

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

Helena, Montana
April 18, 2017

Senate Chambers
State Capitol

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

Roll Call. Forty-eight members present. Senators Olszewski and Vuckovich excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

4/18/2017

Correctly engrossed: **HB 638, HB 650.**

Correctly enrolled: **SB 25, SB 29, SB 42, SB 92, SB 120, SB 126, SB 197, SB 241, SB 299, SB 344, SR 39, SR 45, SR 51, SR 58, SR 63, SR 66.**

Examined by the sponsor and found to be correct: **SB 25, SB 29, SB 42, SB 92, SB 120, SB 126, SB 197, SB 241, SB 299, SB 344, SR 39, SR 45, SR 51, SR 58, SR 63, SR 66.**

Transmitted to the House: **SJ 25, HB 5, HB 133, HB 142, HB 387, HB 434, HB 473, HB 562, HB 565, HB 572, HB 585, HB 600, HB 614, HB 618, HB 623, HB 639, HB 648, HB 650, HB 653.**

MESSAGES FROM THE GOVERNOR

April 11, 2017

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

Dear President Sales:

On Tuesday, April 11, 2017, I signed the following bills:

SB 224 - S. Malek
SB 252 - M. Blasdel

I also delivered **Senate Bill 40** - J. Sesso, to the Secretary of State's Office without signature.

Sincerely,

STEVE BULLOCK
Governor

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April 14, 2017

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

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I **return with amendments Senate Bill 184 (SB 184)**, "AN ACT REVISING LAWS TO ALLOW A WORKERS' COMPENSATION INSURER TO TERMINATE PAYMENT OF BENEFITS ON THE BASIS OF FRAUD, MISTAKE, OR RECEIPT OF EVIDENCE OF NONLIABILITY; AMENDING SECTION 39-71-609, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 184 in part codifies current case law, which allows a workers' compensation insurer to immediately terminate benefits if the insurer establishes that the benefits were obtained through fraud. When such termination occurs, prior notice to the injured worker is not required.

However, SB 184 goes on to allow termination of benefits without prior notice to the injured workers when there is a mutual mistake of material fact or when the insurer receives "clear and convincing evidence" of its lack of liability for payment of benefits. These provisions expand termination procedures even though no premium rating information suggests these changes will have a positive impact on costs in our workers' compensation system. In fact, these new provisions will likely encourage more litigation and additional costs.

The workers' compensation system is "intended to be primarily self-administering" and is designed to provide great predictability and certainty for employers, employees, and medical providers. Allowing automatic termination of benefits with no notice to the injured worker when fraud has not occurred will only increase litigation of claims. Therefore, I am offering amendments to clarify that termination of benefits due to fraud may occur without notice, and termination of benefits due to mutual mistake requires 14 days' notice. Finally, termination of benefits for other reasons may continue to occur as already provided by law.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

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Reference Copy
Requested by the Governor
For the Senate Committee of the Whole

Prepared by Todd Everts
April 25, 2017 (4:17pm)

1. Title, line 7 through line 8.

Following: "FRAUD" on line 7

Strike: ", "

Insert: "OR"

Following: "MISTAKE" on line 7

Strike: ", OR RECEIPT" on line 7 through "NONLIABILITY" on line 8

2. Page 1, line 15 through line 16.

Following: "fraud" on line 15

Strike: " "

Insert: "or"

Following: "mistake" on line 15

Strike: " " on line 15 through "information" on line 16

3. Page 1, line 17.

Strike: "(2)"

Insert: "(2)(a)"

4. Page 1, line 25.

Following: "if"

Insert: "the claim was accepted because of"

5. Page 1, line 26.

Strike: "the claim" through "fact"

Insert: "fraud"

6. Page 1, line 27 through line 28.

Following: "(b)" on line 27

Strike: "the insurer" on line 27 through "benefits" on line 28

Insert: "mutual mistake of fact"

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April 14, 2017

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

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

Dear President Sales and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 7 (SB 7)**, "AN ACT REVISING NET METERING LEGISLATIVE FINDINGS; AMENDING SECTIONS 69-8-601, 69-8-602, AND 69-8-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 7 amends the legislative findings on net metering to read that "customers using net metering systems under this part may not be subsidized by other public utility customers who do not use net metering systems."

The 2015 Montana Legislature passed Senate Joint Resolution 12 (SJ 12), which requested an interim study of net metering costs and benefits. The intent of this study was to clarify whether net metered customers were shifting costs onto other customers. Ultimately, the Energy and Telecommunications Interim Committee's analysis was inconclusive, leaving the question to be answered in the future.

This legislature is likely to pass House Bill 219 (HB 219), which will provide for a study by the Montana Public Service Commission of net metering and the costs and benefits associated with net metering. HB 219 may provide for a better understanding of how net metering will impact other system customers. Thus, it is premature to draw any conclusions about this relationship, which SB 7 appears to do.

In June 2016, through my Energy Blueprint, I committed to oppose any efforts to weaken our current net metering statutes. At this point in time I believe the distributed generation business sector would be negatively impacted by the regulatory uncertainty this bill creates. The number of new net metered systems being developed would be reduced in areas served by Montana public utilities as customers are forced to weigh the risks of potential investments. Hurting a vibrant sector of the economy in this manner is not in anyone's interest.

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For these reasons, I veto SB 7.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/13/2017

SB 21, introduced by E. Buttrey
SB 245, introduced by D. Salomon
SB 352, introduced by A. Olszewski

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/13/2017

SB 73, introduced by P. Connell
SB 90, introduced by N. Swandal
SB 94, introduced by K. Regier
SB 119, introduced by J. Hinkle
SB 248, introduced by M. Blasdel
SB 317, introduced by D. Salomon
SB 329, introduced by K. Regier
SB 359, introduced by M. Blasdel
SB 363, introduced by C. Vincent

Senate amendments to House bill concurred in: 4/13/2017

HB 541, introduced by A. Hertz

Senate amendments to House joint resolution concurred in: 4/13/2017

HJ 15, introduced by S. Gunderson

SB 111 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 111**: 4/13/2017

Representative Z. Brown
Representative Flynn
Representative M. Regier

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MOTIONS

Majority Leader Thomas moved that **SB 294**, on the second reading agenda, be moved to the bottom of the board. Without objection, so ordered.

Majority Leader Thomas moved that **HB 612** be taken from the second reading agenda this date and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

Senator Olszewski present at this time.

Senator Malek moved that **HB 602** be taken from the Taxation Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Whitford, Wolken.

Total 24

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

Total 25

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

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

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

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

SR 62 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 62**. 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,

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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

SB 63 - Free Conference Committee Report No. 1 - Senator Wolken moved the Free Conference Committee report to **SB 63** 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, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 64 - Free Conference Committee Report No. 1 - Senator Wolken moved the Free Conference Committee report to **SB 64** 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 F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Smith C.
Total 1

Absent or not voting: None.

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Total 0

Excused: Vuckovich.

Total 1

SB 73 - House Amendments - Senator Connell moved House amendments to **SB 73** be concurred in. Motion carried as follows:

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

Total 48

Nays: Gross.

Total 1

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

SB 90 - House Amendments - Senator Swandal moved House amendments to **SB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, 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 47

Nays: Brown, Keenan.

Total 2

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

SB 94 - House Amendments - Senator K. Regier moved House amendments to **SB 94** be **not** concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, 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 48

Nays: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 119 - House Amendments - Senator Hinkle moved House amendments to **SB 119** 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

SB 329 - House Amendments - Senator K. Regier moved House amendments to **SB 329** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 43

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Nays: Boland, Cohenour, Phillips, Pomnichowski, Smith F, Whitford.

Total 6

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 107 - Senator Connell moved **HB 107** 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, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.

Total 46

Nays: Keenan, Richmond, Whitford.

Total 3

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 597 - Senator Cohenour moved **HB 597** be concurred in. Motion carried as follows:

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

Total 45

Nays: Brown, Keenan, Lang, Tempel.

Total 4

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

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HB 644 - Senator Connell moved **HB 644** 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, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Lang, Regier.
Total 2

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

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 Fitzpatrick 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, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

MOTIONS

Majority Leader Thomas moved that **HB 107**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

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Majority Leader Thomas moved that **HB 558** be taken from the Finance and Claims Committee and placed on second reading this date. Without objection, so ordered.

Majority Leader Thomas moved that **HB 511** be taken from the Taxation Committee and placed on second reading this date. Without objection, so ordered.

Senator Gauthier moved to change his third-reading vote on **HB 142** the previous legislative day, from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel introduced the **Pages** for the coming week:

Quincey Frewin from Billings, sponsored by Senator C. Smith
Parker Gunderson from Billings, sponsored by Senator Webb
Bailey Chalfant from Busby, sponsored by Senator Small

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved the Senate recess until 4:00 p.m. this day. Motion carried.
Senate recessed at 1: 45 p.m.

Senate reconvened at 4:00 p.m., President Sales presiding.

Senator Vuckovich present at this time.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 294**
Report No. 002, April 13, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 294** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 294** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

Following: "RANGE;"

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Insert: "APPROPRIATING FUNDS TO IMPLEMENT PAY REVISIONS; PROVIDING FOR TRANSFERS;"

2. Title, page 1, line 12.

Following: "2-18-1204,"

Insert: "10-4-301,"

3. Title, page 1, line 13.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 3, line 7.

Following: "competency"

Insert: "documented"

5. Page 5, line 25.

Strike: "outside of the parameters of"

Insert: "that exceeds"

6. Page 6.

Following: line 2

Insert: "(7) The agencies listed in subsection (6) shall provide required budget information on personal services, and pay increases above the occupational wage range for these agencies are not required to be included in the executive budget in accordance with Title 17, chapter 7, part 1."

Renumber: subsequent subsections

7. Page 7, line 29.

Strike: "January 15, 2016"

Insert: "February 15, 2018"

8. Page 7, line 30.

Strike: "50 cents an hour"

Insert: "1%"

9. Page 8, line 1.

Strike: "January 15, 2017"

Insert: "February 15, 2019"

10. Page 8, line 1 through line 2.

Strike: "50 cents an hour"

Insert: "1%"

11. Page 10.

Following: line 5

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Insert: "Section 9. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications accounts. (1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1)(a);
(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1)(b); and

(c) an account for all fees collected for wireless enhanced 9-1-1 services pursuant to 10-4-201(1)(c). The money is allocated as follows:

(i) 50% of the account must be deposited in an account for distribution to the 9-1-1 jurisdictions; and

(ii) 50% of the account must be deposited in an account for distribution to wireless providers.

(2) Money in the account provided for in subsection (1)(c)(ii), including interest earned from the investment of money in the account, is subject to legislative fund transfers.

~~(2)~~(3) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account. An amount equal to 2.74% of the money received pursuant to 10-4-201 must be deposited in an account in the state special revenue fund to be used for the administration of this chapter. Any remaining funds at the end of a fiscal year must be equally distributed to each of the four accounts provided for in subsection (1).

~~(3)~~(4) The accounts established in subsection (1) retain interest earned from the investment of money in the accounts.

~~(4)~~(5) After payment of refunds pursuant to 10-4-205, the balance of the respective accounts must be used for the purposes described in part 1 of this chapter.

~~(5)~~(6) The distribution of funds in the 9-1-1 emergency telecommunications accounts described in subsection (1), as required by 10-4-302, 10-4-311, and 10-4-313, is statutorily appropriated, as provided in 17-7-502, to the department.

~~(6)~~(7) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from appropriations made for that purpose.""

Renumber: subsequent sections

12. Page 11.

Following: line 12

Insert: "NEW SECTION. Section 12. Appropriations. (1) The following money for the indicated fiscal years is appropriated from the following sources to the listed agencies to implement the adjustments provided in 2-18-303:

Fiscal Year 2018

	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	35,180	6,210		

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Consumer Counsel		2,256		
Judicial Branch	84,299	2,880	83	
Executive Branch	1,064,196	908,447	600,410	20,127
Montana University System	1,142,646	253	12,228	1,022
Total	2,326,321	920,045	612,721	21,149
Fiscal Year 2019				
	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	124,184	21,919		
Consumer Counsel		7,963		
Judicial Branch	297,576	10,165	292	
Executive Branch	3,756,611	3,206,816	2,119,447	71,047
Montana University System	3,493,577	892	43,166	3,608
Total	7,671,948	3,247,754	2,162,905	74,655

(2) The following money is appropriated for the biennium beginning July 1, 2017, to the office of budget and program planning from the designated state fund, to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

General Fund	\$1,000,000
State Special Revenue	\$300,000
Federal Special Revenue	\$100,000
Proprietary Funds	\$25,000

(3) For the biennium beginning July 1, 2017, there is appropriated \$75,000 from the general fund to the department of administration for a labor-management training initiative."

Insert: "NEW SECTION. Section 13. Montana university system voluntary retirement

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incentive program. For the biennium beginning July 1, 2017, the sum of \$2,000,000 in general fund is appropriated to the Montana university system to fund a retirement incentive program effort for qualified employees. The program design for the funds may include payment of health and prescription drug plan benefits, termination pay such as cashing out statutorily required benefits, or additional buyout incentives. Any funds in the program will remain in the program's fund balance, and applications will be considered until the funds are exhausted."

Insert: "NEW SECTION. Section 14. Appropriations. (1) In the fiscal year beginning July 1, 2017, there is appropriated \$5,739 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 240.

(2) In the fiscal year beginning July 1, 2018, there is appropriated \$11,478 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 240."

Insert: "NEW SECTION. Section 15. Appropriations. The following money for the indicated fiscal years is appropriated from the following sources to the executive branch for the sheriffs' retirement system costs:

Fiscal Year	General Fund	State Special	Federal Special	Proprietary
Fiscal Year 2018	67,703	22,201	4,463	7,750
Total Fiscal Year 2019	67,703	22,201	4,463	7,750

"

Insert: "NEW SECTION. Section 16. Appropriations. (1) In the fiscal year beginning July 1, 2017, there is appropriated \$44,901 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 279.

(2) In the fiscal year beginning July 1, 2018, there is appropriated \$42,101 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 279."

Insert: "NEW SECTION. Section 17. Fund transfer. By August 15, 2017, the state treasurer shall transfer \$2 million from the wireless 911 state special revenue account provided for in 10-4-301(1)(c)(ii) to the general fund."

Insert: "COORDINATION SECTION. Section 18. Coordination instruction. (1) If Senate Bill No. 240 is not passed and approved, [section 14] is void.

(2) If House Bill No. 383 is not passed and approved, [section 15] is void.

(3) If Senate Bill No. 279 is not passed and approved, [section 16] is void."

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

13. Page 11.

Following: line 14

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Insert: "NEW SECTION. Section 21. Termination. [Section 9] terminates June 30, 2019."

For the Senate:

Fitzpatrick, Chair
Buttrey
Facey

For the House:

Ballance, Vice Chair
Funk
Tschida

MOTIONS

Senator Hinkle moved that **HB 193** be taken from the Energy and Telecommunications Committee and placed on second reading this date. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Howard, Keenan, MacDonald, Malek, McNally, Moore, Phillips, Pomnichowski, Sands, Smith F, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 26

Nays: Ankney, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Jones, Kary, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Vance, Welborn, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the President be authorized to appoint a Conference Committee on **SB 94** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/18/2017

Senator K. Regier, Chair
Senator Blasdel
Senator Caferro

Majority Leader Thomas moved that **SB 359**, on the next second reading agenda, be passed for the day. Without objection, so ordered.

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

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for

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consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

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

SB 294 - Senator Connell moved consideration of **SB 294** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 184 - Governor's Amendments - Senator Moore moved Governor's amendments to **SB 184** be **not** concurred in. Motion carried as follows:

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

Total 34

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

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 248 - House Amendments - Senator Blasdel moved House amendments to **SB 248** be **not** 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, Malek, McClafferty, 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 45

Nays: Boland, Cohenour, Gross, MacDonald, McNally.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 317 - House Amendments - Senator Salomon moved House amendments to **SB 317** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Vincent moved consideration of **SB 363** be passed for the day. Without objection, so ordered.

HB 110 - Senator Cohenour moved **HB 110** 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, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Fielder, Kary, Lang, Regier, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 638 - Senator Caferro moved **HB 638** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso,

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Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 41

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Keenan, Regier, Vance, Vincent, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 511 - Senator Thomas moved **HB 511** be concurred in.

HB 511 - Senator Blasdel moved **HB 511**, second reading copy, be amended as follows:

1. Page 26, line 19.

Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If Senate Bill No. 317 is not passed and approved, then [this act] is void."

Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, 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, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 511 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F,

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Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr. President.
Total 39

Nays: Fielder, Hinebauch, Hinkle, Howard, Kary, Lang, Pomnichowski, Regier, Smith C,
Swandal, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 558 - Senator Thomas moved **HB 558** be concurred in.

HB 558 - Senator Blasdel moved **HB 558**, second reading copy, be amended as follows:

1. Title, page 1, line 4 through line 6.

Strike: the second "REVISING" on page 1, line 4 through "REVALUATION;" on line 6

Insert: "ALLOWING FOR AN INCREASE OF THE ABATEMENT FOR NEW OR EXPANDING
INDUSTRY; REPEALING THE TERMINATION DATE FOR THE EXEMPTION FOR
CERTAIN AIR AND WATER POLLUTION CONTROL AND CARBON CAPTURE
EQUIPMENT AND FOR THE REDUCTION IN VALUE FOR CARBON
TRANSPORTATION AND SEQUESTRATION EQUIPMENT;"

2. Title, page 1, line 6 through line 7.

Strike: "SECTIONS" on page 1, line 6 through "15-6-134" on line 7

Insert: "SECTION 15-24-1402"

3. Title, page 1, line 7.

Following: "MCA;"

Insert: "REPEALING SECTIONS 4 AND 7, CHAPTER 407, LAWS OF 2015;"

Strike: "IMMEDIATE" through "RETROACTIVE"

4. Page 1, line 12 through page 3, line 14.

Strike: section 1 through section 4 in their entirety

Insert: "**Section 1.** Section 15-24-1402, MCA, is amended to read:

"15-24-1402. New or expanding industry -- assessment -- notification. (1) In the first 5 years after a construction permit is issued, qualifying improvements or modernized processes that represent new industry or expansion of an existing industry, as designated in the approving resolution, must be taxed at ~~50%~~ 25% or 50% of their taxable value. Subject to 15-10-420, each year thereafter, the percentage must be increased by equal percentages until the full taxable value is attained in the 10th year. In subsequent years, the property must be taxed at 100% of its taxable value.

(2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the

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taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The governing body of the affected county or the incorporated city or town must have approved by separate resolution for each project, following due notice as provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town and a public hearing, the use of the schedule provided for in subsection (1) for its respective jurisdiction. The governing body may not grant approval for the project until all of the applicant's taxes have been paid in full. Taxes paid under protest do not preclude approval.

(b) The governing body shall:

(i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax treatment provided for in this section; and

(ii) conduct a public hearing regarding an application for the tax treatment provided for in this section and deny or approve it within 120 days of receiving the application as provided in subsection (2)(b)(i).

(c) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination.

(d) Subject to 15-10-420, the governing body may end the tax benefits by majority vote ~~at any time, but the tax benefits may not be denied an industrial facility that previously qualified for the benefits if the conditions of the resolution, provided for in subsection (2)(a), are not met.~~

(e) The resolution provided for in subsection (2)(a) must include a definition of the improvements or modernized processes that qualify for the tax treatment that is to be allowed in the taxing jurisdiction. The resolution may provide that real property other than land, personal property, improvements, or any combination thereof is eligible for the tax benefits described in subsection (1).

(f) Property taxes abated from the reduction in taxable value allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of 15-24-1401, this section, or the resolution required by subsections (2)(a) and (2)(e) of this section. The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer.

(3) The taxpayer shall apply to the department for the tax treatment allowed under subsection (1). The application by the taxpayer must first be approved by the governing body of the appropriate local taxing jurisdiction, and the governing body shall indicate in its approval that the property of the applicant qualifies for the tax treatment provided for in this section. Upon receipt of the form with the approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change pursuant to this section.

(4) The tax benefit described in subsection (1) applies only to the number of mills levied and assessed for local high school district and elementary school district purposes and to the number of mills levied and assessed by the governing body approving the benefit over which

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the governing body has sole discretion. The benefit described in subsection (1) may not apply to levies or assessments required under Title 15, chapter 10, 20-9-331, 20-9-333, or 20-9-360 or otherwise required under state law.

(5) Prior to approving the resolution under this section, the governing body shall notify by certified mail all taxing jurisdictions affected by the tax benefit."

Insert: "NEW SECTION. Section 2. Repealer. Sections 4 and 7, Chapter 407, Laws of 2015, are repealed."

Insert: "NEW SECTION. Section 3. Applicability. [Section 1] applies to new or expanding industry tax abatements granted on or after [the effective date of this act]."

Amendment **adopted** as follows:

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

Total 38

Nays: Barrett, Boland, Cohenour, Hinebauch, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 558 - Bill, as amended, was concurred in as follows:

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

Total 38

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Smith F.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 193 - Senator Wolken moved **HB 193** be concurred in.

HB 193 - Senator Connell moved **HB 193**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Strike: "AN"

Insert: "A CONTINGENT"

2. Page 1, line 25.

Strike: section 2 in its entirety

Insert: "NEW SECTION. **Section 2. Effective date -- contingency.** (1) [This act] is effective upon the abrogation of a settlement agreement between the Montana department of public service regulation, Montana public service commission, the Montana consumer counsel, and a utility operating in Montana that has restructured in accordance with Title 69, chapter 8, and orders implementing the stipulation and settlement agreement.

(2) The public service commission shall transmit a copy of the abrogation to the code commissioner."

Amendment **not adopted** as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Kary, Lang, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.

Total 21

Nays: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Sands, Smith C, Smith F, Tempel, Thomas, Vuckovich, Whitford, Wolken.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 193 - Thereupon, the Senate reverted to the original motion of Senator Wolken which passed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Howard, Jones, Keenan, MacDonald, Malek, McNally, Moore, Phillips, Pomnichowski, Sands, Smith C, Smith F, Tempel, Thomas, Vincent, Vuckovich, Wolken, Mr.President.

Total 27

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Kary, Lang,

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McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Swandal, Vance, Webb, Welborn, Whitford.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Buttrey assumed the chair.

SB 294 - Conference Committee Report No. 2 - Senator Fitzpatrick moved the Conference Committee report to **SB 294** be adopted. Motion carried as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Nays: Ankney, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

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

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 43

Nays: Brown, Kary, Keenan, Olszewski, Vance, Webb, Mr.President.

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Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 111**
Report No. 001, April 13, 2017

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 111** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 111** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.

Following: "EXEMPTION;"

Insert: "PROVIDING AN EXEMPTION;"

2. Page 1, line 10.

Following: "--EXEMPTION"

Insert: "-- exemption"

3. Page 1, line 11.

Strike: "A"

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

4. Page 1.

Following: line 22

Insert: "A person may provide supplemental feed to wild turkeys unless the department finds that supplemental feed harms the local population of wild turkeys or creates a public nuisance as defined in 45-8-111."

Renumber: subsequent subsections

For the Senate:

K. Regier, Chair
Fielder
Phillips

For the House:

Z. Brown, Vice Chair
Flynn
M. Regier

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MOTIONS

Majority Leader Thomas moved that **HB 308** and **HB 391** be taken from the second reading board and placed on second reading this date. Without objection, so ordered.

**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 Fitzpatrick in the chair.

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

HB 308 - Senator Malek moved **HB 308** be concurred in. Motion carried as follows:

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

Total 34

Nays: Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Tempel, Vance, Vincent, Webb, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 391 - Senator Buttrey moved **HB 391** be concurred in. Motion carried as follows:

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

Total 32

Nays: Blasdel, Connell, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 18

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

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

Yeas: Ankney, Barrett, 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, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr. President.

Total 46

Nays: Blasdel, Keenan, Vance, Webb.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 248** and request the House to appoint a like committee. Without objection, so ordered.

President Sales appointed:

4/18/2017

Senator Blasdel, Chair

Senator Caferro

Senator Fitzpatrick

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 10:00 a.m., Wednesday, April 19, 2017, the eightieth legislative day. Motion carried.

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Senate adjourned at 5:03 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate