reporting requirements that I added to law via amendatory veto of House Bill 274 (HB 274) in 2013, as well as the rules that the MBO implemented to gather additional data.

As I stated in my 2013 amendatory veto letter concerning HB 274: "Accurate, credible data indicating where licensed outfitters operate is essential to helping the public, FWP, and the Montana Board of Outfitters (MBO) in various respects." This includes allowing the Board of Outfitters and the Montana and the Montana Department of Fish, Wildlife and Parks to "provide high quality data, rather than anecdotal assumptions, when public policy issues arise regarding how both outfitted and non-outfitted hunting may interact to affect game management, season setting, access to public land, public hunting opportunities, and other resources." Because the commercial activities of licensed outfitters depend upon the use of public wildlife resources as regulated by the department and the Montana Fish and Wildlife Commission, the importance of this type of information remains just as relevant today. If SB 264 were to become law, the MBO would be prohibited from collecting this information.

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For these reasons, I veto SB 264.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/3/2017

HB 22, introduced by J. Keane
HB 45, introduced by K. Dudik
HB 83, introduced by B. Bennett
HB 101, introduced by W. McKamey
HB 103, introduced by G. Custer
HB 128, introduced by R. Shaw
HB 147, introduced by D. Zolnikov
HB 149, introduced by D. Zolnikov
HB 168, introduced by Z. Brown
HB 539, introduced by R. Cook

Senate bills concurred in and returned to the Senate: 4/3/2017

SB 180, introduced by M. Lang
SB 184, introduced by F. Moore

House failed to concur in Senate amendments: 4/3/2017

HB 98, introduced by J. Ellis
HB 145, introduced by Z. Brown
HB 280, introduced by R. Brodehl

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 58, introduced by D. Ankney, referred to Energy and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 24, introduced by D. Sands, W. Curdy, R. Ehli, B. Hoven, M. Lang, M. MacDonald, N. McConnell, D. Salomon, referred to Agriculture, Livestock and Irrigation.

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Senator Swandal present at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 99 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Pomnichowski.

Total 1

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

HB 100 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

HB 2 concurred in as follows:

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Yeas: Ankney, Blasdel, Boland, Buttrey, Connell, Facey, Fitzpatrick, Gauthier, Hoven, Howard, Jones, Kary, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Swandal, Tempel, Thomas, Webb, Welborn, Whitford.

Total 29

Nays: Barrett, Brown, Caferro, Cohenour, Fielder, Hinebauch, Hinkle, Keenan, MacDonald, Malek, McNally, Pomnichowski, Sands, Smith C, Smith F, Vance, Vincent, Vuckovich, Wolken, Mr.President.

Total 20

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Thomas moved consideration of **HB 487** and **HB 185** be placed at the bottom of the second reading board. Without objection, so ordered.

Without objection, Chair Kary placed consideration of **HB 283** at the bottom of the second reading board.

Senators Salomon and Swandal excused at this time.

HB 373 - Senator Gauthier moved **HB 373** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 40

Nays: Fielder, Hinkle, Howard, Regier, Vance, Vincent, Mr.President.

Total 7

Absent or not voting: None.

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Total 0

Excused: Gross, Salomon, Swandal.

Total 3

Senator Vance excused at this time.

HB 255 - Senator Thomas moved **HB 255** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vincent, Webb, Welborn, Mr.President.

Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 17

Paired: Swandal, Aye; Facey, No.

Absent or not voting: None.

Total 0

Excused: Gross, Salomon, Vance.

Total 3

HB 407 - Senator Keenan moved **HB 407** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 43

Nays: Pomnichowski, Smith F, Vuckovich.

Total 3

Absent or not voting: None.

Total 0

Excused: Gross, Salomon, Swandal, Vance.

Total 4

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Senator Moore excused at this time.

Senator Gross present at this time.

HB 37 - Senator Whitford moved **HB 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Webb, Mr.President.
Total 14

Paired: Gross, Aye; , Mr.President, No.

Absent or not voting: None.
Total 0

Excused: Moore, Salomon, Swandal, Vance.
Total 4

HB 228 - Senator Vincent moved **HB 228** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 37

Nays: Fielder, Hinebauch, Hinkle, Howard, Keenan, Pomnichowski, Regier, Smith C, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: Moore, Salomon, Swandal, Vance.
Total 4

SR 4 - Senator Howard moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 4**. Resolution adopted as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Brown, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: Moore, Salomon, Swandal, Vance.
Total 4

Senator Fitzpatrick excused at this time.

Senator Vance present at this time.

SB 143 - House Amendments - Senator Lang moved House amendments to **SB 143** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Cohenour, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.
Total 4

Majority Leader Thomas moved consideration of **HB 487** and **HB 185** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Osmundson assumed the chair.

HB 283 - Senator Kary moved **HB 283** be concurred in. Motion carried as follows:

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Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 28

Nays: Barrett, Boland, Cohenour, Facey, Gross, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.

Total 4

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.

Total 4

MOTIONS

Majority Leader Thomas moved the President be authorized to appoint a Free Conference Committee on **SB 143** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/4/2017

Senator Lang, Chair

Senator Osmundson

Senator F. Smith

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Majority Leader Thomas moved that **HB 228**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to **suspend joint rule 40-50** to allow for the late introduction of a resolution commemorating the commissioning of the submarine Montana. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Motion carried. Senate recessed at 8:55 a.m.

Senate reconvened at 1:00 p.m. President Sales presiding. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):

4/4/2017

HB 141, be amended as follows:

1. Title, page 1, line 7.

Following: "ANTICOMPETITIVE;"

Insert: "PROVIDING FOR LEGISLATIVE REVIEW AND AUTHORITY;"

2. Page 3, line 7 through line 8.

Strike: "The" on line 7

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Insert: "Subject to the provisions of [section 4(6)], the"

Strike: "approve" on line 7 through "determines that" on line 8

Insert: "determine if"

3. Page 3, line 9.

Strike: "that"

Insert: "if"

4. Page 5, line 4.

Strike: "Except" through "before"

Insert: "Before"

5. Page 5, line 6.

Following: "board"

Insert: "and the economic affairs interim committee"

6. Page 6.

Following: line 6

Insert: "(6) (a) After the economic affairs interim committee is notified of the commissioner's decision to issue a written determination or redetermination, the committee shall notify the commissioner if the committee plans to provide an opportunity for public comment on the commissioner's action at the next committee meeting.

(b) The commissioner shall notify the economic affairs interim committee of a final determination under this section. The committee shall follow the procedures in Title 2, chapter 4, if the committee decides to conduct a review. A final determination of the commissioner may be suspended as provided in 2-4-305(9) whether the determination is for a rule or for another board action.

And, as amended, be concurred in..

HB 428, be concurred in.

HB 462, be amended as follows:

1. Page 1, line 10.

Following: "**exception**"

Insert: "-- Flathead community college"

2. Page 1, line 11.

Strike: "A unit of the Montana university system or a"

Insert: "Flathead"

3. Page 1, line 14.

Following: "EXCEPT THAT"

Insert: "beer produced may be taken off the premises only for participation in national or regional tasting competitions and"

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4. Page 1, line 18.

Following: "OPERATES IN"

Strike: "a"

Insert: "an on-campus"

5. Page 1, line 19.

Strike: "Montana university system unit or"

6. Page 1, line 20.

Strike: "the unit of the university system or the"

Insert: "Flathead"

7. Page 1, line 23.

Strike: "the applicant"

Insert: "Flathead community college"

8. Page 1, line 24 through line 25.

Strike: "or the board" on line 24 through "as applicable" on line 25

9. Page 1, line 30.

Strike: "16-4-401(2)(a)"

Insert: "16-4-401(4)(a)"

10. Page 2, line 1.

Strike: "the Montana university system or"

Insert: "Flathead"

And, as amended, be concurred in.

HB 474, be amended as follows:

1. Title, page 1, line 6.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

2. Page 1, line 29.

Following: "business day."

Insert: "Liquor provided under this subsection (3)(a) must contain at least 90% liquor that is distilled on the premises. For purposes of this section, "distilled on the premises" means the liquor was not previously distilled off premises by any entity, in any way, and at any time. The term is meant to exclude distilled liquor purchased by the distiller and redistilled or otherwise altered by the distiller on premises."

3. Page 2, line 5.

Strike: " on passage and approval"

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Insert: "January 1, 2019"

And, as amended, be concurred in.

HB 541, be amended as follows:

1. Title, page 1, line 6.

Strike: "COMPANIES"

Insert: "MANUFACTURERS"

2. Title, page 1, line 7.

Following: "PRODUCTION;"

Insert: "REVISING TAXES IMPOSED ON PRODUCTION BY BREWERS;"

3. Title, page 1, line 8.

Strike: "SECTION"

Insert: "SECTIONS 16-1-406,"

Following: "16-3-213,"

Insert: "AND 16-4-501,"

4. Page 1, line 11.

Following: line 10

Insert: "**Section 1.** Section 16-1-406, MCA, is amended to read:

"16-1-406. Taxes on beer. (1) (a) A tax is imposed on each barrel of 31 gallons of beer sold in Montana by a wholesaler. A barrel of beer equals 31 gallons. The tax is based upon the total number of barrels of beer produced by a brewer in a year. A brewer who produces less than ~~20,000~~ 10,000 barrels of beer a year is taxed on the following increments of production:

(i) up to 5,000 barrels, \$1.30;

(ii) 5,001 barrels to 10,000 barrels, \$2.30; ~~and~~

~~(iii) 10,001 barrels to 20,000 barrels, \$3.30.~~

(b) The tax on beer sold for a brewer who produces over ~~20,000~~ 10,000 barrels is \$4.30.

(2) The tax imposed pursuant to subsection (1) is due at the end of each month from the wholesaler upon beer sold by the wholesaler during that month. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

(3) Each quarter, in accordance with the provisions of 17-2-124, of the tax collected pursuant to subsection (1), an amount equal to:

(a) 23.26% must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency; and

(b) the balance must be deposited in the state general fund.""

Renumber: subsequent sections

5. Page 1, line 19.

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Strike: "60,000"

Insert: "12,000"

6. Page 1, line 20 through line 21.

Strike: "companies" on line 20 through "1504(a)" on line 21

Insert: "manufacturers"

7. Page 1, line 27.

Following: line 26

Insert: "(3) For the purposes of this section, "affiliated manufacturers" means a manufacturer of beer:

(a) that one or more members of the manufacturing entity have more than a majority share interest in or that controls directly or indirectly another beer manufacturing entity;

(b) for which the business operations conducted between or among entities are interrelated or interdependent to the extent that the net income of one entity cannot reasonably be determined without reference to operations of the other entity; or

(c) of which the brand names, products, recipes, merchandise, trade name, trademarks, labels, or logos are identical or nearly identical."

Insert: "**Section 3.** Section 16-4-501, MCA, is amended to read:

"16-4-501. License and permit fees. (1) Each beer licensee licensed to sell either beer or table wine only or both beer and table wine under the provisions of this code shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

(a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, \$500;

(ii) for each storage depot, \$400;

(b) (i) each beer wholesaler, \$400; each winery, \$200; each table wine distributor, \$400;

(ii) for each subwarehouse, \$400;

(c) each beer retailer, \$200;

(d) (i) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license;

(ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, \$200;

(e) any unit of a nationally chartered veterans' organization, \$50.

(2) The permit fee under 16-4-301(1) is computed at the following rate:

(a) \$10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and

(b) \$1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).

(3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses must be issued upon payment by the applicant of an annual license fee in the sum of \$300.

(5) The annual license fee for a license to sell wine on the premises, when issued as an

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amendment to a beer-only license pursuant to 16-4-105, is \$200.

(6) The annual renewal fee for:

(a) a brewer producing ~~20,000~~ 10,000 or fewer barrels of beer, as defined in 16-1-406, is \$200; and

(b) resort retail all-beverages licenses within a given resort area is \$2,000 for each license.

(7) Except as provided in this section, each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

(a) for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other licensees;

(b) for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;

(c) for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a unit of a nationally chartered veterans' organization and \$650 for all other licensees;

(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other licensees;

(e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.

(f) an applicant for the issuance of an original license to be located in areas described in subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time original license fee of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to any transfer or renewal of a license issued prior to July 1, 1974. However, all licenses are subject to the specified annual renewal fees.

(8) The fee for one all-beverages license to a public airport is \$800. This license is nontransferable.

(9) The annual fee for a retail beer and wine license to the Yellowstone airport is \$400.

(10) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303 is \$250.

(11) The annual fee for a distillery is \$600.

(12) The license fees provided in this section are exclusive of and in addition to other

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license fees chargeable in Montana for the sale of alcoholic beverages.

(13) In addition to other license fees, the department of revenue may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.

(14) All license and permit fees collected under this section must be deposited as provided in 16-2-108."

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair):
HB 44, be amended as follows:

4/4/2017

1. Page 1, line 26.

Strike: "4TH AND"

Following: "JUDICIAL"

Strike: "DISTRICTS"

Insert: "district"

2. Page 1, line 27.

Following: "2019."

Insert: "The additional judge for the 4th judicial district must be appointed pursuant to the provisions of Title 3, chapter 1, part 10, to take office October 1, 2018."

And, as amended, be concurred in.

HB 70, be concurred in.

HB 77, be amended as follows:

1. Title, page 1, line 20.

Strike: "PROVIDING FOR CONTINGENT VOIDNESS₂;"

2. Page 6, line 22.

Strike: "and"

3. Page 6, line 24.

Following: "47-1-105"

Insert: "; and

(e) the director of the office of state public defender provided for in [section 1]"

4. Page 21.

Following: line 25

Insert: "(6) A public defender may not be assigned to act as court-appointed counsel in a

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proceeding under the Drug Offender Accountability and Treatment Act, Title 46, chapter 1, part 11, or under the Mental Health Treatment Court Act, Title 46, chapter 1, part 12."

5. Page 51, line 4 through line 6.
Strike: section 49 in its entirety
Renumber: subsequent sections

6. Page 51, line 8.
Strike: "subsections (2) and (3)"
Insert: "subsection (2)"

7. Page 51, line 11.
Strike: subsection (3) in its entirety

And, as amended, be concurred in.

HB 372, be concurred in.

HB 383, be concurred in.

NATURAL RESOURCES (Vincent, Chair):

4/3/2017

HJ 9, be amended as follows:

1. Page 3, line 4.
Following: "use"
Insert: ", unless Congress confirms a study area for inclusion in the National Wilderness Preservation System"

2. Page 3.
Following: line 11
Insert: "BE IT FURTHER RESOLVED, that in its deliberations, Congress consider the land management alternatives in view of the Forest Management Act of 1897 in conjunction with the 2007 water compact between the state of Montana and the U.S. Department of Agriculture Forest Service since land management directly impacts the volume, quantity, and timing of water flows from watersheds in these wilderness study areas and impacts downstream water rights holders.

BE IT FURTHER RESOLVED, that the Legislature urges the Secretary of the Department of Agriculture to direct the Forest Service to immediately evaluate the impacts of the land management alternatives on the watersheds in the wilderness study areas and downstream water rights holders to help inform Congress in its deliberations."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

4/4/2017

SJ 21, do pass.

HB 386, be concurred in.

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HB 389, be concurred in.

HB 517, be concurred in.

Without objection, committee reports were adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SPECIAL ORDERS OF THE DAY

"Expressions of Silence," comprised of students from the Montana School for the Deaf and Blind in Great Falls, performed for the Senate.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 487 - Senator Salomon moved **HB 487** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 185 - Senator Salomon moved **HB 185** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

Total 27

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Osmundson, Pomnichowski, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

President Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 49

Nays: Mr.President.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, April 5, 2017, the seventy-first legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate