

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

Helena, Montana
April 12, 2017

Senate Chambers
State Capitol

Senate convened at 10:30 a.m. President Sales presiding. Invocation by Senator Hinkle. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Swandal excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/12/2017

Correctly printed: **SR 39, SR 45, SR 51, SR 58, SR 63, SR 66, SJ 25, SJ 28, SJ 29, HB 6, HB 7, HB 9, HB 11, HB 133, HB 142, HB 614, HB 622, HB 623, HB 633, HB 652, HB 653, HB 660.**

Correctly engrossed: **SB 133, SB 390, HB 5, HB 308, HB 391, HB 434, HB 473, HB 562, HB 565, HB 600, HB 618, HB 639, HB 648, HB 650.**

Correctly enrolled: **SB 27, SB 208, SB 227, SB 268, SB 281, SB 282, SB 283, SB 307, SB 314, SB 325, SR 3, SR 20, SR 21, SR 43, SR 44, SR 57, SR 59, SR 60, SR 61, SR 65, SJ 13, SJ 15, SJ 18.**

Examined by the sponsor and found to be correct: **SB 27, SB 208, SB 254, SB 268, SB 278, SB 279, SB 281, SB 282, SB 283, SB 314, SB 325, SR 57, SJ 15.**

Transmitted to the House: **SJ 23, SJ 24, SJ 27, HB 216, HB 224, HB 225, HB 228, HB 339, HB 365, HB 429, HB 433, HB 604.**

Signed by the President at 8:25 a.m., April 12, 2017: **SB 319.**

Signed by the Secretary of the Senate at 8:25 a.m., April 12, 2017: **SB 319.**

Signed by the Speaker at 9:00 a.m., April 12, 2017: **SB 319.**

Delivered to the Governor at 10:08 a.m., April 12, 2017: **SB 319.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/11/2017

SR 63, be adopted.

HB 614, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/11/2017

SR 58, be adopted.

HB 633, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 4/11/2017

HB 618, be amended as follows:

1. Title, page 1, line 5.

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Following: "RATES;"

Insert: "PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS;"

2. Page 1, line 17.

Strike: "\$1.20"

Insert: "\$3"

3. Page 1, line 20.

Strike: "\$2.20"

Insert: "\$7"

4. Page 2, line 10.

Following: "purpose of"

Insert: ": (i)"

5. Page 2, line 12

Following: "homes"

Strike: " "

Insert: "; and

(ii) in each year of the biennium beginning July 1, 2017, providing a wage increase of 50 cents per hour to certified nursing assistants working in nursing facilities, provided in increments of 25 cents per hour every 6 months."

6. Page 2, line 17.

Following: "(1)"

Insert: "(a)"

7. Page 2, line 18.

Strike: "\$1,788,492"

Insert: "\$4,427,982"

8. Page 2, line 19.

Strike: "\$3,278,902"

Insert: "\$10,331,958"

9. Page 2.

Following: line 19

Insert: "(b) Of the amount appropriated in subsection (1)(a), \$584,120 must be used in fiscal year 2018 and \$1,365,085 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(1)(c)(ii)."

10. Page 2, line 20.

Following: "(2)"

Insert: "(a)"

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11. Page 2, line 21.

Strike: "\$3,389,539"

Insert: "\$8,391,884"

Strike: "\$6,370,603"

Insert: "\$20,074,039"

12. Page 2.

Following: line 22

Insert: "(b) Of the amount appropriated in subsection (2)(a), \$1,103,112 must be used in fiscal year 2018 and \$2,577,968 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(1)(c)(ii)."

And, as amended, be concurred in.

HB 648, be amended as follows:

1. Title, page 1, line 9.

Following: "APPROPRIATION;"

Insert: "DIRECTING COAL SEVERANCE TAX TO THE GENERAL FUND FOR STATUTORY APPROPRIATION TO THE PENSION SYSTEM; PROVIDING FOR A STATUTORY APPROPRIATION; CREATING STATE SPECIAL REVENUE ACCOUNTS; TEMPORARILY EXPANDING USAGE OF STATE PARK FUNDS;"

2. Title, page 1, line 10.

Following: "47-7-502;"

Insert: "17-7-502, 61-3-321, 75-10-743,"

3. Title, page 1, line 10.

Following: "MCA;"

Insert: "AMENDING SECTION 3, CHAPTER 115, LAWS OF 2017; AMENDING SECTION 11, CHAPTER 400, LAWS OF 2015;"

4. Title, page 1, line 11.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

5. Page 1, line 15.

Following: "transfers."

Insert: "(1)"

6. Page 1, line 17.

Strike: subsection (1) in its entirety

7. Page 1, line 18.

Strike: "(2)"

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Insert: "(a)"

8. Page 1, line 19.

Strike: "(3)"

Insert: "(b)"

9. Page 1.

Following: line 19

Insert: "(2) By August 15, 2017, the state treasurer shall transfer \$120,000 from the water storage state special revenue account established in 85-1-631 to the ground water assessment state special revenue account provided for in 85-2-905."

10. Page 2.

Following: line 6

Insert: "NEW SECTION. Section 3. Supplemental state contribution -- appropriation.

(1) (a) For the fiscal

year beginning July 1, 2017, the state shall contribute \$31.386 million and for the fiscal year beginning July 1, 2018, the state shall contribute \$31.958 million from the general fund to the public employees' retirement system pension trust as a supplemental contribution to the public employees' retirement system.

(b) Starting in the fiscal year beginning July 1, 2019, the state shall contribute from the general fund to the public employees' retirement system pension trust 101% of the contribution from the previous years as a supplemental contribution to the public employees' retirement system.

(c) The 69th legislature shall review the performance of subsection (1)(b) and make recommendations for adjustments as needed.

(2) This contribution is statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust fund."

Renumber: subsequent sections

11. Page 2, line 10.

Following: "department"

Insert: "related to animal health"

12. Page 2, line 13.

Strike: "animal health"

Insert: "laboratory"

13. Page 2, line 18.

Insert: "NEW SECTION. Section 5. Basic library services account. There is a basic library services account in the state special revenue fund established by 17-2-102 to be administered by the state library for providing basic library services."

Insert: "NEW SECTION. Section 6. Conservation district account. There is a conservation district account in the state special revenue fund established by 17-2-102 to be administered by the department of natural resources and conservation for providing funding for conservation districts."

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Insert: "NEW SECTION. Section 7. Growth through agriculture account. There is a growth through agriculture account in the state special revenue fund established by 17-2-102 to be administered by the department of agriculture for providing funding for the growth through agriculture program."

Renumber: subsequent sections

14. Page 2, line 27.

Strike: "0.93%"

Insert: "0.85% in fiscal year 2018 and 0.88% in fiscal year 2019"

15. Page 2, line 29.

Following: "networking"

Insert: "and must be deposited in the basic library services account established in [section 5]"

16. Page 2, line 30.

Strike: "3.71%"

Insert: "3.89% in fiscal year 2018 and 3.83% in fiscal year 2019"

17. Page 3, line 1.

Following: "districts"

Insert: "and deposited in the conservation district account established in [section 6]"

18. Page 3, line 2.

Strike: "0.82%"

Insert: "0.72% in fiscal year 2018 and 0.75% in fiscal year 2019"

Following: "Act"

Insert: "and deposited in the growth through agriculture account established in [section 7]"

19. Page 3, line 24 through line 26.

Strike: "AND IS" on line 24 through "19-3-103" on line 26

20. Page 4, line 8.

Strike: "; AND"

21. Page 4, line 9 through line 13.

Strike: subsection (iv) through subsection (c) in their entirety

22. Page 4, line 27.

Strike: "0.93%"

Insert: "0.90% in fiscal year 2020 and 0.93% in fiscal year 2021 and in each fiscal year thereafter"

23. Page 4, line 29.

Following: "networking"

Insert: "and must be deposited in the basic library services account established in [section 5]"

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24. Page 4, line 30.

Strike: "3.71%"

Insert: "3.77% in fiscal year 2020 and 3.71% in fiscal year 2021 and in each fiscal year thereafter"

Following: "allocated to"

Insert: "the department of natural resources and conservation for"

Following: "districts"

Insert: "and deposited in the conservation district account established in [section 6]"

25. Page 5, line 1.

Strike: "0.82%"

Insert: "0.79% in fiscal year 2020 and 0.82% in fiscal year 2021 and in each fiscal year thereafter"

Following: "Act"

Insert: "and deposited in the growth through agriculture account established in [section 7]"

26. Page 5, line 20.

Strike: "(A) SUBJECT TO SUBSECTION (11)(B), ALL"

Insert: "All"

27. Page 5, line 21.

Following: "state"

Insert: "."

28. Page 5, line 22 through line 30.

Strike: line 22 through line 30

29. Page 7, line 25.

Insert: "**Section 9.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; [section 3]; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108;

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53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)"

Insert: "Section 10. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

- (a) if the vehicle is 4 or less years old, \$217;
- (b) if the vehicle is 5 through 10 years old, \$87; and
- (c) if the vehicle is 11 or more years old, \$28.

(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

- (a) if the declared weight is less than 6,000 pounds, \$61.25; or

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(b) if the declared weight is 6,000 pounds or more, \$148.25.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, \$10; and

(b) under 2,850 pounds, \$5.

(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, \$282.50;

(ii) 2 years old and less than 5 years old, \$224.25;

(iii) 5 years old and less than 8 years old, \$132.50; and

(iv) 8 years old and older, \$97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of \$237.50;

(ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be deposited in the account established under 61-6-158;

(iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

(iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, \$72; and

(b) 16 feet in length or longer, \$152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is \$60.50.

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(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of \$40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of \$20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

(b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is \$25.

(c) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited

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in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks or as otherwise appropriated by the legislature, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

Insert: "Section 11. Section 75-10-743, MCA, is amended to read:

"75-10-743. Orphan share state special revenue account -- reimbursement of claims -- payment of department costs. (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and, except as provided in subsections (9), (10), and (11), must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-751, to provide funding for the department of justice for investigations pursuant to its natural resource damage program, to pay costs incurred by the department in defending the orphan share, and to pay remedial action costs incurred by the department pursuant to subsection (12). Any amounts provided for investigations must be returned to the account, with interest, from the settlement proceeds of a claim made under the natural resource damage program within 30 days of receiving settlement proceeds.

(2) There must be deposited in the orphan share account:

(a) all penalties assessed pursuant to 75-10-750(12);

(b) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;

(c) unencumbered funds remaining in the abandoned mines state special revenue account;

(d) interest income on the account;

(e) funds received from settlements pursuant to 75-10-719(7); and

(f) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share account contains sufficient money, valid claims must be reimbursed

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subsequently in the order in which they were received by the department. If the orphan share account does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share account, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share account does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsections (6) and (7), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share account until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Except as provided in subsection (6), reimbursement from the orphan share account must be limited to actual documented remedial action costs incurred after the date of a petition provided for in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-751 in proportion to their allocated shares. The orphan share account is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share account, the department's costs incurred in defending the orphan share must be paid from the orphan share account in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share account, persons participating in the allocation under 75-10-742 through 75-10-751 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share account and must be reimbursed as provided in subsection (3).

(c) A state agency that is liable for remedial action costs incurred has a claim against the orphan share account and must be reimbursed as provided in subsection (3). The agency may submit a claim before or after remedial action is complete. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs. The agency may be reimbursed only after:

(i) its liability has been determined pursuant to 75-10-742 through 75-10-751 or by a court of competent jurisdiction;

(ii) it has received a notice letter pursuant to 75-10-711; and

(iii) the department has approved the costs.

(7) (a) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(b) The department may reimburse claims from a lead liable person upon completion and department approval of a report evaluating the nature and extent of contamination and a report formulating and evaluating final remediation alternatives. This early reimbursement is limited to those eligible costs incurred by the lead liable person for the preparation of the reports.

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(8) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share account for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

(9) (a) For the biennium beginning July 1, 2005, up to \$1.25 million may be used by the department to pay the costs incurred by the department in contracting for evaluating the extent of contamination and formulating final remediation alternatives for releases at the Kalispell pole and timber, reliance refinery company, and Yale oil corporation facility complex. If the department spends less than \$1.25 million for those purposes, the remaining funds must be spent for remediation of the facility complex. The department may not seek recovery of the \$1.25 million from potentially liable persons.

(b) The money spent pursuant to subsection (9)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement for payment of the remedial action costs at the facility for which the money was spent.

(10) (a) The department shall transfer from the orphan share account to the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 \$1.2 million in each fiscal year until the board of investments makes the certification pursuant to subsection (10)(b) of this section.

(b) (i) The board of investments shall monitor the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 to determine when the amount of money in the long-term or perpetual water treatment permanent trust fund will be sufficient, with future earnings, to provide a fund balance of \$19.3 million on January 1, 2018.

(ii) When the board of investments makes the determination pursuant to subsection (10)(b)(i), the board of investments shall notify the department and certify to the department the amount of money, if any, that must be transferred during the fiscal year in which the board of investments makes its determination pursuant to subsection (10)(b)(i) in order to provide a fund balance of \$19.3 million on January 1, 2018.

(iii) In the fiscal year that the board of investments makes its determination and notifies the department, the department shall transfer only the amount certified by the board of investments, if any, and may not make additional transfers during subsequent fiscal years.

(c) After July 1, 2018, the department shall transfer \$1.2 million in each fiscal year from the orphan share state special revenue account to the environmental quality protection fund provided in 75-10-704.

(11) The orphan share account is subject to legislative fund transfers.

(12) Except as provided in subsection (13), the department may use the orphan share account to:

(a) take remedial action at a facility where there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment and there is no readily apparent person who is financially viable and potentially liable under 75-10-715 to conduct the remedial action; or

(b) fund the administration of data collection, the monitoring of the performance of remedial action, and the initial assessment of a facility to determine whether that facility may be closed or delisted.

(13) The department may not use for data collection, initial assessments, or monitoring

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pursuant to subsection (12)(b) more than 20% of the funds appropriated from the orphan share account for the bienniums beginning July 1, 2015, and ending June 30, 2025. For the bienniums beginning July 1, 2025, no more than 15% of the funds appropriated from the orphan share account may be used for data collection, initial assessments, or monitoring pursuant to subsection (12)(b).

(14) On or before July 1 of each year, the department shall report to the environmental quality council the amount of funds from the orphan share account used pursuant to subsection (12), the type of expenditures made, and the identity and location of facilities addressed. (Subsection (10)(c) terminates June 30, 2027--sec. 5, Ch. 387, L. 2015.)"

Renumber: subsequent sections

30. Page 8, line 15.

Strike: "[SECTION 3]"

Insert: "[Section 4]"

31. Page 8, line 16.

Strike: "health"

Insert: "laboratory"

32. Page 11, lines 13 through 16.

Strike: section 8 in its entirety

Insert: "Section 15. Section 3, Chapter 115, Laws of 2017, is amended to read:

"Section 3. Recommendations to reduce expenditures. (1) Except as provided in subsection (4), the budget director, taking into account the criteria provided in subsection (2), shall mandate reductions to agency expenditures of at least \$10 million for the biennium ending June 30, 2017.

(2) Prior to mandating reductions, the budget director shall consider whether an agency program is mandatory or permissive and analyze the impact of the proposed reduction in spending on the purpose of the program. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(3) The budget director shall submit an itemized list of mandated reductions to the 65th legislature by March 22, 2017.

(4) The budget director may not mandate reductions in spending for the following:

- (a) payment of interest and principal on state debt;
- (b) the legislative branch;
- (c) the judicial branch;
- (d) the school BASE funding program, including special education; and
- (e) salaries of elected officials during their terms of office;
- (f) the department of justice;
- (g) the secretary of state;
- (h) the office of public instruction;
- (i) the public service commission; and
- (j) the state auditor's office."

Insert: "Section 16. Reductions to appropriations for fiscal year 2017. The following

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appropriations for fiscal year 2017, as enacted in House Bill No. 2 in Ch. 400, Laws of 2015, are reduced
as follows, is amended to read:

"Department of Justice

Agency Legal Services from \$6,995,799 in general fund to \$6,870,799.

Office of Public Instruction

School Facility Reimbursement from \$8,586,000 in state special revenue to \$0."

Insert: "NEW SECTION. Section 17. Codification instruction. (1) [Section 3] is intended to be codified as an integral part of Title 19, chapter 3, part 3, and the provisions of Title 19, chapter 3, part 3, apply to [section 3].

(2) [Section 4] is intended to be codified as an integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [section 4].

(3) [Section 5] is intended to be codified as an integral part of Title 22, chapter 1, part 2, and the provisions of Title 22, chapter 1, part 2, apply to [section 5].

(4) [Section 6] is intended to be codified as an integral part of Title 76, chapter 15, part 1, and the provisions of Title 76, chapter 15, part 1, apply to [section 6].

(5) [Section 7] is intended to be codified as an integral part of Title 90, chapter 9, part 1, and the provisions of Title 90, chapter 9, part 1, apply to [section 7]."

Insert: "COORDINATION SECTION. Section 18. Coordination instruction. If both [this act] and House Bill No. 2 are passed and approved and if House Bill No. 2 does not contain a restricted appropriation to the department of administration for the supplemental state contribution referenced in [section 3] in the amount of \$1,649,000 in the fiscal year beginning July 1, 2017, and \$1,657,000 in the fiscal year beginning July 1, 2018, the amount of the contribution in [section 3(1)(a) of this act] is increased by \$1,649,000 in the fiscal year beginning July 1, 2017, and by \$1,657,000 in the fiscal year beginning July 1, 2018."

Insert: "NEW SECTION. Section 19. 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

33. Page 11, line 27.

Strike: "[Section 2]"

Insert: "[Sections 2, 10, and 15]"

34. Page 11, line 28.

Insert: "NEW SECTION. Section 21. Termination. [Section 10] terminates June 30, 2019."

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

4/11/2017

SR 39, be adopted.

SR 51, be adopted.

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Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 7, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, April 7, 2017, I signed the following bills:

SB 20 - N. Swandal
SB 81 - N. Swandal
SB 121 - E. Buttrey
SB 149 - D. Kary
SB 151 - D. Brown
SB 178 - N. Swandal
SB 219 - E. Buttrey

I have also vetoed **Senate Bill 32** - K. Regier.

Sincerely,

STEVE BULLOCK
Governor

April 10, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, April 10, 2017, I signed the following bills:

SB 58 - M. McNally

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SB 65 - C. Wolken
SB 113 - F. Moore
SB 169 - B. Hoven

I am also returning the following Senate Bills with amendments:

SB 127 - M. Moe
SB 155 - M. Lang

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/11/2017

SB 227, introduced by J. Cohenour

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/11/2017

SB 29, introduced by D. Sands
SB 111, introduced by K. Regier
SB 241, introduced by E. Buttrey
SB 299, introduced by T. Richmond
SB 315, introduced by C. Vincent
SB 344, introduced by F. Moore

Senate bill returned to the Senate with adverse committee report: 4/11/2017

SB 354, introduced by M. Caferro

SPECIAL ORDERS OF THE DAY

The Senate enjoyed the "Stars and Stripes Forever," played by a quartet of pianists from the House of Representatives comprised of Representatives Wendy McKamey, Lola Sheldon-Galloway, and Tom Burnett, and House staff member Abigail Konen.

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**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. Mr. President in the Chair.

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

SB 155 - Governor's Amendments - Majority Leader Thomas moved consideration of **SB 155** be placed at the top of the second reading board. Without objection, so ordered.

SB 155 - Governor's Amendments - Senator Lang moved Governor's amendments to **SB 155** be concurred in. Motion carried as follows:

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

Total 42

Nays: Blasdel, Brown, Fielder, Hinebauch, Moore, Osmundson, Richmond.

Total 7

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

Senator Lang assumed the chair.

SJ 25 - Senator R. Webb moved **SJ 25** do pass. Motion carried as follows:

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

Total 41

Nays: Hinebauch, Howard, Keenan, Osmundson, Regier, Vance, Vincent, Mr. President.

Total 8

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Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

Senator Swandal present at this time.

SJ 26 - Senator Fitzpatrick moved **SJ 26** do pass. Motion **failed** as follows:

Yeas: Ankney, Brown, Buttrey, Cohenour, Connell, Fitzpatrick, Gauthier, Jones, Moore, Phillips, Salomon, Sesso, Small, Thomas, Welborn, Whitford.

Total 16

Nays: Barrett, Blasdel, Boland, Caferro, Facey, Fielder, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Sands, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Wolken, Mr.President.

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 59 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. Resolution adopted 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, 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: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SR 60 - Senator Salomon moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 60**. Resolution 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, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 61 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 61**. Resolution 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, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 65 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 65**. Resolution 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,

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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

SB 127 - Governor's Amendments - Senator Sesso moved Governor's amendments to **SB 127** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Brown, Fitzpatrick, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280 - Senator S. Sales moved consideration of **HB 280**, Conference Committee Report, be placed at the bottom of the second reading board. Without objection, so ordered.

HB 133 - Senator MacDonald moved **HB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken.
Total 37

Nays: Blasdel, Brown, Fitzpatrick, Hinebauch, Howard, Keenan, Olszewski, Regier, Smith C,

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Smith F, Webb, Welborn, Mr.President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 Lang 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, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

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

4/12/2017

SR 66, be adopted.

HB 653, be concurred in.

HB 660, be concurred in.

FINANCE AND CLAIMS (Jones, Chair):

4/12/2017

HB 473, be amended as follows:

1. Title, page 1, line 8.

Following: the first "PROJECTS"

Strike: ", "

Insert: "AND"

Strike: ", AND HIGHWAY PATROL FUNCTIONS"

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2. Title, page 1, line 12.

Following: "APPROPRIATION"

Insert: "AND AN APPROPRIATION"

3. Page 3, line 2.

Strike: "57%" through "greater,"

4. Page 3, line 4.

Following: "commission"

Insert: ":",

(i) \$12.5 million for fiscal year 2018; and

(ii) 35% or \$9.8 million, whichever is greater, for fiscal year 2019 and thereafter

5. Page 3, line 5 through line 6.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

6. Page 3, line 14 through line 15.

Strike: "By" on line 14 through "section." on line 15

Insert: "The department of transportation shall allocate funds provided for in [section 2(2)(b)] collected between January 1 and December 31 of the previous year."

7. Page 3, line 16.

Strike: "September"

Insert: "March"

Following: "2018"

Insert: ", and allocations must be made each March 1 thereafter"

Strike: "2(2)(c)"

Insert: "2(2)(b)"

8. Page 3, line 25.

Strike: "September 1"

Insert: "March 1 and November 1"

9. Page 3, line 26.

Strike: "and July 1 of the following year"

10. Page 4, line 27.

Strike: "September"

Insert: "March"

11. Page 4, line 30.

Strike: "2(2)(c)"

Insert: "2(2)(b)"

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12. Page 5, line 5.

Strike: "July"

Insert: "November"

13. Page 5, line 7.

Strike: "July"

Insert: "November"

14. Page 5, line 9.

Strike: "2(2)(c)"

Insert: "2(2)(b)"

15. Page 5, line 20.

Strike: "2(2)(c)"

Insert: "2(2)(b)"

16. Page 5, line 22.

Strike: "March 31"

Insert: "June 30"

17. Page 6.

Following: line 13

Insert: "(5) By June 30, 2019, there must be a followup to the performance audit provided for in this section that includes a review of the progress of the department of transportation on recommendations resulting from the audit and information on:

(a) the number of full-time equivalent employees employed by the department of transportation;

(b) department costs per full-time equivalent employee;

(c) pay increases provided to employees in the previous year;

(d) department costs per road mile constructed; and

(e) the total cost of contracted labor.

(6) Following review by the legislative audit committee, the audit followup to the performance audit must be presented to the revenue and transportation interim committee provided for in 5-5-227."

18. Page 6, line 21.

Following: "highways;"

Insert: "and"

19. Page 6, line 22.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

20. Page 6, line 25.

Strike: "(2)(b)(iii)"

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Insert: "(2)(b)(ii)"

21. Page 10, line 9.

Strike: "35 cents"

22. Page 10, line 10.

Following: "distributor"

Insert: "·"

- (i) 31.5 cents in fiscal years 2018 and 2019;
- (ii) 32 cents in fiscal years 2020 and 2021;
- (iii) 32.5 cents in fiscal year 2022; and
- (iv) 33 cents in fiscal year 2023 and thereafter

23. Page 10, line 11.

Strike: "35 cents"

24. Page 10, line 12.

Following: "distributor"

Insert: "·"

- (i) 29.25 cents in fiscal years 2018 and 2019;
- (ii) 29.45 cents in fiscal years 2020 and 2021;
- (iii) 29.55 cents in fiscal year 2022; and
- (iv) 29.75 cents in fiscal year 2023 and thereafter

25. Page 10, line 21.

Strike: "the revenue from 8 cents of the"

Insert: "the remaining revenue from the gasoline"

26. Page 10, line 23.

Strike: "the revenue from 7 1/4 cents of the"

Insert: "the remaining revenue from the special fuel"

27. Page 17, line 1 through line 2.

Strike: "and the bridge" on line 1 through "[section 2]"

28. Page 22.

Following: line 5

Insert: "NEW SECTION. Section 25. Appropriation. There is appropriated to the department of transportation \$12.5 million in fiscal year 2018 and \$9.8 million in fiscal year 2019 from the state special revenue account provided for in [section 2]. The department shall fully expend all state special revenue appropriation authority provided in the 2019 biennium version of House Bill No. 2 for contractor payments within the Construction Program, including the state special revenue appropriation for Highway Construction Contractor Payments (Restricted), before using the appropriation provided for in this section."

Insert: "NEW SECTION. Section 26. Implementation. The department of transportation

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shall implement the local match program provided for in [section 3] within existing resources."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 565, be amended as follows:

1. Title, page 1, line 5.

Following: "2019;"

Insert: "REVISING THE GROWTH RATE FOR THE REIMBURSEMENT FOR CLASS EIGHT TAX RATE REDUCTIONS AND EXEMPTIONS;"

2. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, page 1, line 7.

Following: "15-1-121,"

Insert: "15-1-123, AND 20-9-630,"

4. Page 2, line 30.

Strike: "The"

Insert: "Except as provided in subsection (7)(b), the"

5. Page 3, line 7.

Strike: "subsection"

Insert: "subsections"

Following: "(4)(b)(iv)"

Insert: "and (7)(b)"

6. Page 4, line 18 through line 19.

Strike: "Except" on line 18 through "basis." on line 19

7. Page 5, line 21.

Following: "(7)"

Insert: "(a)"

8. Page 5, line 28.

Following: line 27

Insert: "(b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in 15-1-123(2). The department shall calculate the portion of the entitlement share pool attributable to the reimbursement in 15-1-123(2), including the application of the growth rate in previous fiscal years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth

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rate for that portion of the entitlement share pool as provided in 15-1-123(2).

(c) The growth amount resulting from the application of the growth rate in 15-1-123(2) must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section."

9. Page 6, line 2.

Strike: "Except" through "one-half"

Insert: "One-half"

10. Page 6, line 5 through line 6.

Strike: line 5 through line 6 in their entirety

11. Page 6, line 13.

Strike: line 13 in its entirety

12. Page 6, line 26 through line 29.

Strike: subsection (b) in its entirety

Insert: "(b) A payment required pursuant to this section must be withheld if a local government:

(i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and

(ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or any other amounts owed to the state or another taxing jurisdiction, as otherwise required by law, within 45 days of the end of a month.

(c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(i) file a financial report required by 15-1-504;

(ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

(iii) remit any other amounts owed to the state or another taxing jurisdiction."

13. Page 7, line 1.

Insert: "**Section 2.** Section 15-1-123, MCA, is amended to read:

"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations. (1) For the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall for the fiscal years ending June 30, 2014, and June 30, 2015, estimate for reimburse each local government, as defined in 15-1-121(5), each school district, the county retirement fund under 20-9-501, the countywide school transportation reimbursement under 20-10-146, each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-108 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138

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had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference is the annual reimbursable amount for each local government, each school district, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-108.

(2) ~~(a)~~ The department shall distribute the reimbursements calculated in subsection (1) to local governments with the entitlement share payments under 15-1-121(7) for the fiscal year ending June 30, 2015. Local government reimbursements for subsequent years are made pursuant to the entitlement share recomputation as provided in 15-1-121(6). For fiscal year 2018 and thereafter, the growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.

~~(b)~~ For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each local government. By June 15, 2014, the department shall distribute the amount determined under this subsection ~~(2)(b)~~ for local governments as provided in 15-1-121(6)(a).

(3) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to school districts with the block grants pursuant to 20-9-630 for the fiscal year ending June 30, 2015. School district reimbursements for subsequent fiscal years are made pursuant to 20-9-630.

~~(b)~~ For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each school district. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection ~~(3)(b)~~ in the same manner as the block grant is distributed by fund under 20-9-630.

(4) ~~(a)~~ For the fiscal year ending June 30, 2015, the The amount determined under subsection (1) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.

~~(b)~~ For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each tax increment financing district. By June 15, 2014, the department shall distribute the amount determined under this subsection ~~(4)(b)~~ to each tax increment financing district as provided in 15-1-121(8) and to any other tax increment financing district that is entitled to a reimbursement under this section.

(5) (a) For the fiscal year ending June 30, 2015, the The amount determined under subsection (1) for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-108.

~~(b)~~ For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for the 6-mill university levy. By June 15, 2014, the department of administration shall transfer the amount determined under this subsection ~~(5)(b)~~ from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.

~~(c)(b)~~ Beginning in fiscal year 2013, the The department of administration shall transfer

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the ~~amounts~~ amount determined under this subsection (5) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.

(6) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to the countywide retirement fund under 20-9-501 ~~for the fiscal year ending June 30, 2015~~. One-half of the amount must be distributed in November and the remainder in May.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (6)(b) to the countywide retirement fund.~~

(7) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to the county transportation fund reimbursement under 20-10-146 ~~for the fiscal year ending June 30, 2015~~. The reimbursement must be made at the same time as countywide school transportation block grants are distributed under 20-9-632.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (7)(b) to the county transportation reimbursement."~~

Insert: "Section 3. 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).

(b) Block grants must be calculated using 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 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~~ 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~~

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~~received under 15-1-123(3)(b).~~

(b) The block grant for the district transportation fund is equal to the amount received in fiscal year 2011 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); ~~except the amount received under 15-1-123(3)(b).~~

(c) (i) The combined fund block grant is equal to the amount received in fiscal year 2011 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."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 639, be amended as follows:

1. Title, page 1, line 6.

Following: "ACT;"

Insert: "PROVIDING MEDICAID CASELOAD RESTRICTIONS; PROVIDING LIMITATIONS ON TRANSFERS OF FUNDING FOR THE MONTANA DEVELOPMENTAL CENTER; PROVIDING FOR A STATUTORY APPROPRIATION;"

2. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS 17-7-502 AND"

3. Page 1, line 10.

Insert: "NEW SECTION. Section 1. Medicaid caseload contingent funding -- restrictions.

(1) The appropriations to the department of public health and human services in House Bill No. 2, under "Medicaid Caseload Contingency" only occur:

(a) for fiscal year 2018, if nonrestricted general fund expenditures for the department, including accruals, exceed \$501,016,552 during the fiscal year; and

(b) for fiscal year 2019, if nonrestricted general fund expenditures for the department, including accruals, exceed \$514,663,100 during the fiscal year.

(2) The House Bill No. 2 appropriation amounts provided for in subsections (1)(a) and (1)(b) are based on the amount of nonrestricted general fund appropriations for fiscal years 2018 and 2019. The amounts of \$501,016,552 for fiscal year 2018 and \$514,663,100 for fiscal year 2019 are superseded by the total of nonrestricted general fund appropriations for each separate fiscal year, as reflected in House Bill No. 2 as passed and approved."

"NEW SECTION. Section 2. Montana developmental center -- requirements. The appropriation to the department of public health and human services in House Bill No. 2, under "Montana Developmental Center" is restricted to the following:

(a) expenditures at the Montana developmental center; or

(b) transfers pursuant to subsection (2).

(2) The department may transfer from "Montana Developmental Center" for other

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necessary services for individuals served or who would have otherwise been served at the Montana Developmental Center.

(3) If the department transfers funding or full-time equivalents from the appropriation under "Montana Developmental Center", the department must notify the legislative finance committee and the legislative fiscal analyst.

(4) Any information that is confidential or personally identifiable provided pursuant to this section may only be communicated to the legislative fiscal analyst, who will not release the information pursuant to 5-12-303.

Insert: "NEW SECTION. Section 3. Indian health services federal revenue account. (1)

There is an account in the federal special revenue fund established pursuant to 17-2-102 to be known as the Indian health service federal revenue account.

(2) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of public health and human services for medicaid benefits for Indian health services or tribal health services."

Insert: "Section 4. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; [section 3]; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L.

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1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)"

Renumber: subsequent sections

4. Page 1, line 15.

Following: "(2)"

Insert: "(a)"

5. Page 1, line 18.

Strike: "The"

Insert: "For fiscal years 2018 and 2019, the"

6. Page 1, line 19.

Following: "increased"

Insert: ", at a minimum,"

7. Page 1, line 21.

Following: "20-9-326."

Insert: "(b) For each subsequent fiscal year, the conversion factor must be increased, at a minimum, by the same percentage increase as the consumer price index for medical care for the previous year, as calculated by the bureau of labor statistics of the United States department of labor."

8. Page 1, line 22.

Insert: "NEW SECTION. Section 6. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply

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to [section 3]."

Insert: "COORDINATION SECTION. Section 7. Coordination instruction. If House Bill No. 2 and [this act] are both passed and approved and [this act] contains a statutory appropriation for Indian health services and tribal health services funding, the appropriation for the health resources division in House Bill No. 2 is decreased by \$82,373,231 in federal funds in fiscal year 2018 and by \$94,556,232 in federal funds in fiscal year 2019."

Renumber: subsequent sections

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 4/11/2017
HB 623, be concurred in.

TAXATION (Blasdel, Chair): 4/12/2017
HB 391, be amended as follows:

1. Title, page 1, line 10.

Following: "CREDIT;"

Insert: "PROVIDING THAT THE CREDIT MAY NOT BE CLAIMED FOR CERTAIN INCOME;"

2. Page 1, line 15.

Strike: "A"

Insert: "Except as provided in subsection (3), a"

3. Page 1, line 21.

Following: "(3)"

Insert: "(a)"

4. Page 1, line 25.

Following: line 24

Insert: "(b) The credit is not allowed on earned income that is treated as a dividend received by a member of an agricultural organization provided for in section 501(d) of the Internal Revenue Code, 26 U.S.C. 501(d). For the purpose of this subsection (3)(b), the amount of the state tax credit provided for in subsection (2) is reduced by the reduction percentage."

5. Page 1, line 28.

Insert: "(5) For the purpose of this section, the following definitions apply:

(a) "Earned income" means earned income, as defined in section 32 of the Internal Revenue Code, 26 U.S.C. 32, that was used to determine the amount of the federal earned income tax credit under subsection (2).

(b) "Reduction percentage" means a percentage that is calculated by dividing the earned income that is disallowed under subsection (3)(b) by the total amount of earned income.

6. Page 2, line 2.

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Insert: "NEW SECTION. Section 3. 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 section

And, as amended, be concurred in.

Without objection, committee reports were adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Without objection, so ordered. Senate recessed at 11:30 a.m.

Senate reconvened at 12:58 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair):
HB 5, be amended as follows:

4/12/2017

1. Title, page 1, line 7.

Following: "APPROPRIATIONS;"

Insert: "AMENDING SECTION 5, CHAPTER 324, LAWS OF 2011;"

2. Page 2.

Following: line 20

Insert: "Southwestern Montana Veterans' Home 9,831,250 [Authority Only] 9,831,250
 [Total]"

3. Page 3.

Following: line 9

Insert: "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"
Forestry Division Mechanic Shop, Missoula
300,000 [State Special Revenue] 300,000 [Total]

4. Page 4, line 9.

Following: line 8

Insert: "Parks Program Maintenance
2,000,000 [State Special Revenue] 2,000,000 [Total]"

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The department will prioritize projects that address sanitization and safety concerns at state parks with this appropriation."

5. Page 8.

Following: line 2

Insert: "Section 9. Section 5, Chapter 324, Laws of 2011, is amended to read:

"Section 5. Capital project appropriations. (1) There is appropriated ~~\$4,812,500~~ up to \$5,293,750 from state special revenue account established in section 2, Chapter 461, Laws of 2009, to the department of administration for the southwestern Montana veterans' home project.

(2) There is appropriated ~~\$8,937,500~~ \$9,831,250 from the federal special revenue fund to the department of administration for the southwestern Montana veterans' home project.

(3) In the event of a private donation of the amount in subsection (2) and subsequent receipt of federal funds, the federal funds must be deposited in the general fund.

~~(3)~~(4) The department of administration is authorized to transfer the appropriations in subsections (1) and (2) among the necessary fund types for this project.""

Renumber: subsequent sections

6. Page 8, line 6.

Strike: "of at least \$8.1 million"

Following: "ADMINISTRATION"

Insert: "for the Montana law enforcement academy project"

And, as amended, be concurred in.

HB 650, be amended as follows:

1. Title, page 1, line 12.

Strike: "PROVIDING FOR STATUTORY APPROPRIATIONS;

Insert: "REQUIRING THE JUDICIAL BRANCH AND THE OFFICE OF STATE PUBLIC DEFENDER TO DEVELOP PROTOCOLS FOR THE APPOINTMENT OF COUNSEL IN TREATMENT COURTS; TRANSFERRING THE BOARD OF CRIME CONTROL AND ITS FUNCTIONS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF CORRECTIONS; REDUCING THE SIZE OF THE BOARD AND ELIMINATING THE EXECUTIVE DIRECTOR POSITION OF THE BOARD OF CRIME CONTROL;"

Following: "SECTIONS"

Insert: "2-15-2006,"

Strike: "17-7-502,"

Insert: "3-1-318, 15-70-403, 44-1-501, 44-4-313,"

2. Title, page 1, line 13.

Following: "53-30-507,"

Insert: "60-3-201,"

Following: "61-3-224,"

Insert: "61-3-321,"

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3. Page 1, line 14.

Strike: "AND A TERMINATION DATE"

4. Page 1, line 20.

Strike: "\$1,500,000"

Insert: "\$2,970,000"

5. Page 1, line 22.

Strike: "\$8,100,000"

Insert: "\$6,630,000"

6. Page 2, line 4.

Strike: "7.5%"

Insert: "9.6%"

7. Page 2, line 6.

Strike: "5.5%"

Insert: "3%"

8. Page 2, line 8 through line 9.

Strike: subsection (2) in its entirety

Insert: "(2) a 6.6% administrative fee to be deposited in the transportation department's account in the state special revenue fund."

9. Page 2, line 16 through line 17.

Strike: subsection (3) in its entirety

Insert: "(3) Fees collected pursuant to 61-3-321(2) and (7) are deposited in this account."

10. Page 2, line 22 through line 25.

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

Insert: "(2) Funds directed to the account by 15-70-403(8) and 60-3-201(1)(e) must be deposited in the account."

11. Page 2, line 27 through page 4, line 11.

Strike: section 6 in its entirety

Insert: "NEW SECTION. **Section 6. Court-appointed special advocate account.** (1) There is a court-appointed special advocate account in the state special revenue fund. There must be paid into this account the fees collected pursuant to 3-1-318. The money in the account must be used solely for the purpose of providing funding for court-appointed special advocates.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. The supreme court administrator may designate nonprofit organizations that ordinarily provide special advocate services to receive or administer the distribution of the fund."

Insert: "**Section 7.** Section 2-15-2006, MCA, is amended to read:

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"2-15-2006. Board of crime control -- composition -- allocation. (1) There is a board of crime control.

(2) The board is allocated to the department of corrections for administrative purposes only as prescribed in 2-15-121, except that the provisions of 2-15-121(2)(a) and (2)(c) do not apply. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply. The board may:

(a) direct and supervise the budgeting, recordkeeping, reporting, and related administrative and clerical functions of the board; and

(b) collect all revenue for the board and deposit it in the proper fund or account. The board may not use or divert the revenue from the fund or account for purposes other than provided by law.

(3) The board is composed of ~~48~~ 15 members appointed by the governor in accordance with 2-15-124 and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The board shall be representative of state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens and professional and community organizations, including organizations directly related to delinquency prevention.""

Insert: "Section 8. Section 3-1-318, MCA, is amended to read:

"3-1-318. Surcharges upon certain criminal convictions -- exception. (1) Except as provided in subsection (2), all courts of limited jurisdiction, except small claims courts, shall impose a \$10 surcharge on a defendant who is convicted of criminal conduct under state statute or who forfeits bond.

(2) A court may not waive payment of the surcharge unless the court determines that the defendant is unable to pay the surcharge. Inability to pay must be supported by a sworn statement from the defendant demonstrating financial inability to pay without substantial hardship in providing for personal or family necessities. The statement is not admissible in the proceeding unless offered for impeachment purposes and is not admissible in a subsequent prosecution for perjury or false swearing.

(3) The surcharge imposed by this section is not a fee or a fine and must be imposed in addition to other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of any court.

(4) The amounts collected under this section must be ~~forwarded to the department of revenue for deposit in the account created in 44-10-204~~ deposited in the court-appointed special advocate account established in [section 6]."

Insert: "Section 9. Section 15-70-403, MCA, is amended to read:

"15-70-403. Gasoline and special fuel tax -- incidence -- rates. (1) The incidence of the fuel tax is on the distributor for the privilege of engaging in and carrying on business in this state. Each distributor shall pay to the department of transportation a tax in an amount equal to:

(a) 27 cents for each gallon of gasoline distributed by the distributor within the state and upon which the gasoline tax has not been paid by any other distributor;

(b) 27 3/4 cents for each gallon of special fuel distributed by the distributor within the state and on which the special fuel tax has not been paid by any other distributor; and

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(c) 4 cents for each gallon of aviation fuel, other than fuel sold to the federal defense fuel supply center, which is allocated to the department as provided by 67-1-301.

(2) Gasoline or special fuel may not be included in the measure of the distributor's tax if it is sold for export unless the distributor is not licensed and is not paying the tax to the state where the fuel is destined.

(3) Special fuel may not be included in the measure of the distributor's tax if it is dyed by injector at a refinery or terminal for off-highway use.

(4) When no Montana fuel tax has been paid by a distributor or any other person, the department shall collect or cause to be collected from the owners or operators of motor vehicles operating on the public roads and highways of this state a tax equal to the tax rate provided for in subsection (1)(a) for gasoline and subsection (1)(b) for dyed or undyed special fuel. The tax must be paid for each gallon of gasoline or special fuel as defined in this part, or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used to produce motor power to operate motor vehicles on the public roads and highways of this state.

(5) The tax may not be imposed on dyed special fuel delivered into the fuel supply tank of a vehicle that is equipped with a feed delivery box if:

(a) the feed delivery box is permanently affixed to the vehicle;

(b) the vehicle is used exclusively for the feeding of livestock; and

(c) the gross vehicle weight of the vehicle, exclusive of any towed units, is greater than 12,000 pounds.

(6) All special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, and used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of a highway or street and its appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions, must be undyed fuel on which Montana fuel tax has been paid.

(7) Material used for construction, reconstruction, or improvement in connection with work performed under a contract as provided in subsection (6) must be produced using fuel on which Montana fuel tax has been paid.

(8) Of the special fuel tax collected pursuant to subsection (1)(b), 4 cents must be deposited to the highway patrol administration state special revenue account established in [section 5] and the remainder must be deposited to the credit of the department of transportation for the purposes defined in 60-3-201(1)(f)."

Insert: "Section 10. Section 44-1-501, MCA, is amended to read:

"44-1-501. Payment of expenses. ~~At A portion of~~ expenses of the highway patrol ~~shall~~ must be paid out of the ~~transportation department's account in the state special revenue fund~~ highway patrol administration account established in [section 5]."

Insert: "Section 11. Section 44-4-313, MCA, is amended to read:

"44-4-313. Restriction on use of funds. Funds deposited in the domestic violence intervention account may be used only for the program authorized in 44-4-311 and the costs authorized under 44-4-312 and may not be used to pay the expenses of any other program or service administered in whole or in part by the Montana board of crime control or the department of justice corrections."

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Renumber: subsequent sections

12. Page 9, line 22.

Strike: "November 15, 2016"

Insert: "December 6, 2016"

13. Page 9.

Following: line 22

Insert: "**Section 16.** Section 60-3-201, MCA, is amended to read:

"60-3-201. Distribution and use of proceeds of gasoline tax. (1) All money received in payment of the gasoline tax under 15-70-403, except those amounts paid out of the department's suspense account for gasoline tax refund, must be used and expended as provided in this section. The portion of that money on hand at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate and maintain a reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102. After deductions for amounts paid out of the suspense account for gasoline tax refunds, the remainder is allocated as follows:

(a) 9/10 of 1% to the state park account;

(b) 15/28 of 1% to a snowmobile account in the state special revenue fund;

(c) 1/8 of 1% to an off-highway vehicle account in the state special revenue fund;

(d) 1/25 of 1% to the aeronautics revenue fund of the department under the provisions

of 67-1-301; and

(e) 4 cents to the highway patrol administration state special revenue account established in [section 5]; and

~~(e)~~(f) the remaining amount:

(i) for use by the department on the highways in this state selected and designated by the commission;

(ii) for collection of the fuel taxes; and

(iii) for ~~the enforcement of the Montana highway code~~ other authorized uses under Article VIII, section 6, of the constitution of this state except for the Montana highway patrol, and beginning July 1, 2018, for the department of justice motor vehicle division.

(2) The department shall, in expending this money, carry forward construction from year to year, using the money expended in accordance with this title. Nothing in this title conflicts with Title 23 of the United States Code and the rules by which it is administered.

(3) The department may enter into cooperative agreements with the national park service and the federal highway administration for the purpose of maintaining national park approach roads in Montana.

(4) Money credited to the state park account in the state special revenue fund may be used only for the creation, improvement, and maintenance of state parks where motorboating is allowed. The legislature finds that of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

(5) (a) Money credited to the snowmobile account may be used only to develop and maintain facilities open to the general public at no admission cost, to promote snowmobile

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safety, for enforcement purposes, and for the control of noxious weeds.

(b) Of the amounts deposited in the snowmobile account:

(i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third of the 13% deposited must be used for the enforcement of snowmobile laws.

(ii) 1% of the amount deposited must be credited to the noxious weed management special revenue fund provided for in 80-7-816.

(c) The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling registered snowmobiles in this state.

(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.

(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/25 of 1% is used for propelling aircraft in this state."

14. Page 12.

Following: line 9

Insert: "Section 19. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) ~~Unless (a)~~ Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

~~(a)~~(i) if the vehicle is 4 or less years old, \$217;

~~(b)~~(ii) if the vehicle is 5 through 10 years old, \$87; and

~~(c)~~(iii) if the vehicle is 11 or more years old, \$28.

(b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000, the annual registration fee is:

(i) for a vehicle less than 1 year old, 1% of the manufacturer's suggested retail price, plus \$217;

(ii) for a vehicle between 1 and 2 years old, 0.9% of the manufacturer's suggested retail

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price, plus \$217;

(iii) for a vehicle between 2 and 3 years old, 0.8% of the manufacturer's suggested retail price, plus \$217; and

(iv) for a vehicle older than 3 years, the same fee as provided in subsection (2)(a).

(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, \$61.25; or

(b) if the declared weight is 6,000 pounds or more, \$148.25.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, \$10; and

(b) under 2,850 pounds, \$5.

(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) ~~The~~ Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, \$282.50;

(ii) 2 years old and less than 5 years old, \$224.25;

(iii) 5 years old and less than 8 years old, \$132.50; and

(iv) 8 years old and older, \$97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of \$237.50;

(ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be deposited in the account established under 61-6-158;

(iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

(iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(c) For a motor home with a manufacturer's suggested retail price of more than \$150,000, the annual registration fee is:

(i) for a motor home less than 1 year old, 1% of the manufacturer's suggested retail price, plus \$282.50;

(ii) for a motor home between 1 and 2 years old, 0.9% of the manufacturer's suggested retail price, plus \$282.50;

(iii) for a motor home between 2 and 3 years old, 0.8% of the manufacturer's suggested retail price, plus \$282.50; and

(iv) for a motor home older than 3 years, the same fee as provided in subsection (7)(a).

(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle or

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quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

- (a) under 16 feet in length, \$72; and
- (b) 16 feet in length or longer, \$152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is \$60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of \$40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of \$20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

(b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is \$25.

(c) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k),

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(1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.

(22) The amount collected based on manufacturer's suggested retail price in subsections (2) and (7) must be deposited in the account established in [section 4] up to the amount appropriated in the general appropriations act and is exempt from the provisions of 15-1-122. Any remaining amount collected must be deposited in the general fund."

Renumber: subsequent sections

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Following: line 21

Insert: "NEW SECTION. Section 21. Appointment protocols -- transfer of spending authorization. (1) The office of court administrator and the office of state public defender shall work together to develop mutually agreeable protocols for when a public defender is appointed and participates in treatment courts operated by the judicial branch. The protocols must be developed and agreed to by both offices by December 31, 2017.

(2) It is the intent of the legislature that if House Bill No. 77 is passed and approved and provides for an executive director, the office of state public defender shall pay the executive director's salary and benefits for the biennium beginning July 1, 2017."

Insert: "NEW SECTION. Section 22. Transition -- implementation procedure. (1) Except as provided in subsections (2) and (3), the provisions of 2-15-131 through 2-15-137 govern the transfer of the board of crime control and the board's functions from the department of justice to the department of corrections.

(2) The department of corrections shall provide staff and support services to the board of crime control. The legislature intends that the board of crime control shall operate within a level of funding that is reduced by the amount of salary and benefits that was paid to the former executive director and that the position of executive director be eliminated. The board of crime control may eliminate other positions as the board determines to be necessary, subject to the provisions of 2-15-131.

(3) The department of corrections and the board of crime control shall continue to be colocated in office space leased by the department."

Renumber: subsequent sections

16. Page 12, line 29.

Following: "instruction"

Insert: "-- directions to code commissioner"

17. Page 13, line 5.

Following: line 4

Insert: "(4)(a)(i)Section 2-15-2006 is intended to be renumbered and codified as an integral part of Title 2, chapter 15, part 23.

(ii) The code commissioner is instructed to renumber sections in Title 44, chapter 4, part 3, into a new chapter in Title 44.

(b) The code commissioner is instructed to change internal references within and to the renumbered sections enacted or amended by the 65th legislature, to reflect the new section numbers assigned to sections pursuant to this section.

(c) Any enactment, including an enactment of the 65th legislature, that requires that a section be codified in Title 44, chapter 4, part 3, and that is recodified pursuant to this section is intended to be codified as an integral part of the recodified part, and the provisions of the newly recodified part apply to the recodified section."

18. Page 13, line 6.

Following: "instruction."

Insert: "(1)"

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19. Page 13, line 7.

Strike: "of \$8.1 million"

20. Page 13.

Following: line 9

Insert: "(2)If both House Bill No. 473 and [this act] are passed and approved, then [section 3 of this act] is replaced with the following language:

"Section 3. Motor vehicle division administrative fees. The motor vehicle division of the department shall charge, impose, and collect a 3% administrative fee on all fees charged under 23-2-809, 23-2-617, and this title to be deposited into the motor vehicle division administration account established in [section 4 of this act]."

Insert: "NEW SECTION. Section 26. Saving clause. [Sections 7, 11, and 22] do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 27. 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

21. Page 13, line 13.

Strike: ", 4, and 5"

Insert: "and 19"

22. Page 13, line 15.

Strike: section 18 in its entirety

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair):
HB 434, be amended as follows:

4/11/2017

1. Title, line 7.

Following: "IMPROVEMENT"

Insert: "AND PUBLIC ACCESS"

2. Title, line 8.

Strike: "AND"

Insert: ", "

3. Title, line 9.

Following: "HABITAT"

Insert: ", AND IMPROVE PUBLIC ACCESS"

Following: "IMPROVEMENT"

Insert: "AND PUBLIC ACCESS"

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4. Page 1, line 16.

Following: "habitat"

Insert: "and improve public access"

5. Page 1, line 23.

Strike: "8"

Insert: "9"

6. Page 1, line 24.

Following: "Improvement"

Insert: "and Public Access"

7. Page 1, line 26.

Strike: "8"

Insert: "9"

8. Page 1, line 28.

Following: "improvement"

Insert: "and public access"

9. Page 2, line 7.

Following: "improvement"

Insert: "and public access"

10. Page 2, line 8.

Following: "improvement"

Insert: "and public access"

11. Page 2, line 9.

Strike: "8"

Insert: "9"

12. Page 2, line 12.

Strike: line 12 in its entirety

Insert: "(b) a representative of a hunting organization;

(c) a representative of a multiple-use recreation organization;

(d) a representative of the timber industry;"

Renumber: subsequent subsections

13. Page 2, line 30.

Following: "improvement"

Insert: "and public access"

14. Page 3, line 9.

Following: "improvement"

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Insert: "public access"

15. Page 3, line 10.

Strike: "8"

Insert: "9"

16. Page 3, line 25.

Strike: "8"

Insert: "9"

17. Page 3, line 26.

Strike: "8"

Insert: "9"

18. Page 4, line 3.

Following: "IMPROVEMENT"

Insert: "and public access"

19. Page 4, line 26.

Strike: "8"

Insert: "9"

20. Page 5, line 13.

Strike: "and"

21. Page 5, line 14.

Following: "funding"

Insert: "; and

(v) a description of public access projects and weed coordination activities undertaken pursuant to [section 8]"

22. Page 5, line 15.

Following: line 14

Insert: "NEW SECTION. Section 8. Public lands access advocate and noxious weed coordinator. (1) (a) There is a public lands access advocate and noxious weed coordinator who is appointed and directed by the board of land commissioners.

(b) The public lands access advocate and noxious weed coordinator is an employee of the department for administrative purposes only.

(c) The secretary of state shall provide office space for the public lands access advocate and noxious weed coordinator.

(d) Costs associated with the public lands access advocate and noxious weed coordinator may be considered administrative costs paid from funds deposited pursuant to [section 5].

(2) (a) The public lands access advocate and noxious weed coordinator is dedicated to increasing public access opportunities on and to public lands, as defined in 15-30-2380, and to

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surface waters within the state that are capable of recreational use.

(b) The public lands access advocate and noxious weed coordinator shall coordinate noxious weed efforts undertaken on public lands pursuant to [sections 1 through 9].

(3) The public lands access advocate and noxious weed coordinator shall:

(a) promote effective engagement in and use of existing public land access programs and opportunities;

(b) research and identify additional opportunities to increase public access on and to public lands and to surface waters within the state that are capable of recreational use;

(c) propose access projects to the board of land commissioners for consideration, with an emphasis on projects that utilize land exchanges, procurement of access easements, and consolidation of checkerboarded lands, and that protect and enhance wildlife habitat. Approval of the board is required for access projects proposed pursuant to this section.

(d) work with the department and report to the board of land commissioners on all noxious weed projects undertaken pursuant to [sections 1 through 9]."

Renumber: subsequent sections

23. Page 5, line 19.

Strike: "8"

Insert: "9"

24. Page 5, line 20.

Strike: "8"

Insert: "9"

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair):
SR 45, be adopted.

4/12/2017

HIGHWAYS AND TRANSPORTATION (Vance, Chair):
HB 562, be amended as follows:

4/11/2017

1. Page 1, line 27.

Following: "\$100"

Insert: ", community service hours, or both"

2. Page 2, line 20.

Following: "\$100"

Insert: ", community service hours, or both"

3. Page 4, line 10.

Following: "\$100"

Insert: ", community service hours, or both"

And, as amended, be concurred in.

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4/12/2017

TAXATION (Blasdel, Chair):
HB 308, be amended as follows:

1. Page 1, line 15.

Strike: "IN A NEW OR EXPANDED"

Insert: "as a new employee in a"

2. Page 1, line 16 through line 18.

Strike: "A NEW" on page 1, line 16 through "." on line 18

3. Page 1, line 20 through line 22.

Strike: "FOR TAX YEARS" on page 1, line 20 through "(l)" on line 22

Insert: "except as provided in subsection (2)(b),"

4. Page 1, line 22.

Strike: "\$1,000"

Insert: "\$750"

5. Page 1, line 23.

Strike: "(II)" on line 23

Insert: "(b)"

Strike: "\$2,000"

Insert: "\$1,500"

6. Page 1, line 29 through page 2, line 1.

Strike: "The aggregate" on page 1, line 29 through "reached." on page 2, line 1

7. Page 2, line 3.

Strike: "PROGRAM IS A NEW OR EXPANDED"

Insert: "employee is a new employee in an"

8. Page 2, line 15.

Following: "section,"

Insert: "the following definitions apply:

(a) "New employee" means an individual who was not employed as an apprentice or veteran apprentice before [the effective date of this act].

(b)

Strike: "'veteran'"

Insert: "'Veteran'"

9. Page 7, line 26.

Following: "20-9-905"

Strike: "."

Insert: ";

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And, as amended, be concurred in.

Without objection, committee reports were adopted

**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 Lang in the chair.

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

HB 387 - Senator Thomas moved **HB 387** be concurred in. Motion carried 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, Mr.President.
Total 49

Nays: Hinebauch.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 572 - Senator Gross moved **HB 572** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 33

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hoven, Jones, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 17

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 585 - Senator Ankney moved **HB 585** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford.

Total 35

Nays: Barrett, Boland, Brown, Cohenour, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Wolken, Mr.President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 595 - Senator Fielder moved **HB 595** be concurred in. Bill requires a 2/3 vote of the Entire Legislature to pass. The vote failed to reach the required total but will continue to Third Reading with the mathematical possibility of reaching the 2/3 requirement. Second reading vote as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 599 - Senator Kary moved **HB 599** be concurred in. Bill requires a 2/3 vote of the Entire Legislature to pass. The vote failed to reach the required total but will continue to Third Reading with the mathematical possibility of reaching the 2/3 requirement. Second reading vote as follows:

Yeas: Blasdel, Brown, Buttrey, 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, Mr.President.

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 600 - Senator Swandal moved **HB 600** be concurred in.

HB 600 - Senator Swandal moved **HB 600**, second reading copy, be amended as follows:

1. Page 1, line 16.

Following: "known to be"

Strike: "a"

Insert: "the primary"

Amendment **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, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 600 - Bill, as amended, was concurred in as follows:

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

Total 45

Nays: Blasdel, Brown, Hinebauch, Kary, Regier.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 145 - Free Conference Committee Report No. 1 - Senator Buttrey moved the Free Conference Committee report to **HB 145** 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 142 - Senator Gross moved **HB 142** be concurred in. Motion carried as follows:

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

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Total 26

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 280 - Conference Committee Report No. 1 - Senator S. Sales moved the Conference Committee report to **HB 280** be adopted. Motion carried as follows:

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

Total 36

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

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 39 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 39**. Resolution was 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, Mr.President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Thomas moved that **HB 614** be moved to the top of the agenda, and that **SR 45** be taken from the second reading board and placed on second reading. Without objection, so ordered.

Senator Vincent assumed the chair.

HB 614 - Senator Lang moved **HB 614** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vincent, Welborn, Whitford, Wolken, Mr.President.

Total 32

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Hinkle, MacDonald, Malek, McClafferty, McNally, Osmundson, Pomnichowski, Sands, Tempel, Vance, Vuckovich, Webb.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Lang assumed the chair.

SR 45 - Senator Fielder moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 45**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, 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, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: Fielder, Howard, Vance.

Total 3

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 51 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 51**. Resolution 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, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 58 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 58**. Resolution 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, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 63 - Senator Hoven moved that the nominations transmitted by the Governor be concurred

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in and confirmed by the Senate in accordance with **SR 63**. Resolution 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, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 29 - House Amendments - Senator Sands moved House amendments to **SB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, 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, Mr.President.
Total 48

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - House Amendments - Senator K. Regier moved House amendments to **SB 111** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Blasdel, Boland, Cohenour, Facey, Gauthier, Gross, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Sands, Smith F, Vance, Vuckovich, Welborn.
Total 24

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Nays: Ankney, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Jones, Malek, McClafferty, Pomnichowski, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vincent, Webb, Whitford, Wolken, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 - House Amendments - Senator Buttrey moved House amendments to **SB 241** 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, 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: Malek, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299 - House Amendments - Senator Richmond moved House amendments to **SB 299** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Boland, Cohenour, Gross, MacDonald, Malek, Pomnichowski, Sesso, Smith F, Vuckovich, Whitford.
Total 10

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

SB 315 - House Amendments - Senator Vincent moved House amendments to **SB 315** 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

SB 344 - House Amendments - Senator Moore moved House amendments to **SB 344** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Fielder, Kary, Smith C.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 618 - Senator Keenan moved **HB 618** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore,

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Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Small, Smith F, Tempel, Thomas, Webb, Welborn, Whitford.
Total 34

Nays: Blasdel, Brown, Caferro, Fitzpatrick, Hinebauch, Hinkle, Howard, Salomon, Sesso, Smith C, Swandal, Vance, Vincent, Vuckovich, Wolken, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 - Senator Richmond moved **HB 633** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Wolken.
Total 36

Nays: Brown, Fielder, Fitzpatrick, Gross, Hinkle, Keenan, MacDonald, Moore, Salomon, Sesso, Smith C, Vance, Whitford, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - House Amendments - Senator K. Regier moved House amendments to **SB 111** be **not** 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

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 Lang 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, Mr.President.
Total 50

Nays: None.

Total 0

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:

SJ 28 passed 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.

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Total 0

Excused: None.

Total 0

SJ 29 passed 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

SB 42, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, 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, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Howard, Vance.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 92, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

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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: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120, as amended by the House, passed 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

SB 126, as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, 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, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 35

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F.
Total 15

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 6 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, 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 7 concurred in 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 9 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally,

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Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Fielder, Hinebauch, Hinkle, Hoven, Kary, Lang, Moore, Osmundson, Regier,
Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 11 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, 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 344 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, 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.

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Total 0

Excused: None.

Total 0

HB 390 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, 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 550 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, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 622 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,

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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 631 failed as follows:

Yeas: Ankney, Buttrey, Caferro, Connell, Facey, Gauthier, Gross, Hinkle, Keenan, Lang, MacDonald, Moore, Osmundson, Phillips, Salomon, Sands, Sesso, Small, Tempel, Welborn, Whitford, Wolken.
Total 22

Nays: Barrett, Blasdel, Boland, Brown, Cohenour, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Jones, Kary, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Regier, Richmond, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 652 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 16

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 148, as amended by the Governor, concurred in as follows:

Yeas: Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Facey, Fielder, 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, Whitford, Wolken, Mr.President.

Total 46

Nays: Ankney, Connell, Fitzpatrick, Welborn.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Majority Leader Thomas moved the Senate **suspend rule S50-190** through legislative day seventy-eight to allow bills heard on second reading to be placed on third reading the same legislative day. 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

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Senator McNally moved the Senate reconsider its action of the previous day on **HB 442** and that **HB 442** be placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 26

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Swandal moved that **HB 46** be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 30

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Thomas, Vance, Vincent, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator McClafferty moved that **HB 514** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Small, Smith F, Swandal, Whitford, Wolken.
Total 20

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Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Sesso, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 30

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 recess until 4:00 p.m. Without objection, so ordered.

Senate recessed at 3:07 p.m. and reconvened at 4:00 p.m., President Sales presiding.

**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 Lang in the chair.

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

HB 5 - Senator D. Brown moved consideration of **HB 5** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Vuckovich excused at this time.

HB 562 - Senator Blasdel moved **HB 562** be concurred in. Motion carried as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Whitford, Wolken, Mr.President.

Total 28

Nays: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Smith F,

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Tempel, Welborn.

Total 21

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 623 - Senator Facey moved **HB 623** 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, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 639 - Senator Keenan moved **HB 639** 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, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

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HB 648 - Senator Ankney moved **HB 648** 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, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 653 - Senator Buttrey moved **HB 653** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 36

Nays: Barrett, Boland, Cohenour, Facey, Fitzpatrick, Gross, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Smith F, Whitford.
Total 13

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 434 - Senator Hinkle moved **HB 434** be concurred in.

HB 434 - Senator Fielder moved **HB 434**, second reading copy, be amended as follows:

1. Page 6, line 3 through line 4.
Strike: ", AND" on line 3 through "USE" on line 4

2. Page 6, line 11.
Strike: "AND TO" through "USE"

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Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Caferro, Cohenour, Facey, Gross, Malek, McClafferty, Sands, Smith F, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 434 - Senator Cohenour moved **HB 434**, second reading copy, be amended as follows:

1. Title, page 1, lines 7 through 8.

Following: "IMPROVEMENT" on line 7

Strike: "AND PUBLIC ACCESS" on line 8

2. Title, page 1, line 9.

Following: "AND"

Strike: " "

Insert: "AND"

Following: "HABITAT"

Strike: ", AND IMPROVE PUBLIC ACCESS"

3. Title, page 1, line 10.

Following: "IMPROVEMENT"

Strike: "AND PUBLIC ACCESS"

4. Page 1, line 17.

Following: "habitat"

Strike: "AND IMPROVE PUBLIC ACCESS"

5. Page 1, line 24.

Strike: "9"

Insert: "8"

6. Page 1, line 25.

Following: "Improvement"

Strike: "AND PUBLIC ACCESS"

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7. Page 1, line 27.

Strike: "9"

Insert: "8"

8. Page 1, line 29.

Following: "improvement"

Strike: "AND PUBLIC ACCESS"

9. Page 2, line 9.

Following: "improvement"

Strike: "AND PUBLIC ACCESS"

10. Page 2, line 10.

Following: "improvement"

Strike: "AND PUBLIC ACCESS"

11. Page 2, line 12.

Strike: "9"

Insert: "8"

12. Page 3, line 5.

Following: "improvement"

Strike: "AND PUBLIC ACCESS"

13. Page 3, line 14.

Following: "improvement"

Strike: "PUBLIC ACCESS"

14. Page 3, line 15.

Strike: "9"

Insert: "8"

15. Page 3, line 30.

Strike: "9"

Insert: "8"

16. Page 4, line 1.

Strike: "9"

Insert: "8"

17. Page 4, line 8.

Following: "IMPROVEMENT"

Strike: "AND PUBLIC ACCESS"

18. Page 5, line 1.

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Strike: "9"

Insert: "8"

19. Page 5, line 18.

Following: "and"

Insert: "and"

20. Page 5, line 19 through line 21.

Strike: "; AND" on line 19 through "[SECTION 8]" on line 21

21. Page 5, line 23 through page 6, line 17.

Strike: section 8 in its entirety

Renumber: subsequent sections

22. Page 6, line 22.

Strike: "9"

Insert: "8"

23. Page 6, line 23.

Strike: "9"

Insert: "8"

Amendment **not adopted** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Welborn, Whitford, Wolken.

Total 24

Nays: Blasdel, Brown, Buttrey, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 25

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 434 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal,

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Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 36

Nays: Boland, Caferro, Facey, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.

Total 13

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 5 - Senator Welborn moved **HB 5** be concurred in. Motion carried as follows:

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

Total 41

Nays: Brown, Fielder, Hinebauch, Kary, Regier, Vance, Webb, Mr.President.

Total 8

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

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

Chair Lang 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, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Pomnichowski.

Total 1

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Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair):

4/12/2017

HB 107, be amended as follows:

1. Page 4.

Following: line 23

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If both House Bill No. 360 and [this act] are passed and approved, then House Bill No. 360 is void."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 110, be amended as follows:

1. Page 5, line 8.

Strike: "\$960"

Insert: "\$1,560"

And, as amended, be concurred in.

HB 597, be concurred in.

HB 644, be concurred in.

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

4/12/2017

SR 62, be adopted.

HB 612, be amended as follows:

1. Page 2, line 13.

Following: "services"

Insert: ", the board of behavioral health established in 2-15-1744,"

2. Page 3, line 3.

Following: "course"

Insert: "approved by the state approving agency for veterans' educational benefits"

3. Page 3, line 11.

Strike: "and"

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4. Page 3, line 13.

Following: "claims"

Insert: "; and

(6) peer or faith-based counseling"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 63**

Report No. 001, April 12, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 63** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 63** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 15.

Following: "DEFINITIONS;"

Strike: "AND"

2. Title, page 1, line 16.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 2.

Following: "PLACEMENT IN"

Insert: ": (A) a secure facility designated by the department for up to 9 months; or
(B)"

4. Page 11, line 30.

Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

For the Senate:

K. Regier, Chair
Hinkle
Wolken

For the House:

Brodehl, Vice Chair
Dudik
Holmlund

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MESSAGES FROM THE OTHER HOUSE

SB 63 - 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 63**: 4/12/2017

Representative Brodehl, Vice Chair
Representative Dudik
Representative Holmlund

SB 64 - 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 64**: 4/12/2017

Representative Brodehl, Vice Chair
Representative Dudik
Representative Holmlund

MOTIONS

Majority Leader Thomas moved the President be authorized to appoint a Conference Committee on **SB 111** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/12/2017

Senator K. Regier, Chair
Senator Fielder
Senator Phillips

Senator F. Smith moved that **HB 162** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: Vuckovich.

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Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:30 a.m., Thursday, April 13, 2017, the seventh-eighth legislative day. Motion carried.

Senate adjourned at 5:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate