

**SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 5, 2017

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

4/5/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-first, sixty-second, sixty-third, sixty-fourth, and sixty-fifth legislative days, find the same to be correct.

Correctly printed: **SR 54, SR 55, SR 56, SR 58, SJ 21, SJ 23, SJ 24, SJ 25, SJ 26, HB 37, HB 70, HB 185, HB 228, HB 255, HB 283, HB 372, HB 373, HB 383, HB 386, HB 389, HB 407, HB 428, HB 487, HB 517.**

Correctly engrossed: **HB 44, HB 77, HB 141, HB 144, HB 205, HB 458, HB 462, HB 474, HB 528, HB 541.**

Correctly enrolled: **SB 7, SB 180, SB 184, SR 4.**

Examined by the sponsor and found to be correct: **SB 7, SB 180, SB 184, SR 4.**

Transmitted to the House: **HB 2, HB 99, HB 100.**

Signed by the President at 3:26 p.m., April 4, 2017: **SB 135, SB 224, SB 231, SB 252, SB 275, SR 32, SR 33, SR 52, SR 53.**

Signed by the Secretary of the Senate at 7:25 a.m., April 5, 2017: **SB 135, SB 224, SB 231, SB 252, SB 275, SR 32, SR 33, SR 52, SR 53.**

Delivered to the Secretary of State at 11:20 a.m., April 5, 2017: **SR 32, SR 33, SR 52, SR 53.**

REPORTS OF STANDING COMMITTEES

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

4/5/2017

SR 55, be adopted.

SR 56, be adopted.

HB 449, be amended as follows:

1. Title, page 1, line 5 through line 6.

Following: "POOL" on line 5

Strike: "TO INCLUDE" on line 5 through "REMUNERATION" on line 6

2. Page 1, line 11.

Strike: "monetary"

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Insert: "all"

3. Page 1, line 12.

Strike: "only"

4. Page 1, line 13.

Following: "~~value of~~"

Strike: "OR OTHER MONETARY"

Insert: "value of all"

Following: "~~cash~~"

Insert: "in any medium other than cash"

5. Page 1, line 27.

Strike: "and"

6. Page 1, line 29.

Following: "arrangement"

Insert: "; (f) board if it constitutes a part of the employee's remuneration and is based on its actual value; and

(g) lodging, rent, or housing if it constitutes part of the employee's remuneration and is based on a value as set by administrative rule. The values set by administrative rule must address the general geographic proximity to available housing and may consider other reasonable factors that affect value"

7. Page 2, line 11.

Following: "~~or~~"

Insert: "or"

8. Page 2, line 13 through line 15.

Following: "53-4-201"

Strike: "; or" on line 13 through "AN EMPLOYEE" on line 15

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair):

4/4/2017

HB 123, be amended as follows:

1. Title, page 1, line 13.

Following: "33-35-306,"

Insert: "45-5-214,"

2. Page 2, line 10.

Strike: "a person"

Insert: ":

(a) an individual"

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3. Page 2, line 11.

Following: "profession"

Insert: "; and"

(b) a hospital, critical access hospital, outpatient center for primary care, or outpatient center for surgical services licensed pursuant to Title 50, chapter 5"

4. Page 2, line 12.

Following: "(5)"

Insert: "(a)"

5. Page 2, line 17.

Insert: "(b) The term does not include group insurance plans established under Title 2, chapter 18, for public employees and officers or the Montana university system group benefits plan established in Title 20, chapter 25, part 13."

6. Page 2, line 21 through line 22.

Following: "provider" on line 21

Strike: ", outpatient" on line 21 through "hospital" on line 22

7. Page 4, line 15.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

8. Page 7, line 4.

Insert: "**Section 13.** Section 45-5-214, MCA, is amended to read:

"45-5-214. Assault with bodily fluid. (1) A person commits the offense of assault with a bodily fluid if the person purposely causes one of the person's bodily fluids to make physical contact with:

(a) a law enforcement officer, a staff person of a correctional or detention facility, or a health care provider, ~~as defined in 50-4-504~~, including a health care provider performing emergency services, while the health care provider is acting in the course and scope of the health care provider's profession and occupation:

(i) during or after an arrest for a criminal offense;

(ii) while the person is incarcerated in or being transported to or from a state prison, a county, city, or regional jail or detention facility, or a health care facility; or

(iii) if the person is a minor, while the youth is detained in or being transported to or from a county, city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, health care facility, or shelter care facility; or

(b) an emergency responder.

(2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.

(3) The youth court has jurisdiction of any violation of this section by a minor, unless the charge is filed in district court, in which case the district court has jurisdiction.

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(4) As used in this section, the following definitions apply:

(a) "Bodily fluid" means any bodily secretion, including but not limited to feces, urine, blood, and saliva.

(b) "Emergency responder" means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical technician, emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident.

(c) "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or practice of a profession."

Renumber: subsequent sections

9. Page 7, line 15.

Strike: "a person"

Insert: "

(a) an individual"

10. Page 7, line 17.

Following: "profession"

Insert: "; and

(b) a hospital, critical access hospital, outpatient center for primary care, or outpatient center for surgical services licensed pursuant to Title 50, chapter 5"

11. Page 7, line 18.

Following: "(5)"

Insert: "(a)"

12. Page 7, line 23.

Insert: "(b) The term does not include group insurance plans established under Title 2, chapter 18, for public employees and officers or the Montana university system group benefits plan established in Title 20, chapter 25, part 13."

13. Page 8, line 1.

Following: "provider"

Strike: ", outpatient " through "hospital"

14. Page 8, line 2.

Following: "treatment"

Insert: "provided by that health care provider"

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair):

4/5/2017

HB 642, be amended as follows:

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1. Page 1, line 17.

Strike: "32-2-102"

Insert: "32-9-105 and 32-9-133"

And, as amended, be concurred in.

HB 647, be amended as follows:

1. Title, page 1, line 4.

Strike: the third occurrence of "ACT"

2. Title, page 1, line 6.

Following: "PAYMENT"

Insert: "AND SCHOOL DISTRICT GENERAL FUND BLOCK GRANTS; INCREASING THE GUARANTEED TAX BASE MULTIPLIER"

3. Title, page 1, line 8.

Strike: "REPEALING" through "PAYMENT;"

Insert: "REDIRECTING ANY EXCESS INTEREST AND INCOME REVENUE FROM SCHOOL TRUST LANDS TO SCHOOL FACILITIES; ELIMINATING INFLATIONARY INCREASES FOR COUNTY SCHOOL TRANSPORTATION BLOCK GRANTS;"

4. Title, page 1, line 12.

Following: "TRANSFERS;"

Insert: "CREATING A NATURAL RESOURCE DEVELOPMENT K-12 SCHOOL FACILITIES PAYMENT; CREATING A COAL-FIRED GENERATING UNIT CLOSURE MITIGATION BLOCK GRANT;"

5. Title, page 1, line 13.

Strike: "20-9-308,"

Strike: "20-9-323, 20-9-326,"

6. Title, page 1, line 14.

Following: "20-9-622,"

Insert: "20-9-630, 20-9-632,"

7. Title, page 1, line 14 through line 15.

Strike: "REPEALING" on line 14 through "MCA;" on line 15

8. Page 5, line 16.

Strike: "school" through "and"

Insert: "any portion of the combined fund block grant allocated to the district general fund by the trustees pursuant to 20-9-630;

(vi) if applicable, a coal-fired generating unit closure mitigation block grant as provided in [section 19]; and"

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Renumber: subsequent subsections

9. Page 7, line 3.

Strike: "and"

10. Page 7, line 4.

Following: "and"

Insert: "; and

(g) the total data-for-achievement payment"

11. Page 7, line 9.

Following: "payment,"

Insert: "100% of the total data-for-achievement payment,"

12. Page 8, line 24.

Following: "payment,"

Insert: "the total data-for-achievement payment,"

13. Page 10, line 16.

Following: line 16

Insert: "(15) "Total data-for-achievement payment" means the payment provided in 20-9-325 resulting from multiplying \$20 for fiscal year 2016 and \$20.36 for each succeeding fiscal year by the district's ANB calculated in accordance with 20-9-311."

Renumber: subsequent subsections

14. Page 10, line 21 through page 11, line 23.

Strike: section 6 in its entirety

Renumber: subsequent sections

15. Page 16, line 10 through page 17, line 24.

Strike: sections 8 and 9 in their entirety

Renumber: subsequent sections

16. Page 17, line 27.

Following: "~~(1)~~"

Insert: "(1)"

17. Page 18, line 1.

Strike: "Money"

Insert: "Except as provided in subsection (2), money"

18. Page 18, line 9.

Following: line 9

Insert: "(2) Any excess interest and income revenue deposited in the guarantee account in each fiscal year must be distributed in accordance with 20-9-622(2)."

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(3) For purposes of this section, "excess interest and income revenue" means an annual amount in excess of \$56 million."

19. Page 19, line 11.

Strike: "and"

20. Page 19, line 12.

Following: "payment;"

Insert: "and

(vi) the total data-for-achievement payment;"

21. Page 19, line 19.

Strike: "and"

22. Page 19, line 20.

Following: "payment;"

Insert: "and

(vi) the total data-for-achievement payment;"

23. Page 19, line 29.

Strike: "and"

24. Page 20, line 1.

Following: "~~payment~~"

Insert: ", and the total data-for-achievement payment"

25. Page 20, line 27.

Following: line 27

Insert: "(b) the total data-for-achievement payment;"

Renumber: subsequent subsections

26. Page 21, line 5.

Following: "193%"

Insert: "for fiscal year 2018, 216% for fiscal year 2019, 224% for fiscal year 2020, and 232% for fiscal year 2021 and each succeeding fiscal year"

27. Page 23, line 5.

Following: "20-9-622"

Insert: "(2)"

28. Page 26, line 11.

Following: "~~(4)~~"

Insert: "(1)"

29. Page 26, line 13.

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Strike: "(1)"

Insert: "(a)"

30. Page 26, line 14.

Strike: "(2)"

Insert: "(b)"

31. Page 27.

Following: line 4

Insert: "(2) Any excess interest and income revenue deposited in the guarantee account for distribution under this section must be transferred to the school facility and technology account provided for in 20-9-516."

32. Page 27.

Following: line 4

"Section 14. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on:

~~_____ (i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate income taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and~~

~~_____ (ii) any reimbursement to be made to a school district pursuant to subsection (2) block grants to school districts in accordance with this section.~~

(b) ~~Block grants must be calculated using the~~ The electronic reporting system that is used by the office of public instruction and school districts. ~~The electronic reporting system~~ must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(2) If the legislature enacts a reimbursement provision effective on or after July 1, 2017, that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. Except for the reimbursement made under 15-1-123(3)(b), the total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) ~~The block grant for the district general fund is equal to the amount received in fiscal year 2011 by the district general fund from the block grants provided for in subsection (1) and the amount received by the district general fund under subsection (2), except the amount received under 15-1-123(3)(b).~~

(b)(a) The block grant for the district transportation fund is equal to the amount received in fiscal year ~~2011~~ 2017 by the district transportation fund from the block grants provided for in subsection (1) and the amount received by the district transportation fund under subsection (2),

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except the amount received under 15-1-123(3)(b).

(e)(b) (i) The combined fund block grant is equal to the amount received in fiscal year 2014-2017 and the amount received under subsection (2), except the amount received under 15-1-123(3)(b).

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."

Insert: "Section 15. Section 20-9-632, MCA, is amended to read:

"20-9-632. Countywide school transportation block grants. (4) The office of public instruction shall distribute one-half of the amount appropriated for countywide school transportation in November and the remainder in May. The total amount for each county is equal to the amount received in fiscal year 2017. as follows:

	FY 2002	FY 2003
	Payment	Payment
Beaverhead	\$29,924	\$26,197
Big Horn	43,635	52,920
Blaine	3,727	13,433
Broadwater	14,935	21,769
Carbon	23,493	23,040
Carter	8,675	6,592
Cascade	84,382	43,722
Chouteau	33,063	27,043
Custer	7,069	6,272
Daniels	16,771	12,993
Dawson	21,356	14,001
Deer Lodge	14,392	12,532
Fallon	20,447	25,428
Fergus	58,765	29,415
Flathead	89,846	77,223
Gallatin	81,262	90,930
Garfield	17,284	7,135
Glacier	37,740	34,300

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Golden Valley	3,547	3,664
Granite	8,153	6,858
Hill	46,409	40,781
Jefferson	36,329	34,817
Judith Basin	16,878	20,322
Lake	69,756	52,163
Lewis & Clark	58,287	69,535
Liberty	15,874	9,584
Lincoln	50,388	22,795
Madison	21,263	12,828
McCone	12,498	11,788
Meagher	4,237	6,976
Mineral	7,478	9,038
Missoula	93,969	94,480
Musselshell	12,945	20,627
Park	31,904	32,394
Petroleum	9,854	7,300
Phillips	31,080	43,872
Pondera	22,599	18,308
Powder River	21,304	21,795
Powell	16,622	14,507
Prairie	8,544	4,809
Ravalli	60,579	38,440
Richland	32,995	29,315
Roosevelt	25,740	40,216
Rosebud	97,820	90,850
Sanders	71,581	69,930

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Sheridan	-12,946	-24,274
Silver Bow	-21,872	-18,381
Stillwater	-27,358	-17,543
Sweet Grass	-14,996	-6,340
Teton	-28,202	-20,759
Toole	-17,208	-15,592
Treasure	-5,446	-5,073
Valley	-26,677	-27,775
Wheatland	-9,142	-6,386
Wibaux	-6,198	-8,816
Yellowstone	-149,314	-146,210
Total	-1,814,759	-1,650,088

~~———— (2) The average of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year."~~

Renumber: subsequent sections

33. Page 28, line 29.

Following: "20-31-402."

Insert: "The legislature intends that fire school training services will be funded from the general fund following the 2019 biennium.

(3) By August 1, 2017, the state treasurer shall transfer \$400,000 from the incentive for physicians practicing in rural areas or medically underserved areas or for underserved populations state special revenue account established in 20-26-1501 to a state special revenue account administered by the office of the commissioner of higher education for the family practice rural residency graduate medical education program.

(4) By August 1, 2018, the state treasurer shall transfer \$400,000 from the general fund to a state special revenue account administered by the office of the commissioner of higher education for the family practice rural residency graduate medical education program."

Insert: "NEW SECTION. Section 18. Natural resource development K-12 school facilities payment. (1) The natural resource development K-12 school facilities payment replaces the former natural resource development K-12 funding payment as a means to provide local property tax relief by supporting school district facility needs. The legislature intends for the new payment to grow in a manner similar to the previous payment as described in subsection (2) through fiscal year 2022 until other revenue to support school facilities has increased.

(2) Beginning in fiscal year 2019, the superintendent of public instruction shall annually deposit no later than March 31 in the school facility and technology account provided for in 20-9-

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516 the natural resource development K-12 school facilities payment, which is calculated as the greater of:

(a) \$5.8 million in fiscal year 2019, \$6.4 million in fiscal year 2020, \$7.6 million in fiscal year 2021, and \$10 million in fiscal year 2022, increased by an inflationary adjustment calculated as provided in 20-9-326 in each succeeding fiscal year; or

(b) 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment.

(3) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the superintendent of public instruction shall include a natural resource development K-12 school facilities payment for each year of the ensuing biennium calculated as described in subsection (2)."

Insert: "NEW SECTION. Section 19. Coal-fired generating unit closure mitigation block grant. (1) (a) The office of public instruction shall provide a coal-fired generating unit closure mitigation block grant to each school district with a fiscal year 2017 taxable valuation that includes a coal-fired generating unit with a generating capacity that is greater than or equal to 200 megawatts, was placed in service prior to 1980, and is retiring or planned for retirement on or before July 1, 2022.

(b) The electronic reporting system that is used by the office of public instruction and school districts must be used to allocate the block grant amount into each district's general fund budget as an anticipated revenue source.

(2) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(3) The block grant is equal to the amount received in fiscal year 2017 by the district general fund from the block grants provided for in 20-9-630(4)(a) as that section read prior to July 1, 2017.

(4) (a) If the owner of a coal-fired generating unit that is retired or planned for retirement on or before July 1, 2022, makes a payment in accordance with a retirement plan approved by the department of environmental quality or a transition agreement with the governor and attorney general for the purpose of decommissioning requirements and a portion of the payment is allocated to a school district for the purposes of school funding cost shifts, then that portion must repay to the state general fund the cost of the block grant payments under this section, as discounted in accordance with an agreement for payment to the state, on the following schedule, not to exceed the limitation provided in subsection (4)(b):

(i) if the generating unit closes prior to June 30, 2018, 100% of the total block grant payments under this section must be returned to the general fund;

(ii) if the generating unit closes during fiscal year 2019, 90% of the block grant payments under this section must be returned to the general fund;

(iii) if the generating unit closes during fiscal year 2020, 80% of the block grant payments under this section must be returned to the general fund;

(iv) if the generating unit closes during fiscal year 2021, 70% of the block grant payments under this section must be returned to the general fund; and

(v) if the generating unit closes during fiscal year 2022 or on July 1, 2022, 60% of the block grant payments under this section must be returned to the general fund.

(b) Repayment under subsection (4)(a) may not exceed the amount of any portion of a payment allocated to a school district in accordance with a retirement plan or a transition plan."

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Renumber: subsequent sections

34. Page 29, line 4 through page 6.

Strike: section 20 in its entirety

Renumber: subsequent sections

35. Page 29, line 10.

Following: line 10

Insert: "NEW SECTION. **Section 22. Codification instruction.** [Sections 18 and 19] are intended to be codified as an integral part of Title 20, chapter 9, part 6, and the provisions of Title 20, chapter 9, part 6, apply to [sections 18 and 19]."

Insert: "COORDINATION SECTION. **Section 23. Coordination instruction.** If both Senate Bill No. 307 and [this act] are passed and approved and if Senate Bill No. 307 contains a section that creates a new state special revenue account for school major maintenance aid, then the reference in 20-9-622 of [this act] to the "school facility and technology account provided for in 20-9-516" must be changed to the "school major maintenance aid account provided for in [section 8 of Senate Bill No. 307]"."

Insert: "COORDINATION SECTION. **Section 24. Coordination instruction.** If both Senate Bill No. 307 and [this act] are passed and approved and if Senate Bill No. 307 contains a section that creates a new state special revenue account for school major maintenance aid, then the reference in [section 18 of this act] to the "school facility and technology account provided for in 20-9-516" must be changed to the "school major maintenance aid account provided for in [section 8 of Senate Bill No. 307]"."

"COORDINATION SECTION. **Section 25. Coordination instruction.** (1) If Senate Bill No. 307 is not passed and approved, then the general fund appropriation for BASE aid in House Bill No. 2 must be increased by \$4.9 million for fiscal year 2018 and by \$5.8 million for fiscal year 2019 for the purpose of reinstating the natural resource development K-12 funding payment and adjusting guaranteed tax base aid accordingly.

(2) If Senate Bill No. 307 is not passed and approved, then [section 18 of this act] creating a natural resource development K-12 school facilities payment is void, and the sections in [this act] amending 20-7-102, 20-9-141, 20-9-306, 20-9-342, 20-9-344, and 20-9-622 are void and 20-9-141 must be amended as follows:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid, the natural resource development K-12 funding payment, and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of

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20-9-104;

(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

(B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;

(iii) anticipated oil and natural gas production taxes;

(iv) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703;

(v) ~~school district block grants distributed under 20-9-630; and any portion of the combined fund block grant allocated to the district general fund by the trustees pursuant to 20-9-630;~~

(vi) if applicable, a coal-fired generating unit closure mitigation block grant as provided in [section 19]; and

~~(vi)~~(vii) any portion of the increment remitted to a school district under 7-15-4291 used to reduce the BASE levy budget.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Determine the sum of:

(i) any amount remaining after the determination in subsection (1)(c);

(ii) any portion of the increment remitted to a school district under 7-15-4291 used to reduce the over-BASE budget levy; and

(iii) any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2).

(e) Subtract the amount determined in subsection (1)(d) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) For each school district, the department of revenue shall calculate and report to the

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county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703."

"NEW SECTION. Section 26. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Renumber: subsequent sections

36. Page 29, line 14.

Strike: "19"

Insert: "20"

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair):

4/4/2017

HJ 15, be amended as follows:

1. Page 2, line 17 through line 25.

Strike: line 17 through line 25 in their entirety

2. Page 3, line 2 through line 5.

Strike: "; and" on line 2 through "range" on line 5

3. Page 3, line 11 through line 16.

Strike: line 11 through line 16 in their entirety

Insert: "BE IT FURTHER RESOLVED, that the Montana Legislature call upon the U.S. Fish and Wildlife Service to revise the 1993 Grizzly Bear Recovery Plan and reevaluate the Grizzly Bear Recovery Zone efficacy rangewide.

BE IT FURTHER RESOLVED, that the Montana Legislature request that the U.S. Fish and Wildlife Service create a statewide distinct population segment that includes all of Montana's grizzly bear recovery zones for the purpose of delisting the bear and returning grizzly bear management to state control.

BE IT FURTHER RESOLVED, that the U.S. Fish and Wildlife Service develop a new management plan pursuant to section 4(d) of the Endangered Species Act that would aim to resolve conflicts between bears and humans within the Northern Continental Divide Recovery Zone."

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

4/4/2017

HB 144, be amended as follows:

1. Title, page 1, line 14 through line 15.

Strike: "ALLOWING USE" on line 14 through "SUSPENSION PURPOSES;" on line 15

2. Title, page 1, line 20.

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Strike: "61-5-111,"

3. Title, page 1, line 21.

Strike: "61-5-208,"

4. Page 40, line 27 through page 44, line 8.

Strike: section 17 in its entirety

Renumber: subsequent sections

5. Page 48, line 21 through page 50, line 13.

Strike: section 23 in its entirety

Renumber: subsequent sections

6. Page 53, line 28 through line 29.

Following: "a civil penalty" on line 28

Strike: "1" through "appendix B" on line 29

Insert: "not to exceed \$2,985 for a first offense and a civil penalty of \$5,970 for a second or subsequent offense"

7. Page 57, line 12.

Following: "14 through"

Strike: "21, 24, 26,"

Insert: "20, 22, 24,"

And, as amended, be concurred in.

HB 205, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND HYBRID VEHICLE"

2. Page 23, line 28 through line 29.

Strike: subsection (30) in its entirety

Renumber: subsequent subsections

3. Page 34, line 22 through line 23.

Following: "an electric vehicle" on line 22

Strike: "and a hybrid vehicle"

4. Page 34, line 23.

Following: "\$95"

Strike: "for an electric" through "a hybrid vehicle"

5. Page 34, line 24.

Following: "all electric vehicles"

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Strike: "and hybrid vehicles"

6. Page 41, following line 7.

Insert: "NEW SECTION. Section 24. Coordination instruction. If both House Bill No. 473 and [this act] are passed and approved, then the reference in [this act] to "the highway revenue account in the state special revenue fund" in [section 20(2)(b)] must be changed to "the highway restricted account provided for in [section 1 of House Bill No. 473]"."

Renumber: subsequent section

And, as amended, be concurred in.

HB 528, be amended as follows:

1. Title, page 1, line 5.

Following: "AUXILIARY LAMPS;"

Insert: "PROVIDING AN EXCEPTION FOR ORIGINAL EQUIPMENT INSTALLED BY A MANUFACTURER;"

2. Page 2, line 1.

Following: "(5)"

Strike: "A"

Insert: "(a) Except as provided in subsection (5)(b), a"

3. Page 2, following line 3.

Insert: "(b) The provisions of subsection (5)(a) do not apply to a light bar that has been installed as part of the original standard or optional equipment by the manufacturer of a vehicle."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair):
SR 54, be adopted.

4/5/2017

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):
HB 458, be amended as follows:

4/4/2017

1. Title, page 1, line 5.

Following: "RESIDENTS"

Insert: ", INCLUDING THOSE"

2. Page 1, line 23.

Strike: "who have been"

Insert: "while they are"

Following: "state"

Insert: "and"

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3. Page 1, line 27.

Strike: "transition to community"

Insert: "Montana developmental center residents"

4. Page 1, line 28.

Following: "monitor"

Insert: ": (a)"

5. Page 1, line 29.

Following: the second "community home"

Insert: "; and

(b) for the duration of their residency, individuals who are admitted to and residing at the Montana developmental center"

6. Page 2, line 8.

Following: "report"

Insert: "on the results of the monitoring:

(a) at least quarterly to family members and guardians of the individuals if the family members and guardians are authorized to receive health care information; and

(b)"

7. Page 2, line 9.

Strike: "on the results of the monitoring"

Following: "report"

Insert: "to the interim committee"

8. Page 2, line 27.

Following: "persons"

Insert: "residing at or"

Strike: "pursuant to"

Insert: ", in accordance with"

9. Page 3, line 13.

Following: "who"

Insert: "are admitted into or residing at the Montana developmental center on or after October 1, 2017, or"

10. Page 3, line 16.

Following: "monitoring"

Insert: "of individuals released from the Montana developmental center into a community home"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

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MESSAGES FROM THE OTHER HOUSE

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

SB 7, introduced by P. Connell
SB 17, introduced by N. Swandal

Senate amendments to House bills concurred in: 4/5/2017

HB 289, introduced by T. Jacobson
HB 298, introduced by E. Greef
HB 328, introduced by R. Ehli
HB 349, introduced by P. Webb
HB 355, introduced by R. Shaw

SB 143 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 143**: 4/5/2017

Representative Fern
Representative Mandeville
Representative Staffanson

HB 280 - The House failed to concur in Senate amendments to **HB 280**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 280**: 4/5/2017

Representative Berglee
Representative Brodehl
Representative Perry

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 25, introduced by R. Webb, K. Abbott, D. Barrett, M. Blasdel, C. Boland, R. Brodehl, E. Buttrey, M. Caferro, J. Cohenour, K. Dudik, J. Eck, R. Ehli, T. Facey, T. Gauthier, E. Greef, J. Gross, M. Hopkins, G. Kipp, D. Lenz, M. MacDonald, T. Manzella, K. McCarthy, W. McKamey, M. McNally, S. Morigeau, D. Mortensen, A. Olszewski, R. Osmundson, M. Phillips, G. Pierson, J. Pomnichowski, J. Price, V. Ricci, T. Richmond, M. Ryan, D. Sands, D. Skees, C. Smith, F. Smith, S. Stewart-Peregoy, N. Swandal, F. Thomas, G. Vuckovich, C. Wolken, T. Woods, referred to Judiciary.

SJ 26, introduced by S. Fitzpatrick, B. Bennett, M. Blasdel, Z. Brown, E. Buttrey, P. Connell, R. Cook, W. Curdy, G. Custer, M. Dunwell, D. Fern, T. Gauthier, J. Gross, E. Hill Smith, T. Jacobson,

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S. Lavin, D. Loge, R. Lynch, F. Mandeville, D. Mortensen, A. Olszewski, R. Osmundson, T. Richmond, D. Salomon, R. Shaw, S. Staffanson, J. Welborn, T. Welch, D. Zolnikov, referred to Business, Labor, and Economic Affairs.

**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 D. Brown in the chair.

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

HB 466 - Senator Lang moved **HB 466** 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 564 - Senator Blasdel moved **HB 564** be concurred in. Motion carried as follows:

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

Nays: Hinkle, Howard, MacDonald, Malek, Salomon, Smith C.
Total 6

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 61 - Senator K. Regier moved **HB 61** 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 131 - Conference Committee Report No. 1 - Senator Hoven moved the Conference Committee report to **HB 131** be adopted. 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 94 - Senator Swandal moved **HB 94** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick,

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Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, 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, Wolken, Mr.President.

Total 46

Nays: Caferro, Cohenour, MacDonald, Whitford.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 445 - Senator Sesso moved **HB 445** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, 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 49

Nays: Brown.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 368 - Senator Pomnichowski moved **HB 368** be concurred in.

Senator Moore disclosed he has several lagoons as described in the bill.

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, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 47

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Nays: Keenan, Olszewski, Mr.President.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 424 - Senator Vincent moved **HB 424** 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

HJ 6 - Senator Sands moved **HJ 6** be concurred in. Motion carried as follows:

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

Total 43

Nays: Hinebauch, Hinkle, Keenan, Smith C, Vance, Vincent, Mr.President.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

Chair D. Brown 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, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 37 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 36

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 185 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 26

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 217 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 45

Nays: Cohenour, MacDonald, Malek, Smith F, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 255 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty,

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McNally, Phillips, Pomnichowski, Salomon, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 283 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 373 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Fielder, Hinebauch, Hinkle, Howard, Regier, Smith C, Vincent, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 407 concurred in 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, 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: Phillips, Pomnichowski.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 487 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, 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 48

Nays: Hinebauch, Mr.President.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair):

4/5/2017

HB 303, be amended as follows:

1. Page 1, line 15.

Strike: "justice"

Insert: "public health and human services"

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2. Page 2, line 10.

Strike: "AND MAY NOT"

Insert: "but may"

3. Page 2, line 22.

Following: "neglect;"

Insert: "(c) coordinate with the child fatality review team and the domestic fatality review commission as appropriate;

(d) study the laws, practices, policies, successes, and failures of surrounding states in the area of combating child abuse and neglect and consider whether any should be adopted in Montana;"

Renumber: subsequent sections

4. Page 3, line 21.

Following: "committee,"

Insert: "the law and justice interim committee,"

5. Page 3, line 29.

Following: "department"

Insert: "of public health and human services"

And, as amended, be concurred in.

Without objection, committee report was adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 59**

Report No. 001, April 5, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 59** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 59** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Strike: "BOARD OF CRIME CONTROL"

Insert: "OFFICE OF COURT ADMINISTRATOR"

Following: "PRETRIAL"

Strike: "GRANT"

2. Title, page 1, line 8.

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Strike: "PROGRAMS"

Insert: "PROSECUTION DIVERSION PROGRAM"

3. Title, page 1, line 14.

Following: "OFFENDERS;"

Insert: "REQUIRING THE COLLECTION OF CERTAIN DATA AND THE PROVISION OF CERTAIN REPORTS;"

4. Title, page 1, line 16.

Strike: "SECTION"

Insert: "SECTIONS 3-1-702 AND"

5. Page 1, line 23.

Strike: "board of crime control"

Insert: "office of court administrator"

Following: "pretrial"

Strike: "grant program to encourage local adoption of"

Insert: "program for felony defendants that includes the use of"

6. Page 1, following line 26.

Insert: "(2) The office of court administrator may use program funds to:

(a) develop, implement, and administer the pretrial program; and

(b) make allocations to counties or nonprofit organizations contracting with a county to provide pretrial services."

Renumber: subsequent subsections

7. Page 1, line 27.

Strike: "Grant"

Insert: "Allocated"

8. Page 1, line 28.

Following: "pretrial"

Insert: "felony"

9. Page 1, line 28 through line 29.

Strike: "A county" on line 28 through "a grant." on line 29

10. Page 1, line 30.

Strike: "board"

Insert: "office"

11. Page 2, line 1.

Following: "services"

Strike: ", " through "funds"

Insert: "and activities and the criteria for the allocation of program funds, including that courts

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accepting funds must use a validated risk assessment tool to assign release conditions and determine placement options"

12. Page 2, line 2.

Following: "funds by"

Insert: "counties and"

13. Page 2, line 3.

Following: "section;"

Strike: "and"

Insert: "(d) establish an advisory council that includes local and district court judges and other stakeholders to provide guidance to the office; and"

Renumber: subsequent subsections

14. Page 2, line 4.

Strike: "adopt rules"

Insert: "develop policies and procedures"

Following: "section"

Insert: ", subject to approval of the supreme court"

15. Page 2, line 5.

Strike: "Grants"

Insert: "Funds"

16. Page 2, line 6.

Strike: "board"

Insert: "office"

17. Page 2, line 7.

Strike: "(4)(b)"

Insert: "(5)(b)"

18. Page 2, line 8.

Strike: "board"

Insert: "office"

19. Page 2, line 29.

Strike: "12"

Insert: "15"

20. Page 2, line 30 through page 3, line 2.

Strike: subsection (A) in its entirety

Insert: "(a) (i) two members of the house of representatives, one selected by the speaker of the house and one by the house minority leader; and

(ii) two members of the senate, one selected by the president of the senate and one

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selected by the senate minority leader;"

21. Page 3, line 16 through line 17.

Strike: subsection (IV) in its entirety

Insert: "(iv) two representatives of community corrections providers, one of whom must represent a treatment facility and one of whom must represent a prerelease center."

22. Page 3, line 22 through line 23.

Following: "2015"

Strike: "1" on line 22 through "RECOMMENDATIONS" on line 23

23. Page 3, line 26.

Following: "RECOMMENDATIONS"

Following: ", including data related to the programs established in [sections 1 and 2]"

24. Page 4, following line 1.

Insert: "(4) Data evaluation performed by the council must:

- (a) assess the current electronic records utilized by criminal justice agencies;
- (b) review and list all variables collected in each agency's information management system;
- (c) establish a baseline for historical data comparisons;
- (d) determine whether data is linked to specific offenders through a unique identifying factor;
- (e) review archival data and agencies' data retention policies;
- (f) determine whether presentence investigation reports are completed electronically in the department of corrections' case management system within established statutory timelines;
- (g) review any established data protocols for pretrial services;
- (h) assess if the data collected or recommended to be collected on offenders and programs will provide criminal justice agencies, the legislature, and the public adequate information to determine whether correctional programs produce standardized outcomes across the state and are an efficient use of state resources; and
- (i) review and suggest improvements for behavioral health screening instruments and other screening instruments as needed to ensure the integrity of data that is captured in criminal justice agencies' information management systems.

(5) The council shall examine the feasibility of creating and maintaining a public portal through which criminal justice data can be accessed, including data on court case filings, correctional populations, and historical and legacy data sets."

Renumber: subsequent subsections

25. Page 4, line 6.

Strike: "AND"

26. Page 4, line 7.

Following: "REFORMS"

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Insert: "; and

(d) a narrative of the council's progress on establishing data collection and uniformity standards and any changes that have been implemented as a result of the council's work"

27. Page 4, line 8.

Strike: "IMPLEMENTATION" through "WITH"

28. Page 4, line 9.

Following: "REFORMS"

Strike: ", "

Following: "AND"

Insert: "to"

29. Page 5, line 1.

Following: "INCLUDE"

Insert: ": (a)"

30. Page 5, line 2.

Following: "2015"

Strike: ", AND"

Insert: "; (b)"

31. Page 5, line 4.

Following: "METRICS"

Insert: "; and

(c) the results of initial and ongoing program evaluations that the department is required by [section 6] to conduct, including any identified program deficiencies and the department's plan to correct those deficiencies"

32. Page 5, line 10.

Following: "GRID"

Insert: " -- report"

33. Page 5, line 19.

Following: "EXHAUST"

Insert: "and document"

34. Page 5, following line 19.

Insert: "(2) The grid must recommend the least restrictive placement for offenders based on the result of a validated risk and needs assessment. Placement decisions must be documented in the offender's file and must indicate any other less secure sanction options considered by the probation and parole officer before utilizing a higher level of custody."

Renumber: subsequent subsections

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35. Page 5, line 22.

Following: "PAROLE;"

Strike: "AND"

36. Page 5, line 24.

Following: "LAW ENFORCEMENT PERSONNEL,"

Strike: "AND"

Following: "DETENTION CENTER PERSONNEL"

Strike: "."

Insert: ", contracted service providers, and other interested personnel;"

37. Page 5, line 25.

Strike: "(3) THE DEPARTMENT SHALL"

Insert: "(c)"

Following: "ENSURE"

Insert: "that"

38. Page 5, line 27.

Following: "STATE"

Strike: ". "

Insert: "; (d) ensure that the guidance and procedures established in the grid consider community safety and the needs of the victim and offender;
(e) collect data relating to placement decisions based on the grid; and
(f) aggregate collected data and provide a report to the law and justice interim committee each biennium."

39. Page 5, line 30.

Following: "SERVICES"

Insert: " -- report"

40. Page 6, line 4.

Following: "ADOPT"

Strike: "A"

Insert: "an evidence-based"

Following: "THAT"

Strike: "ENSURES" through "PRACTICES;"

Insert: "measures how closely correctional programs meet the known principles of effective intervention. The tool must measure program content and capacity to ensure the delivery of effective interventions for offenders."

41. Page 6, line 6.

Following: "ENSURE"

Insert: "that"

42. Page 6, line 12.

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Following: "STANDARDS FOR"

Strike: "THE"

Following: "HEALTH"

Insert: "PROGRAMS"

43. Page 6, following line 14.

Insert: "(6) The department shall:

(a) develop and maintain a list of evidence-based treatment curriculums to be utilized in programs operated by or under contract with the department with priority being placed on adopting treatment curriculums that are in the public domain and evidence-based; and

(b) report the results of all initial and ongoing program evaluations to the law and justice interim committee each interim, including any identified program deficiencies and the department's plan to correct those deficiencies."

Renumber: subsequent subsections

44. Page 6, line 15.

Following: "ENSURE"

Insert: "that"

45. Page 6, line 16 through 17.

Strike: "INCLUDE" on line 16 through "PRACTICES" on line 17

Insert: "contain:

(a) minimum program standards that adhere to the evidence-based program evaluation tool adopted as required in subsection (2);

(b) offender eligibility criteria for program entry with the contractor; and

(c) program dosage requirements that conform to evidence-based practices"

46. Page 6, line 18.

Insert: "**Section 7.** Section 3-1-702, MCA, is amended to read:

"**3-1-702. Duties.** The court administrator is the administrative officer of the court.

Under the direction of the supreme court, the court administrator shall:

(1) prepare and present judicial budget requests to the legislature, including the costs of the state-funded district court program;

(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;

(3) report annually to the law and justice interim committee and at the beginning of each regular legislative session report to the house appropriations subcommittee that considers general government on the status of development and procurement of information technology within the judicial branch, including any changes in the judicial branch information technology strategic plan and any problems encountered in deploying appropriate information technology within the judicial branch. The court administrator shall, to the extent possible, provide that current and future applications are coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in 2-17-521.

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(4) recommend to the supreme court improvements in the judiciary;
(5) administer legal assistance for indigent victims of domestic violence, as provided in 3-2-714;
(6) administer state funding for district courts, as provided in chapter 5, part 9;
(7) administer and report on the child abuse court diversion pilot project provided in 41-3-305;
(8) administer the pretrial program provided for in [section 1];
~~(8)~~(9) administer the judicial branch personnel plan; and
~~(9)~~(10) perform other duties that the supreme court may assign. (Subsection (7) terminates June 30, 2017--sec. 7, Ch. 376, L. 2015.)"

Renumber: subsequent sections

47. Page 6, line 26.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

48. Page 7, line 27.

Strike: "[SECTIONS 1 AND 2] ARE"

Insert: "[Section 1] is"

49. Page 7, line 28.

Following: "INTEGRAL PART OF"

Strike: "TITLE 44, CHAPTER 4, PART 3,"

Insert: "Title 3, chapter 1, part 7,"

50. Page 7, line 28 through line 29.

Strike: "TITLE 44" on line 28 through "3," on line 29

Insert: "Title 3, chapter 1, part 7,"

51. Page 7, line 29.

Strike: "[SECTIONS 1 AND 2]."

Insert: "[section 1]."

(2) [Section 2] is intended to be codified as an integral part of Title 44, chapter 4, part 3, and the provisions of Title 44, chapter 4, part 3, apply to [section 2]."

Renumber: subsequent subsections

52. Page 8, line 12.

Following: "APPROPRIATION"

Insert: "for the purposes of funding [section 3]"

53. Page 8, line 14.

Strike: "9"

Insert: "10"

54. Page 8, following line 14.

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Insert: "(3) If House Bill No. 2 is passed and approved and if it does not include funding for the pretrial program established in [section 1], then [sections 1, 7, and 8] are void."

55. Page 8, line 16.

Strike: "SUBSECTIONS"

Insert: "section"

Strike: "AND (3)"

56. Page 8, line 18 through line 19.

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

Insert: "(2) [Sections 1, 2, 7, 8, and 10] are effective July 1, 2017."

For the Senate:

K. Regier, Chair
Vincent
R. Webb

For the House:

Lynch, Vice Chair
Brodehl
Patelis

MOTIONS

Majority Leader Thomas moved that **HB 473** be taken from the Highways and Transportation Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 618** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Sands moved that **HB 142** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

Total 22

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

Total 28

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

Senator Webb moved that **HB 287** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion **passed** as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Thomas, Vance, Vincent, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, April 6, 2017, the seventy-second legislative day. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate