

**SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 21, 2017

Senate Chambers
State Capitol

Senate convened at 9:30 a.m. President Sales presiding. Invocation by Senator McClafferty. Pledge of Allegiance to the Flag.

Roll call. Fifty members present.

BILLS AND JOURNALS (Keenan, Chair): 4/21/2017
Correctly printed: **SJ 31, SJ 32, HB 134, HJ 18, HJ 22, HJ 25, HJ 29.**
Correctly enrolled: **SB 55, SB 124, SB 187, SB 285, SR 68.**
Examined by the sponsor and found to be correct: **SB 55, SB 124, SB 154, SB 187, SB 285, SB 329, SR 68.**
Transmitted to the House: **SJ 31, SJ 32, HB 134, HB 661, HJ 17, HJ 18, HJ 20, HJ 22, HJ 24, HJ 25.**
Signed by the President at 1:20 p.m., April 21, 2017: **SB 55.**
Signed by the Secretary of the Senate at 1:25 p.m., April 21, 2017: **SB 55.**
Delivered to the Secretary of State at 8:30 a.m., April 21, 2017: **SR 3, SR 20, SR 21, SR 43, SR 44, SR 59, SR 60, SR 61, SR 65.**

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Webb, Chair): 4/21/2017
HJ 18, be concurred in.
HJ 25, be concurred in.

TAXATION (Blasdel, Chair): 4/21/2017
HJ 22, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 123**
Report No. 001, April 20, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 123** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **House Bill 123** (reference copy -- salmon) be amended as follows:

1. Page 2, line 21.

Following: "OFFICERS"

Insert: " ; "

Strike: "OR"

2. Page 2, line 22.

Following: "13"

Insert: " , or the administrators of those plans"

3. Page 4, line 3.

Strike: " ; "

Insert: " ; "

4. Page 4, line 4.

Strike: "(ii)"

5. Page 4, line 4 through line 5.

Strike: " ; " on line 4 through "entities and" on line 5

Insert: " , or"

6. Page 4, line 7.

Strike: "(iv)"

Insert: "(ii)"

7. Page 8, line 28.

Following: "OFFICERS"

Insert: " ; "

Strike: "OR"

8. Page 8, line 29.

Following: "13"

Insert: " , or the administrators of those plans"

9. Page 10, line 15.

Insert: "COORDINATION SECTION. **Section 19. Coordination instruction.** If both Senate Bill No. 362 and [this act] are passed and approved, then Senate Bill No. 362 is void."

Renumber: subsequent sections

For the Senate:

C. Smith, Chair
Caferro
Howard

For the House:

G. Hertz, Vice Chair
Curtis
Mandeville

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MESSAGES FROM THE GOVERNOR

April 20, 2017

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

Dear President Sales:

On Thursday, April 20, 2017, I signed the following bills:

SB 17 - N. Swandal

SB 287 - L. Jones

Sincerely,

STEVE BULLOCK
Governor

**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 Small in the chair.

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

SB 362 - House Amendments - Senator Buttrey moved House amendments to **SB 362** be concurred in. Motion carried as follows:

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

Total 35

Nays: Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr. President.

Total 15

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 134 - Senator Moore moved **HB 134** be concurred in. Motion carried as follows:

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

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJ 29 - Senator Hinkle moved **HJ 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hinkle, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 32

Nays: Brown, Buttrey, Fielder, Gauthier, Hinebauch, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Smith F, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 18

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

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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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 SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 333**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 333** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 333** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 11.

Following: "~~TAX;~~"

Insert: "ESTABLISHING A TAX ON PROVIDERS;"

2. Title, page 1, line 11 through line 12.

Strike: "A PER-PATIENT" on line 11 through "AND" on line 12

3. Page 6, line 15.

Strike: "40"

Insert: "12"

4. Page 7, line 30 through page 8, line 2.

Strike: "THE" on page 7, line 30 through "DEPARTMENT." on page 8, line 2

5. Page 9, line 3 through line 4.

Strike: "THE DEPARTMENT SHALL" on line 3 through "SECTION." on line 4

6. Page 9, line 6 through line 8.

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Strike: subsection (D) in its entirety

7. Page 9, line 25.

Strike: "50-46-319(1)(B)"

Insert: "50-46-319(1)"

8. Page 9, line 30.

Following: "50-46-332."

Insert: "The department shall provide the names and locations of cardholders who possess mature plants or seedlings to the local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332."

9. Page 10, line 3.

Strike: "SUBSECTION"

Insert: "subsections (8)(b) and"

10. Page 18, line 1.

Following: "YEARS"

Insert: "except if the provider or marijuana-infused products provider was named by a registered cardholder by June 30, 2017"

11. Page 18, line 14.

Following: "AGRICULTURE"

Insert: "if the provider or marijuana-infused products provider sells live plants"

12. Page 18, line 15.

Following: "PROVIDER"

Insert: "required to obtain a nursery license"

13. Page 19, line 1.

Strike: "IN ACCORDANCE" through "DEPARTMENT"

14. Page 24, line 16.

Strike: "12"

Insert: "4"

15. Page 24, line 19.

Strike: "24"

Insert: "8"

16. Page 35, line 28 through line 29.

Strike: subsection (3)(A) in its entirety

Insert: "(3) (a) Except as provided in subsection (3)(b), license fees for providers and marijuana-infused products providers are \$1,000 for 10 or fewer registered cardholders

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and \$5,000 for more than 10 registered cardholders."

17. Page 36, line 5 through line 6.

Strike: subsection (D) in its entirety

18. Page 36, line 21.

Following: "~~(b)~~"

Insert: "(a)"

Following: "50-46-344"

Insert: "; and

(b) the tax collected pursuant to [sections 18 through 26]"

19. Page 36, line 22.

Strike: "(a)"

20. Page 36, line 24 through page 25.

Strike: subsection (b) in its entirety

21. Page 37.

Following: line 10

Insert: "(6) "Retail price" means the established price for which a marijuana product provider sells a marijuana product to a purchaser before any discount or reduction.

(7) "Sale" or "sell" means any transfer of marijuana products for consideration, exchange, barter, gift, offer for sale, or distribution in any manner or by any means."

22. Page 37, line 13.

Strike: "**MARIJUANA PRODUCT**"

Strike: "**PROVIDER FEES**"

Insert: "Tax on marijuana product providers"

23. Page 37, line 20 through line 21.

Strike: subsection (1) in its entirety

Insert: "(1) (a) There is a tax equal to the percentage provided in subsection (1)(b) on a marijuana product provider's gross sales that is payable four times a year.

(b) The percentage of tax on gross sales in subsection (1)(a) is as follows:

(i) for gross sales during the calendar quarters beginning July 1, 2017, and ending June 30, 2018, the amount is 4%; and

(ii) for gross sales during the calendar quarters beginning July 1, 2018, and thereafter, the amount is 2%."

24. Page 37, line 25.

Strike: "NUMBER" through "PROVIDER"

Insert: "dollar amount of sales from any registered premises, as defined in 50-46-302, operated by the marijuana product provider, including dispensaries"

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25. Page 37, line 30 through page 38, line 1.

Strike: "THE FEE" on page 37, line 30 through "CARDHOLDER" on page 38, line 1

Insert: "the percentage provided in subsection (1)(b) of the total dollar amount of sales"

26. Page 38, line 2.

Strike: "FEES"

Insert: "taxes"

27. Page 38, line 14.

Strike: "FEE"

Insert: "tax"

28. Page 38, line 18.

Strike: "FEES"

Insert: "taxes"

29. Page 38, line 20.

Strike: "FEES"

Insert: "taxes"

30. Page 38, line 21.

Strike: "FEES" in both places

Insert: "taxes" in both places

31. Page 38, line 23.

Strike: "FEES"

Insert: "taxes"

32. Page 38, line 25.

Strike: "FEES"

Insert: "taxes"

33. Page 38, line 30.

Strike: "FEES"

Insert: "taxes"

34. Page 39, line 2.

Strike: "FEES"

Insert: "taxes"

35. Page 39, line 5.

Strike: "FEES"

Insert: "taxes"

36. Page 39, line 8.

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Strike: "FEES"

Insert: "taxes"

37. Page 39, line 10.

Strike: "FEES"

Insert: "taxes"

38. Page 39, line 17.

Strike: "FEES"

Insert: "taxes"

39. Page 39, line 21.

Strike: "FEE"

Insert: "tax"

40. Page 39, line 24.

Strike: "FEES"

Insert: "taxes"

41. Page 39, line 28 through page 40, line 1.

Strike: "AN" on page 39, line 28 through "PROVIDER" on page 40, line 1

Insert: ":

(i) all receipts issued; and

(ii) an accurate record of all sales of marijuana products, showing the name and address of each purchaser, the date of sale, and the quantity, kind, and retail price of each product sold"

42. Page 40, line 4.

Strike: "FEE"

Insert: "amount of tax"

43. Page 40, line 12.

Strike: "FEE"

Insert: "tax"

44. Page 40, line 19.

Strike: "FEE"

Insert: "tax"

45. Page 40, line 21.

Strike: "FEE"

Insert: "tax"

46. Page 40, line 26.

Strike: "FEE"

Insert: "amount of tax"

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47. Page 41, line 2.

Strike: "FEE"

Insert: "tax"

48. Page 41, line 3.

Strike: "FEE"

Insert: "tax"

49. Page 41, line 5.

Strike: "FEES"

Insert: "taxes"

50. Page 41, line 6.

Strike: "FEES"

Insert: "taxes"

51. Page 41, line 9.

Strike: "FEE"

Insert: "tax"

52. Page 41, line 14.

Strike: "FEES"

Insert: "taxes"

53. Page 41, line 15.

Strike: "FEES"

Insert: "taxes"

54. Page 41, line 17.

Strike: "FEE" in both places

Insert: "tax" in both places

55. Page 41, line 20.

Strike: "FEES"

Insert: "taxes"

56. Page 41, line 21.

Following: "TAX"

Insert: "tax"

57. Page 41, line 25.

Strike: "FEE"

Insert: "tax"

58. Page 41, line 30.

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Strike: "FEES"

Insert: "taxes"

59. Page 42, line 7 through line 8.

Strike: "MARIJUANA" on line 7 through "PROVIDER" on line 8

Insert: "taxpayer"

60. Page 43

Following: line 5

Insert: "(b) The department may enter into an agreement with the taxing officials of another state for the interpretation and administration of the laws of their state that provide for the collection of a sales tax or use tax in order to promote fair and equitable administration of the laws and to eliminate double taxation."

Renumber: subsequent subsections

61. Page 43, line 28.

Strike: "LICENSE FEE"

Insert: "marijuana tax on gross sales"

62. Page 44, line 17 through line 20.

Strike: section 28 in its entirety

Renumber: subsequent sections

63. Page 44, line 22 through line 23.

Following: "APPROPRIATION."

Insert: "(1)"

Strike: "\$1 MILLION" on line 22 through "MORE," on line 23

Insert: "\$1.96 million"

64. Page 44, line 23 through line 24.

Strike: "THAT CONTAINS" on line 23 through "46," on line 24

Insert: "provided for in 50-46-345"

65. Page 44, line 25.

Strike: "YEAR"

Insert: "years"

Following: "2018"

Insert: "and 2019"

66. Page 44, line 25 through line 26.

Strike: "THE ESTABLISHMENT" on line 25 through "50-46-303." on line 26

Insert: "the administration of the Montana Medical Marijuana Act.

(2) There is appropriated \$722,000 from the state special revenue account provided for in 50-46-345 to the department of revenue for fiscal years 2018 and 2019 for administration of the tax provided for in [sections 18 through 26]."

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67. Page 45, line 11.

Strike: "(4)(D)"

Insert: "(4)(c)"

68. Page 45, line 15.

Strike: "(4)(D)"

Insert: "(4)(c)"

69. Page 45, line 18.

Strike: "(4)(D)"

Insert: "(4)(c)"

For the Senate:

Blasdel, Chair
Caferro
Hoven

For the House:

Essmann, Vice Chair
A. Hertz
Jacobson

FREE CONFERENCE COMMITTEE
on **Senate Bill 366**
Report No. 001, April 20, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 366** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 366** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "AUTHORITY;"

Insert: "PROVIDING FOR APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS;
PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 1, line 29.

Strike: "\$25"

Insert: "\$15"

3. Page 2, line 1.

Strike: "\$50"

Insert: "\$30"

4. Page 2, line 5.

Strike: "\$25"

Insert: "\$15"

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5. Page 2, line 8.

Following: "cards."

Insert: "Fees under this subsection (4) may not be collected after June 30, 2019."

6. Page 2.

Following: line 20

Insert: "NEW SECTION. Section 3. Appropriations. (1) For the biennium beginning July 1, 2017, there is appropriated \$75,000 from the general fund to the motor vehicle division of the department of justice for providing information to the public about [this act].

(2) For the biennium beginning July 1, 2017, there is appropriated \$800,000 from the general fund to the motor vehicle division of the department of justice for reprogramming information technology system and modify systems to implement [this act].

(3) For the fiscal year beginning July 1, 2017, there is appropriated \$1.852 million from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for operating expenses related to the implementation of [this act].

(4) For the fiscal year beginning July 1, 2018, there is appropriated \$1.852 million from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for operating expenses related to the implementation of [this act]."

Insert: "NEW SECTION. Section 4. Transfer of funds. If the state of Montana does not receive an extension from compliance with the Real ID Act of 2005, Public Law 109-13, from the department of homeland security by January 1, 2018, the state treasurer shall transfer \$1.852 million from the general fund to the state special revenue fund referenced in [section 1(4)(b)]."

Insert: "NEW SECTION. Section 5. Legislative intent. It is the intent of the legislature that the department of justice will use modified full-time equivalents to implement [this act]."

Renumber: subsequent sections

7. Page 2.

Following: line 23

Insert: "NEW SECTION. Section 7. Contingent voidness. If before January 1, 2018, the state of Montana receives an extension from compliance with the Real ID Act of 2005, Public Law 109-13, from the department of homeland security, the appropriation in [section 3(3)] is void."

8. Page 3, line 3.

Strike: "JULY 1, 2019"

Insert: "January 1, 2019"

For the Senate:

D. Brown, Chair
Cohenour
Osmundson

For the House:

Glimm, Vice Chair
Brodehl
Court

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Motion carried.
Senate recessed at 10:10 a.m.

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

FIRST READING AND COMMITMENT OF BILLS

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

SJ 32, introduced by A. Olszewski, D. Howard, referred to Public Health, Welfare and Safety.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):
SJ 32, do pass.

4/21/2017

Without objection, committee report was adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 133**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 133** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 133** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 12.

Following: "~~YOUNGER;~~"

Insert: "LIMITING EXCEPTIONS TO MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER;"

2. Title, page 1, line 21.

Following: "~~46-18-222;~~"

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Insert: "46-18-222,"

3. Page 16, line 30.

Strike: "46-18-222"

Insert: "46-18-222(1) through (5)"

4. Page 17, line 2.

Following: "apply."

Insert: "The exception provided in 46-18-222(6) does not apply."

5. Page 18, line 9.

Strike: "46-18-222"

Insert: "46-18-222(1) through (5)"

6. Page 18, line 11.

Following: "apply."

Insert: "The exception provided in 46-18-222(6) does not apply."

7. Page 20, line 5.

Strike: "46-18-222"

Insert: "46-18-222(1) through (5)"

8. Page 20, line 7.

Following: "apply."

Insert: "The exception provided in 46-18-222(6) does not apply."

9. Page 46, following line 16.

Insert: "**Section 27.** Section 46-18-222, MCA, is amended to read:

"46-18-222. Exceptions to mandatory minimum sentences, restrictions on deferred imposition and suspended execution of sentence, and restrictions on parole eligibility. Mandatory minimum sentences prescribed by the laws of this state, mandatory life sentences prescribed by 46-18-219, the restrictions on deferred imposition and suspended execution of sentence prescribed by 46-18-201(1)(b), 46-18-205, 46-18-221(3), 46-18-224, and 46-18-502(3), and restrictions on parole eligibility prescribed by 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), and 45-5-625(4) do not apply if:

(1) the offender was less than 18 years of age at the time of the commission of the offense for which the offender is to be sentenced;

(2) the offender's mental capacity, at the time of the commission of the offense for which the offender is to be sentenced, was significantly impaired, although not so impaired as to constitute a defense to the prosecution. However, a voluntarily induced intoxicated or drugged condition may not be considered an impairment for the purposes of this subsection.

(3) the offender, at the time of the commission of the offense for which the offender is to be sentenced, was acting under unusual and substantial duress, although not such duress as would constitute a defense to the prosecution;

(4) the offender was an accomplice, the conduct constituting the offense was principally

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the conduct of another, and the offender's participation was relatively minor;

(5) in a case in which the threat of bodily injury or actual infliction of bodily injury is an actual element of the crime, no serious bodily injury was inflicted on the victim unless a weapon was used in the commission of the offense; or

(6) the offense was committed under ~~45-5-502(3), 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), or 45-5-603(2)(b)~~, ~~or 45-5-625(4)~~ and the judge determines, based on the findings contained in a psychosexual evaluation report prepared by a qualified sexual offender evaluator pursuant to the provisions of 46-23-509, that treatment of the offender while incarcerated, while in a residential treatment facility, or while in a local community affords a better opportunity for rehabilitation of the offender and for the ultimate protection of the victim and society, in which case the judge shall include in its judgment a statement of the reasons for its determination."

Renumber: subsequent sections

For the Senate:

K. Regier, Chair
Fielder
Gross

For the House:

Brodehl, Vice Chair
McConnell
Patelis

FREE CONFERENCE COMMITTEE
on **Senate Bill 248**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 248** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 248** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Strike: "A FEE" through "COMPLETION"

Insert: "LIMITS ON SALES OF LAND DIVIDED BY FAMILY TRANSFER; PROVIDING A PENALTY FOR EVADING SUBDIVISION REGULATIONS"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 76-3-207 AND"

2. Page 1, line 11.

Following: line 10

Insert: "**Section 1.** Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division -- limits on resale -- penalty. (1) Except as provided in subsection (2), unless the

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method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to review under parts 5 and 6 of this chapter.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

(5)(a) A person who receives a division of land pursuant to subsection (1)(b) may not transfer or otherwise convey the division of land to a nonimmediate family member for a

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minimum of 2 years after the date of the division unless the person demonstrates to the governing body a documented financial, medical, or other hardship requiring the sale or other conveyance of the division of land.

(b) A person who knowingly attempts to evade subdivision regulations through the use of a division of land pursuant to subsection (1)(b) is subject to a civil penalty of \$5,000 per division of land, payable to the governing body."

Renumber: subsequent sections

3. Page 2, line 19.

Strike: "FROM" through "EACH"

Insert: "on a"

4. Page 2, line 22.

Following: "YEAR"

Insert: ", and only one well or developed spring under this subsection (3)(a)(v) is located on the lot or parcel"

5. Page 2, line 24.

Following: "YEAR"

Insert: ", and only one well or developed spring under this subsection (3)(a)(v) is located on the lot or parcel"

6. Page 2, line 27.

Strike: "AND PAY" through "\$15"

7. Page 4, line 14.

Following: line 13

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 sections

8. Page 4, line 17.

Strike: "[This act]"

Insert: "[Section 2]"

For the Senate:

Blasdel, Chair
Caferro
Fitzpatrick

For the House:

White, Vice Chair
Curdy
Galt

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MOTIONS

Majority Leader Thomas moved that **HB 133** and **SB 248** be placed on second reading this date. Without objection, so ordered.

Majority Leader Thomas moved that **SJ 32** be 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 Small in the chair.

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

SB 57 - House Amendments - Senator Blasdel moved House amendments to **SB 57** be concurred in. Motion carried as follows:

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

Total 40

Nays: Brown, Fielder, Hinkle, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 333 - Conference Committee Report No. 1 - Senator Caferro moved the Conference Committee report to **SB 333** be adopted. Motion carried as follows:

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

Total 35

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Nays: Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Vance, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 - Free Conference Committee Report No. 1 - Senator Cohenour moved consideration of **SB 366** be passed for the day. Without objection, so ordered.

HB 123 - Conference Committee Report No. 1 - Senator C. Smith moved the Conference Committee report to **HB 123** be adopted. Motion **failed** as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Mr.President.
Total 23

Nays: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 462 - Free Conference Committee Report No. 1 - Senator D. Salomon moved the Free Conference Committee report to **HB 462** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 38

Nays: Fielder, Hinebauch, Hinkle, Howard, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Smith F, Vance.
Total 12

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 31 - Senator McNally moved **SJ 31** do pass. Motion carried as follows:

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

Total 39

Nays: Brown, Fielder, Hinebauch, Howard, Kary, Lang, Osmundson, Smith C, Swandal, Vance, Vincent.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJ 18 - Senator Hoven moved **HJ 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Lang, Malek, McClafferty, McNally, Moore, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.

Total 33

Nays: Buttrey, Connell, Fielder, Gross, Hinebauch, Keenan, MacDonald, Olszewski, Osmundson, Phillips, Salomon, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJ 22 - Senator Barrett moved **HJ 22** be concurred in. Motion carried as follows:

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

Total 33

Nays: Ankney, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Osmundson, Phillips, Regier, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 133 - Conference Committee Report No. 1 - Senator Wolken moved consideration of **HB 133** be passed for the day. Without objection, so ordered.

HJ 25 - Senator Fitzpatrick moved **HJ 25** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Webb, Whitford, Wolken.

Total 33

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Salomon, Smith C, Tempel, Vance, Vincent, Welborn, Mr.President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 248 - Free Conference Committee Report No. 1 - Senator Blasdel moved the Free Conference Committee report to **SB 248** be adopted. Motion carried as follows:

Yeas: Blasdel, Brown, Caferro, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Smith C, Swandal, Thomas, Vance, Webb, Whitford, Wolken, Mr.President.

Total 27

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Nays: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 32 - Senator Olszewski moved **SJ 32** do pass. Motion carried as follows:

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

Total 40

Nays: Ankney, Hinebauch, Hinkle, Osmundson, Smith C, Swandal, Vance, Vincent, Welborn, Mr. President.

Total 10

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 Small 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.

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Total 0

Excused: None.

Total 0

MOTIONS

Majority Leader Thomas moved that **SB 366 - Free Conference Committee Report No. 1** be returned to the conference committee for additional discussion. Without objection, so ordered.

Majority Leader Thomas moved the Senate **suspend S50-190**, the third reading rule, to allow all bills heard on second reading this date to be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Brown.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Chas Vincent made his farewell remarks to the Senate.

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:

SB 362, as amended by the House, passed as follows:

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

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Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Fielder, Hinkle, Keenan, Regier, Smith C, Vance, Vincent, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 134 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

HJ 29 failed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Tempel, Vuckovich, Whitford, Wolken.
Total 21

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

SB 57, as amended by the House, passed as follows:

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

Total 37

Nays: Brown, Fielder, Hinebauch, Hinkle, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 333, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.

Total 34

Nays: Blasdel, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Smith C, Vance, Webb, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 462, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.

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Total 37

Nays: Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Lang, Moore, Olszewski, Osmundson, Smith C, Smith F, Vance, Welborn.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 31 passed as follows:

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

Total 38

Nays: Brown, Fielder, Hinebauch, Howard, Kary, Osmundson, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJ 18, concurred in as follows:

Yeas: Barrett, Blasdel, Brown, Caferro, Cohenour, Facey, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, McClafferty, McNally, Moore, Pomnichowski, Regier, Richmond, Sands, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.

Total 27

Nays: Ankney, Boland, Buttrey, Connell, Fielder, Fitzpatrick, Gross, Hinebauch, Keenan, Lang, MacDonald, Malek, Olszewski, Osmundson, Phillips, Salomon, Sesso, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.

Total 23

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HJ 22, concurred in as follows:

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

Total 34

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Osmundson, Phillips, Regier, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJ 25, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Kary, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.

Total 33

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Salomon, Smith C, Vance, Vincent, Welborn, Mr.President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 248, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Mr.President.

Total 28

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Nays: Ankney, Barrett, Boland, Cohenour, Facey, Gross, Hinebauch, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Smith F, Vincent, Vuckovich, Welborn, Whitford, Wolken.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 32 passed as follows:

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

Total 41

Nays: Ankney, Hinebauch, Hinkle, Osmundson, Smith C, Swandal, Vance, Vincent, Welborn.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the **Pages** for their service this week.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 434**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 434** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 434** (reference copy -- salmon) be amended as follows:

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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"

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"

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Insert: "8"

12. Page 2, line 15.

Following: "ORGANIZATION"

Insert: "in Montana"

13. Page 2, line 16.

Following: "ORGANIZATION"

Insert: "in Montana"

14. Page 2, line 17.

Following: "INDUSTRY"

Insert: "in Montana"

15. Page 3, line 5.

Following: "improvement"

Strike: "AND PUBLIC ACCESS"

16. Page 3, line 14.

Following: "improvement"

Strike: "PUBLIC ACCESS"

17. Page 3, line 15.

Strike: "9"

Insert: "8"

18. Page 3, line 30.

Strike: "9"

Insert: "8"

19. Page 4, line 1.

Strike: "9"

Insert: "8"

20. Page 4, line 8.

Following: "IMPROVEMENT"

Strike: "AND PUBLIC ACCESS"

21. Page 5, line 1.

Strike: "9"

Insert: "8"

22. Page 5, line 18.

Following: "and"

Insert: "and"

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23. Page 5, line 19 through line 21.

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

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

Strike: section 8 in its entirety

Renumber: subsequent sections

25. Page 6, line 22.

Strike: "9"

Insert: "8"

26. Page 6, line 23.

Strike: "9"

Insert: "8"

For the Senate:

Hinkle, Chair
Phillips
Welborn

For the House:

Redfield, Vice Chair
Court
Flynn

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/21/2017

SB 368, introduced by T. Richmond

This bill is returned after the deadline for Revenue Bills. **Joint rule 40-200 requires a 2/3 vote** of the Senate before the bill can be considered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Monday, April 24, 2017, the eighty-fourth legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate