

**HOUSE JOURNAL
67TH LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 28, 2021

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker presiding. Invocation by Representative Brewster. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Patelis, excused. Quorum present.

BILLS (J. Hinkle, Chair): 4/28/2021

Correctly printed: **SJR 33**.

Correctly enrolled: **HB 7, HB 66, HB 247, HB 257, HB 426, HB 449, HB 602, HB 610, HB 624, HB 644, HB 696**.

Examined by the sponsor and found to be correct: **HB 167, HB 206, HB 273, HB 423, HB 478, HB 641**.

Transmitted to the Senate: **SJR 33**.

Signed by the Speaker at 11:30 a.m., April 28, 2021: **HB 167, HB 206, HB 273, HB 423, HB 478, HB 641**.

Signed by the Chief Clerk of the House at 11:50 a.m., April 28, 2021: **HB 167, HB 206, HB 273, HB 423, HB 478, HB 641**.

Signed by the Speaker at 7:50 a.m., April 28, 2021: **HB 702**.

Signed by the Chief Clerk of the House at 7:52 a.m., April 28, 2021: **HB 702**.

Signed by the President at 7:00 a.m., April 28, 2021: **HB 229, HB 233, HB 336, HB 341, HB 380, HB 416, HB 429, HB 450, HB 464, HB 479, HB 496, HB 539, HB 616, HB 646, HB 647, HB 665, HJR 4, HJR 9**.

Signed by the President at 8:00 a.m., April 28, 2021: **HB 702**.

Signed by the President at 3:45 p.m., April 28, 2021: **HB 167, HB 206, HB 273, HB 423, HB 478, HB 641**.

Delivered to the Governor for approval at 8:07 a.m., April 28, 2021: **HB 669, HB 702**.

Delivered to the Governor for approval at 8:59 a.m., April 28, 2021: **HB 229, HB 233, HB 336, HB 341, HB 380, HB 416, HB 429, HB 450, HB 464, HB 479, HB 496, HB 539, HB 616, HB 646, HB 647, HB 665**.

Delivered to the Secretary of State at 9:42 a.m., April 28, 2021: **HJR 4, HJR 9**.

COMMUNICATIONS AND PETITIONS

Mr. Speaker:

We, your committee on Legislative Administration, having examined the daily journals for the sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, and seventy-fourth legislative days, find the same to be correct.

Representative J. Hinkle, Chair

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

REPORTS OF STANDING COMMITTEES

ENERGY, TECHNOLOGY AND FEDERAL RELATIONS (Skees, Chair): 4/28/2021
SJR 33, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 188**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 188** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 188** (reference copy -- salmon) be amended as follows:

1. Page 24, line 15.

Strike: "\$250"

Insert: "\$195"

2. Page 24, line 19.

Strike: "\$400"

Insert: "\$375"

3. Page 24, line 21.

Strike: "\$1,500"

Insert: "\$1,300"

For the Senate:
Glimm, Chair
Vance

For the House:
Loge, Vice Chair
Holmlund

FREE CONFERENCE COMMITTEE
on **House Bill 555**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 555** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 555** (reference copy -- salmon) be amended as follows:

1. Page 1, line 13.

Strike: "\$6,000"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "\$7,000"

2. Page 1, line 14.

Strike: "\$1,000"

Insert: "\$1,250"

3. Page 1, line 17.

Strike: "\$3,500"

Insert: "\$4,000"

4. Page 1, line 18.

Strike: "\$4,000"

Insert: "\$4,500"

For the Senate:

Fitzpatrick, Chair
Friedel
Webber

For the House:

M. Regier, Vice Chair
Farris-Olsen
Mercer

FREE CONFERENCE COMMITTEE
on **House Bill 678**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 678** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 678** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Following: "DONATIONS;"

Insert: "EXPANDING USE OF ECONOMIC DEVELOPMENT SPECIAL REVENUE ACCOUNT;"

2. Title, line 9.

Following: "15-65-112,"

Insert: "17-7-502, 22-3-1004,"

Following: "87-1-601,"

Strike: "AND"

Following: "87-2-202,"

Insert: "AND 90-1-205,"

3. Page 4, line 8.

Following: "employees"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "who are"

Following: "development"

Insert: "outside the state and whose work duties require the employees to reside out of state"

4. Page 9, line 11.

Following: "2.7%"

Insert: "or \$1 million, whichever is less,"

Following: "to"

Insert: "the"

5. Page 10.

Following: line 3

Insert: "**Section 5.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; ~~22-3-1004~~; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

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

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)" "

Insert: "Section 6. Section 22-3-1004, MCA, is amended to read:

"22-3-1004. Montana heritage preservation and development account. (1) (a) There is a Montana heritage preservation and development account in the state special revenue fund and in the federal special revenue fund.

(b) The Montana heritage preservation and development commission shall deposit any federal money that the commission obtains into the appropriate account provided for in this section.

(2) Money deposited in the accounts must be used for:

(a) restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and

(b) restoring and maintaining historically significant properties in Montana that are in need of preservation.

~~(3) The accounts are statutorily appropriated, as provided in 17-7-502, to the commission to be used as provided in this section.~~

~~(4)~~(3) Unless otherwise prohibited by law or agreement, all interest earned on money in the accounts must be deposited in the state special revenue fund to the credit of the commission.""

Renumber: subsequent sections

6. Page 13.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Following: line 13

Insert: "**Section 9.** Section 90-1-205, MCA, is amended to read:

"90-1-205. Economic development special revenue account. (1) There is an economic development state special revenue account. The account receives earnings from the big sky economic development fund as provided in 17-5-703. The money in the account may be used only as provided in this part.

(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department. Of the money that is deposited in the account that is not used for administrative expenses or for other economic development purposes:

(a) 75% must be allocated for distribution to local governments and tribal governments to be used for job creation efforts; and

(b) 25% must be allocated for distribution to certified regional development corporations, economic development organizations that are located in a county that is not part of a certified regional development corporation, and tribal governments.""

Renumber: subsequent sections

7. Page 13, line 22 through line 23.

Following: "IN" on line 22

Strike: "SUBSECTION" on line 22 through "(2)" on line 23

Insert: "subsections (2) and (3)"

8. Page 13, line 23.

Following: "July 1, 2021"

Insert: "July 1, 2021.

(2) [Sections 2, 7, 8, and 10] are effective"

8. Page 13, line 24.

Strike: "(2)"

Insert: "(3)"

9. Page 14, line 1.

Strike: "[SECTION 4] TERMINATES"

Insert: "[Sections 4 through 6] terminate"

For the Senate:

Osmundson, Chair
Kary
Lynch

For the House:

Bartel, Vice Chair
Ricci
Stewart Peregoy

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

FREE CONFERENCE COMMITTEE
on **Senate Bill 278**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 278** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 278** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "CORPORATIONS"

Insert: "CHALLENGING OR SUPPORTING CERTAIN GOVERNMENTAL ACTIONS;"

2. Title, line 12.

Following: "OFFICIALS;"

Insert: "PROVIDING THAT COSTS MAY NOT BE ALLOWED TO AN OFFEREE IF THE OFFEROR HAS MADE AN OFFER OR JUDGMENT AND THE OFFEREE'S JUDGMENT IS NOT MORE FAVORABLE THAN THE OFFER OF JUDGMENT; REVISING THE DEFINITION OF "INSURER" FOR THE PURPOSES OF UNFAIR TRADE PRACTICES ACTIONS; REVISING CIVIL LIABILITY LAWS TO PROVIDE A DEADLINE FOR SERVICE OF PROCESS;"

3. Title, line 12.

Following: "15-31-102,"

Insert: "25-10-101,"

Following: "27-2-208,"

Strike: "AND"

Following: "27-2-209,"

Insert: "AND 33-18-242,"

4. Page 2, line 20.

Strike: "501(C)(4)"

Insert: "501(c)(3)"

5. Page 2, line 21.

Following: "501(C)(3)"

Insert: "or 527"

6. Page 2, line 26.

Following: "APPLY"

Insert: ":

(a)"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

7. Page 2, line 28.

Strike: "(A)"

Insert: "(i)"

Renumber: subsequent subsections

8. Page 3, line 3.

Following: "CORPORATION"

Insert: "; or

(b) to a health care facility licensed under 50-5-101 or other nonprofit corporations providing or advocating for critical health care delivery systems"

9. Page 3, line 5.

Following: "ANY"

Insert: ":"

(i) federal"

10. Page 3, line 6.

Following: "FEDERAL"

Strike: ", STATE, AND LOCAL LAWS, ORDINANCES,"

11. Page 3, line 7.

Following: "FEDERAL"

Strike: ", STATE, OR LOCAL"

12. Page 3, line 8.

Following: "CAPACITY"

Insert: "; or

(ii) state law codified in Title 75, 76, 77, 80, 81, 82, or 87, including but not limited to state rules, regulation, and policies, whether statutory or otherwise, or other action by a state government body or official acting in their official capacity"

13. Page 3.

Following: line 18

Insert: "NEW SECTION. Section 5. Services of process time limit. Except as provided in 25-3-106, a plaintiff shall make service of process no later than 1 year after filing the complaint. If the plaintiff fails to do so, the court, on motion or on its own initiative, shall dismiss the action without prejudice unless the defendant has made an appearance."

Renumber: subsequent sections

14. Page 5.

Following: line 15

Insert: "**Section 7.** Section 25-10-101, MCA, is amended to read:

"25-10-101. When costs allowed, of course, to plaintiff. (1) Costs—Except as provided in subsection (2), costs are allowed, of course, to the plaintiff upon a judgment in the plaintiff's favor in the following cases:

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- ~~(1)~~(a) in an action for the recovery of real property or damages to real property;
 - ~~(2)~~(b) in an action to recover the possession of personal property when the value of the property exceeds \$50, with the value determined by the jury, court, or referee by whom the action is tried;
 - ~~(3)~~(c) in an action for the recovery of money or damages, exclusive of interest, when plaintiff recovers over \$50;
 - ~~(4)~~(d) in a special proceeding;
 - ~~(5)~~(e) in an action that involves the title or possession or right of possession of real estate;
 - ~~(6)~~(f) in an action that involves the legality of any tax, impost, assessment, toll, or municipal fine;
 - ~~(7)~~(g) in quo warranto proceedings;
 - ~~(8)~~(h) in an action to foreclose a lien or pledge, to prevent or abate a nuisance, or for an injunction; or
 - ~~(9)~~(i) in an action for property damage arising out of the ownership, maintenance, or use of a motor vehicle if the plaintiff is entitled to attorney fees under 25-10-303.
- (2) Costs are not allowed if the offeror has made an offer or judgment as provided in Rule 68 of the Montana Rules of Civil Procedure and the offeree has not recovered a judgment more favorable than the offeror's offer."

Renumber: subsequent sections

15. Page 6.

Following: line 24

Insert: "Section 10. Section 33-18-242, MCA, is amended to read:

- "33-18-242. Independent cause of action -- burden of proof.** (1) An insured or a third-party claimant has an independent cause of action against an insurer for actual damages caused by the insurer's violation of subsection (1), (4), (5), (6), (9), or (13) of 33-18-201.
- (2) In an action under this section, a plaintiff is not required to prove that the violations were of such frequency as to indicate a general business practice.
- (3) An insured who has suffered damages as a result of the handling of an insurance claim may bring an action against the insurer for breach of the insurance contract, for fraud, or pursuant to this section, but not under any other theory or cause of action. An insured may not bring an action for bad faith in connection with the handling of an insurance claim.
- (4) In an action under this section, the court or jury may award such damages as were proximately caused by the violation of subsection (1), (4), (5), (6), (9), or (13) of 33-18-201. Exemplary damages may also be assessed in accordance with 27-1-221.
- (5) An insurer may not be held liable under this section if the insurer had a reasonable basis in law or in fact for contesting the claim or the amount of the claim, whichever is in issue.
- (6) (a) An insured may file an action under this section, together with any other cause of action the insured has against the insurer. Actions may be bifurcated for trial where justice so requires.
- (b) A third-party claimant may not file an action under this section until after the underlying claim has been settled or a judgment entered in favor of the claimant on the underlying claim.
- (7) The period prescribed for commencement of an action under this section is:
- (a) for an insured, within 2 years from the date of the violation of 33-18-201; and

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- (b) for a third-party claimant, within 1 year from the date of the settlement of or the entry of judgment on the underlying claim.
- (8) As used in this section, ~~an "insurer" includes~~ does not include a person, firm, or corporation utilizing self-insurance or a captive insurance company to pay claims made against them.""

Renumber: subsequent sections

16. Page 7.

Following: line 4

Insert: "(5) [Section 5] is intended to be codified as an integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to [section 5]."

17. Page 7.

Following: line 10

Insert: "NEW SECTION. Section 13. {standard} **Saving clause.** [Section 7] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

For the Senate:

Hertz, Chair
Fitzpatrick

For the House:

Buttrey, Vice Chair
Berglee

FREE CONFERENCE COMMITTEE
on **Senate Bill 319**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 319** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 319** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "REPORTING;"

Insert: "ESTABLISHING THAT IF STUDENT ORGANIZATIONS THAT ARE REQUIRED TO REGISTER AS POLITICAL COMMITTEES ARE FUNDED THROUGH ADDITIONAL OPTIONAL STUDENT FEES, THOSE FEES MUST BE OPT-IN; PROHIBITING CERTAIN POLITICAL ACTIVITIES IN CERTAIN PLACES OPERATED BY A PUBLIC POSTSECONDARY INSTITUTION; PROVIDING FOR JUDICIAL RECUSALS UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTIES;"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

2. Page 5.

Following: line 8

Insert: "NEW SECTION. Section 2. Student organizations functioning as political committees -- funding. (1) A student organization that is required to register as a political committee and is regularly active may be funded in the same manner as other student organizations, except that if the organization is funded by an additional optional student fee, the fee must be an opt-in fee.

(2) The opt-in fee may only be delivered to the student organization by means of a written instrument signed by the student or through an electronic payment system that operates independently of any systems, electronic or otherwise, used by a public postsecondary institution for the purpose of collecting, receiving, or disbursing any tuition or fees.

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

(a) "Benefit" means any type of advantage, including but not limited to:

(i) recognition;

(ii) registration;

(iii) the use of facilities of the public postsecondary institution for meetings or speaking purposes;

(iv) the use of channels of communication; and

(v) funding sources that are otherwise available to other student organizations at the public postsecondary institution.

(b) "Political committee" has the meaning provided in 13-1-101.

(c) "Public postsecondary institution" means:

(i) a unit of the Montana university system as described in 20-25-201; or

(ii) a Montana community college defined and organized as provided in 20-15-101.

(d) "Regularly active" means having expended more than \$10,000 in each of two or more statewide elections in the preceding 10 years.

(e) "Student organization" means an officially recognized group or a group seeking official recognition at a public postsecondary institution that is comprised of students who receive or are seeking to receive a benefit through the public postsecondary institution."

Renumber: subsequent sections

3. Page 27.

Following: line 20

Insert: "NEW SECTION. Section 21. Political activity in public postsecondary institution residence hall, dining facility, or athletic facility -- prohibition -- exceptions -- penalty. (1) A political committee may not direct, coordinate, manage, or conduct any voter identification efforts, voter registration drives, signature collection efforts, ballot collection efforts, or voter turnout efforts for a federal, state, local, or school election inside a residence hall, dining facility, or athletic facility operated by a public postsecondary institution.

(2) Nothing in this section may be construed as prohibiting any communications made through mail, telephone, text messages, or electronic mail inside a residence hall, dining facility, or athletic facility or any political advertising made through radio, television, satellite, or internet service. Nothing in this section may be construed as prohibiting an individual from undertaking or participating in any activity for a federal, state, local, or school election if the activity is undertaken at the individual's exclusive initiative.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

(3) A person who resides in a residence hall operated by a public postsecondary institution or who regularly uses a dining hall operated by public postsecondary institution, a candidate for office in a federal, state, local, or school election, or a political committee engaged in a federal, state, local, or school election may institute an action in any court of competent jurisdiction to prevent, restrain, or enjoin a violation of this section.

(4) A political committee that violates this section is subject to a civil penalty of \$1,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(5) For the purposes of this section, "public postsecondary institution" means:

(a) a unit of the Montana university system as described in 20-25-201; or

(b) a Montana community college defined and organized as provided in 20-15-101."

Insert: "NEW SECTION. Section 22. Judicial conflict of interest -- recusal -- definition. (1)
A judicial officer shall disqualify the judicial officer in a proceeding if:

(a) the judicial officer has received one or more combined contributions totaling at least one-half of the maximum amount allowable amount under 13-37-216 from a lawyer or party to the proceeding in an election within the previous 6 years; or

(b) a lawyer or party to the proceeding has made one or more contributions directly or indirectly to a political committee or other entity that engaged in independent expenditures that supported the judicial officer or opposed the judicial officer's opponent in an election within the previous 6 years if the total combined amount of the contributions exceed at least one-half of the maximum amount that would otherwise be allowed under 13-37-216 if the contributions had been made directly to the judicial candidate.

(2) For the purposes of this section:

(a) "contribution" has the meaning provided in 13-1-101; and

(b) "judicial officer" has the meaning provided in 1-1-202."

Renumber: subsequent sections

4. Page 27, line 21.

Following: "instruction."

Insert: "(1)"

5. Page 27.

Following: line 22

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 20, chapter 25, part 4, and the provisions of Title 20, chapter 25, part 4, apply to [section 2].

(3) [Section 21] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 21].

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

6. Page 30.

Following: line 22

Insert: "NEW SECTION. Section 25. {standard} 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."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "COORDINATION SECTION. Section 26. Coordination instruction. If both Senate Bill No. 224 and [this act] are passed and approved and if Senate Bill No. 224 contains a section repealing 13-37-218, then:

- (1) the section amending 13-37-218 in [this act] is void;
- (2) [section 1(11)] must be deleted; and
- (3) each reference to 13-37-218 in [section 1] must be deleted."

Renumber: subsequent section

For the Senate:

Hertz, Chair
Fitzpatrick

For the House:

C. Knudsen, Vice Chair
Binkley

FREE CONFERENCE COMMITTEE
on **Senate Joint Resolution 1**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Joint Resolution 1** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 1** (reference copy -- salmon) be amended as follows:

1. Page 2, line 10 through line 11.

Strike: "adjournment" on line 10 through "scheduled" on line 11

Insert: "a new Legislature is elected and takes office"

2. Page 2, line 22.

Following: "~~4-30~~"

Insert: "as provided in Joint Rule 1-30"

3. Page 4.

Following: line 15

Insert: "**1-30. Legislator participation during session -- exclusion of members from physical participation by COVID-19 Response Panel.** In order to promote and protect the health and safety of individuals and legislative members involved in the legislative process and to minimize public health dangers resulting from the current COVID-19 public health emergency, the Legislative Leadership COVID-19 Response Panel shall determine when to limit or exclude other members from physical participation in the legislative session, and the level of physical participation of members in all committee meetings and floor sessions. The approach must be balanced by treating all members who have the same factual circumstances

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

and potential exposure to COVID-19 in the same manner. The approach may provide for an excluded member to participate remotely as provided in Joint Rule 1-40."

4. Page 4, line 20.

Following: "~~4-30~~"

Insert: "pursuant to Joint Rule 1-30"

5. Page 18.

Following: line 15

Insert: "(5) (a) There is a Special Select Committee on Judicial Accountability and Transparency.

(b) Senate committee members must be appointed by the President of the Senate.

(c) House committee members must be appointed by the Speaker of the House.

(d) The composition of the committee must be as follows:

(i) three members of the House, two from the majority party and one from the minority party; and

(ii) three members of the Senate, two from the majority party and one from the minority party.

(e) The committee shall elect its presiding officer and vice presiding officer from among its members.

(f) All meetings of the committee are open to the public to the same extent as other legislative committee meetings.

(g) The committee may:

(i) exercise committee investigatory powers under Title 5, chapter 5, part 1, MCA;

(ii) investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana; and

(iii) contract for special counsel services, subject to the Legislature appropriating funds for this purpose.

(h) The committee may meet and conduct business from the start of the legislative session until a new Legislature is elected and takes office."

6. Page 34, line 18.

Strike: "(2010)"

Insert: "(2020)"

For the Senate:

C. Smith, Chair
Fitzpatrick

For the House:

Skees, Vice Chair
C. Knudsen

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 4/27/2021

HB 397, introduced by J. Kassmier

Free Conference Committee Report No.1 adopted: 4/27/2021

HB 483, introduced by C. Knudsen

HB 506, introduced by P. Fielder

HB 640 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 640**:

4/27/2021

Senator Vance, Chair
Senator Boldman
Senator Brown

SB 388 - The Senate failed to concur in House amendments to **SB 388**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 388**:

4/27/2021

Senator Hertz, Chair
Senator Kary
Senator Pope

MESSAGES FROM THE GOVERNOR

April 28, 2021

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Galt:

On Wednesday, April 28, 2021, I signed:

House Bill 699 - Buttrey

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

The bill has been delivered to the Secretary of State's office.

Sincerely,

GREG GIANFORTE
Governor

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

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Nave in the chair.

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

HB 303 - Senate Amendments - Representative Kassmier moved Senate amendments to **HB 303** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

HB 340 - Senate Amendments - Speaker Galt moved Senate amendments to **HB 340** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Tenenbaum, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 83

Nays: Binkley, Dunwell, Farris-Olsen, France, Hamilton, Hinkle J, Karjala, Keogh, Kortum, Marler, Mercer, Moore, Olsen, Regier A, Smith, Sullivan, Thane.

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 555 - Free Conference Committee Report No. 1 - Representative M. Regier moved the Free Conference Committee report to **HB 555** be adopted. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 90

Nays: Dunwell, France, Hawk, Karjala, Kortum, Olsen, Stewart Peregoy, Weatherwax, Whiteman Pena, Windy Boy.

Total 10

Voted absentee: None.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 648 - Free Conference Committee Report No. 1 - Representative Kassmier moved the Free Conference Committee report to **HB 648** be adopted in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Fern, Fielder, Fitzgerald, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 74

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Duram, Farris-Olsen, Fleming, France, Hamilton, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Olsen, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Zolnikov.

Total 25

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Skees.

Total 1

HB 661 - Senate Amendments - Representative Kassmier moved Senate amendments to **HB 661** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Kerns, Knudsen C, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stromswold, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 80

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Nays: Bishop, Dunwell, Farris-Olsen, France, Hamilton, Harvey, Hayman, Karjala, Keogh, Kerr-Carpenter, Knudsen R, Kortum, Marler, Olsen, Smith, Stewart Peregoy, Sullivan, Tenenbaum, Whiteman Pena, Windy Boy.

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 678 - Free Conference Committee Report No. 1 - Representative Bartel moved the Free Conference Committee report to **HB 678** be adopted. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vinton moved the Committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Nave moved the Committee of the Whole report be adopted. Report adopted as follows:

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 94

Nays: Dunwell, Kortum, Olsen, Skees.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Hayman, Phalen.
Total 2

MESSAGES FROM THE GOVERNOR

April 28, 2021

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Galt and President Blasdel:

When any Montanan is convicted and incarcerated for a crime he or she didn't commit, that individual deserves redress and compensation. We owe it to wrongfully convicted individuals to help them make their lives whole. I appreciate the Legislature's efforts to help impacted individuals right this wrong, and I believe this important bill can be improved.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments **House Bill 92**: "AN ACT PROVIDING COMPENSATION FOR PEOPLE WHO HAVE BEEN WRONGLY CONVICTED OF FELONY CRIMES AND EXONERATED; PROVIDING A PROCEDURE FOR FILING AND DETERMINING PETITIONS FOR COMPENSATION; PROVIDING FOR EXPUNGEMENT OF CONVICTION AND THE PAYMENT OF DAMAGES FOR SUCCESSFUL PETITIONS; PROVIDING OFFSETS FOR DAMAGES OBTAINED IN OTHER LITIGATION; CREATING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING A TRANSFER; PROVIDING AN APPROPRIATION; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE DATE."

I support the twofold purpose of HB 92. First, we must resolve the harm done to persons who were wrongfully convicted and imprisoned. Second, we must protect Montana taxpayers from paying millions of dollars in damages.

Protecting taxpayers, however, is not achieved if a claimant can obtain damages under HB 92 and also file a lawsuit against the state, its political subdivisions, and their officers, employees, or agents.

To protect taxpayers, the state should provide an exclusive remedy to wrongfully convicted individuals - either obtain compensation under HB 92 or take legal action against the state. A person should not be able to force the state and local government to pay to defend the case twice and recover damages more than once for the same injuries or losses arising from the same conduct or wrong.

If a claimant elects to file a claim for compensation under HB 92, the amendatory language requires a claimant to affirmatively waive all other remedies and claims. Under the amendatory language, a claimant must also provide a written release of all claims against the state, its political subdivisions, and their officers, employees, agents, and volunteers arising from the same facts. If the waiver or release is held invalid in whole or in part, the amendatory language provides for an offset of the amounts payable to a claimant under HB 92 of any amounts previously or subsequently awarded to the claimant in a lawsuit.

Historically, counties have been liable for approximately 77% of the damages paid to those wrongfully convicted, and the state has been liable for approximately 23%. Rather than have the state assume all of these costs, as is provided in HB 92, the amendatory language keeps responsibility for the costs with each responsible party. Our law places financial and legal responsibility for harm on the party best able to keep it from happening again. The amendatory language keeps financial responsibility for the cost on the state and individual county where the case arose.

Finally, since this is a new program, the next legislature should review it to ensure it should be continued or revised. The amendatory language terminates the program at the end of the next biennium if the next legislature decides to take no action.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Again, I appreciate your efforts to ensure we compensate Montanans who are wrongfully convicted and imprisoned for crimes they didn't commit. As a society, it is the right thing to do, and I respectfully ask for your support of this amendment.

Sincerely,

GREG GIANFORTE
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 92

Report No. 1, April 27, 2021

Governor's recommendations for amendments to **House Bill 92** are as follows:

1. Title, line 7.

Following: "COMPENSATION;"

Insert: "PROVIDING FOR AN ELECTION OF REMEDIES;"

2. Title, line 9.

Following: "LITIGATION;"

Insert: "PROVIDING FOR COUNTY AND CONSOLIDATED GOVERNMENT CONTRIBUTION TOWARD DAMAGES, COSTS, AND ATTORNEY FEES AWARDED;"

3. Title, line 10.

Strike: "AN APPROPRIATION"

Insert: "A STATUTORY APPROPRIATION"

4. Title, line 10.

Strike: "SECTION"

Insert: "SECTIONS 17-7-502 AND"

5. Title, line 11.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

6. Page 1, line 15.

Strike: "7"

Insert: "8"

7. Page 1, line 26.

Following: "state"

Insert: "and county of conviction"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

8. Page 1, line 27.

Strike: "5"

Insert: "6"

9. Page 2, line 9.

Strike: "7"

Insert: "8"

10. Page 2, line 13.

Strike: "7"

Insert: "8"

11. Page 2, line 20 through page 3, line 1.

Strike: subsections (5) and (6) in their entirety

12. Page 3.

Following: line 1

Insert: "NEW SECTION. **Section 3. Election of remedies.** (1) To be eligible to receive relief under [section 2], the claimant shall affirmatively waive any and all other remedies, causes of action, and other forms of relief or compensation against the state, any political subdivision of the state, and their officers, employees, agents, and volunteers related to the claimant's wrongful conviction and imprisonment. This waiver includes all state, common law, and federal claims for relief, including claims pursuant to 42 U.S.C. 1983. The claimant shall execute a release of all claims against the state, any political subdivision of the state, and their officers, employees, agents and volunteers arising from the facts contained in the petition prior to the payment of any damages or compensation or the receipt of a housing voucher under [section 6].

(2) An individual who has a legal proceeding pending or in which judgment has been entered in state or federal court seeking damages or relief for wrongful conviction or imprisonment based on facts that could establish a cognizable claim pursuant to [sections 1 through 8] may not bring a claim under [section 2]."

Renumber: subsequent sections

13. Page 3, line 5.

Strike: "7"

Insert: "8"

Following: "justice"

Insert: "and the county of conviction"

14. Page 3, line 6.

Following: "state"

Insert: "and the county of conviction shall provide its own defense"

Strike: "7"

Insert: "8"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

15. Page 3, line 7.

Strike: "7"

Insert: "8"

16. Page 3, line 9.

Strike: "7"

Insert: "8"

17. Page 3, line 10.

Strike: "7"

Insert: "8"

18. Page 4, line 1.

Following: "state,"

Insert: "the county of conviction,"

19. Page 4, line 5.

Following: "justice"

Insert: "and the county of conviction"

Strike: "7"

Insert: "8"

20. Page 4, line 7 through line 10.

Strike: subsection (9) in its entirety

21. Page 5, line 25.

Strike: "7"

Insert: "8"

22. Page 5, line 28.

Following: "paid"

Strike: "solely by the state"

23. Page 6, line 1.

Strike: "7"

Insert: "8"

24. Page 6, line 19.

Strike: "7"

Insert: "8"

25. Page 7, line 4.

Strike: "7"

Insert: "8"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

26. Page 7, line 6 through line 26.

Strike: subsections (1) and (2) in their entirety

Insert: "In the event the waiver or release provided under [section 3(1)] is held invalid in whole or in part for any reason:

(1) if, at the time of an award of monetary damages or compensation under [section 6], the claimant has also been awarded damages against the state, a political subdivision, or their officers, employees, agents, or volunteers in a civil action related to the claimant's same wrongful conviction or imprisonment, including any settlement, the amount awarded under [section 6] must be reduced by the amount of damages or compensation previously awarded; and

(2) if, after the time of an award of monetary damages or compensation under [section 6], the claimant is awarded damages against the state, a political subdivision, or their officers, employees, agents, or volunteers in a civil action related to the claimant's same wrongful conviction or imprisonment, including any settlement, the claimant shall reimburse to the state or a political subdivision of the state any amount awarded under [section 6]."

27. Page 8, line 3.

Strike: "7"

Insert: "8"

28. Page 8.

Following: line 3

Insert: "(3) (a) Funds in the account may come from grants, gifts, donations, fund transfers, and funds received from counties and consolidated local governments.

(b) The county or consolidated government where the exoneree was convicted is responsible for 75% of the damages, costs of medical insurance and tuition, costs, and attorney fees awarded to a claimant.

(c) The department of administration shall invoice the responsible county or consolidated government no later than 30 days from the appeal deadline, if no appeal is filed, or no later than 30 days from entry of remittitur by the Montana supreme court.

(d) The county or consolidated local government shall remit payment to the state no later than 30 days of receipt of the invoice."

Renumber: subsequent subsections

29. Page 8.

Following: line 5

Insert: "(5) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of administration for payment of damages, costs of medical insurance and tuition, costs, and attorney fees awarded pursuant to [section 6]."

30. Page 8.

Following: line 5

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

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

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

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; [section_8]; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)""

Renumber: subsequent sections

31. Page 8, line 12.

Strike: "5 (7)"

Insert: "6 (7)"

32. Page 8, line 18 through line 19.

Following: "FUNDS." on line 18

Strike: remainder of line 18 through line 19 in their entirety

Insert: "After the appeal deadline, if no appeal is filed, or no later than 30 days from entry of remittitur by the Montana supreme court, 25% of the damages, costs of medical insurance and tuition, costs, and attorney fees awarded to the claimant shall be transferred from the general fund to the account established in [section 8]."

33. Page 8, line 21 through line 23.

Strike: section 10 in its entirety

Renumber: subsequent sections

34. Page 8, line 25.

Strike: "7"

Insert: "8"

35. Page 8, line 26.

Strike: "7"

Insert: "8"

36. Page 9.

Following: line 4

Insert: "NEW SECTION. **Section 15. Termination.** [This act] terminates June 30, 2023."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

April 28, 2021

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Galt and President Blasdel:

Montana faces a tragic crisis of child abuse and neglect. The safety, health, and well-being of our children and Montana's future require us to address it. I appreciate the Legislature's efforts to protect Montana's vulnerable children with **House Bill 459**, and I strongly support the measure. I believe this bill can be improved to ensure the responsibilities of protecting children and improving our child welfare system are housed where the greatest impact can be made.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 459, "AN ACT GENERALLY REVISING LAWS RELATED TO PROVIDING FOR CERTIFICATION OF CHILD PROTECTION SPECIALISTS INVESTIGATING MATTERS OF SUSPECTED CHILD ABUSE, NEGLECT, OR ENDANGERMENT; PROVIDING IMPLEMENTATION INSTRUCTIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 37-22-201, 41-3-102, 41-3-108, 41-3-201, 41-3-202, 41-3-205, 41-3-301, 41-3-427, AND 41-3-445, MCA."

HB 459 has my strong endorsement and improves Montana's child welfare system. Like you, I'm unsettled by the number of preventable child fatalities that our state has experienced in recent years. No child should face abuse and neglect, and certainly no child should die because of it. This is especially true for vulnerable Montana kids who tragically are already known to our child welfare system. They must be protected. Together, we share this commitment, and my administration will continue to take steps to reassess our framework for detecting and preventing child abuse, neglect, abandonment, and fatalities.

I remain encouraged by our Legislature's dedication to exploring and offering meaningful child welfare reforms. By providing for the ongoing certification, training, and continuing education of frontline child protection specialists, HB 459 ensures this critical workforce considers current trends, research, and developments in the law, as well as applying evidence-based or evidence-informed practices when making grave decisions regarding the welfare of a child.

Representative Lenz and I agree the Department of Public Health and Human Services (DPHHS) is best suited to establish and oversee child protection specialist certification, training, and continuing education. The proposed amendment, which the sponsor supports, allows for

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

lasting improvements to Montana's child welfare system by shifting responsibility for such activities from the Board of Behavioral Health to DPHHS, where it truly belongs.

For these reasons, I respectfully ask for your support of this amendment.

Sincerely,

GREG GIANFORTE
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 459

Report No. 1, April 27, 2021

Governor's recommendations for amendments to **House Bill 459** are as follows:

1. Title, line 7 through line 8.

Strike: "37-22-201," on line 7 through line 8

2. Page 1, line 12 through line 22.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

3. Page 1, line 25.

Strike: "5"

Insert: "4"

4. Page 2, line 12 through line 14.

Strike: "submit" on line 12 through "have" on line 14

5. Page 2, line 15.

Strike: "completed"

Insert: "complete"

6. Page 2, line 15.

Strike: "board"

Insert: "department"

7. Page 2, line 21.

Following: "research;"

Strike: "and"

8. Page 2.

Following: line 22

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "(vii) the provisions of the Indian Child Welfare Act, 25 U.S.C. 1902, et seq.; and"

9. Page 2, line 23.

Strike: "demonstrated"

Insert: "demonstrate"

10. Page 2, line 24.

Strike: "as provided for by the board"

Insert: "developed pursuant to [section 4]"

11. Page 2, line 25.

Strike: "(3)"

Insert: "(2)"

Renumber: subsequent subsections

12. Page 2, line 25.

Strike: "board"

Insert: "department"

13. Page 2, line 28.

Strike: "Pursuant to 37-1-203, an"

Insert: "An"

14. Page 3, line 1.

Strike: "board" in two places

Insert: "department" in two places

15. Page 3, line 4.

Following: "education."

Insert: "(1)"

16. Page 3, line 5.

Strike: "board"

Insert: "department"

17. Page 3, line 6 through line 8.

Strike: ":" on line 6 through "(2)" on line 8

18. Page 3, line 9.

Strike: ", which"

Insert: "."

(2) The continuing education"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

19. Page 3, line 9.

Strike: "(2)"

Insert: "(1)"

20. Page 3, line 9.

Strike: "4"

Insert: "2"

21. Page 3, line 15.

Following: "(1)"

Insert: "(a) The department shall engage and collaborate with an external organization to develop a child welfare certification and training program, including a competency examination, that must be an ongoing component of the department's child welfare work.

(b) The program and examination must be reevaluated every 2 years to ensure that they:

(i) reflect current trends, research, and developments in the law; and

(ii) promote evidence-based or evidence-informed practices.

(2)"

22. Page 3, line 16.

Strike: "5"

Insert: "4"

23. Page 3, line 16 through line 17.

Strike: "before" on line 16 through "minors" on line 17

Insert: "within 1 year of the date of hire"

24. Page 3, line 18.

Strike: "(2)"

Insert: "(3)"

Renumber: subsequent subsections

25. Page 3, line 19.

Strike: "5"

Insert: "4"

26. Page 3, line 25 through page 4, line 11.

Strike: section 7 in its entirety

Renumber: subsequent sections

27. Page 6, line 10.

Strike: "3"

Insert: "1"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

28. Page 30, line 2.

Following: "instruction."

Strike: "(1)"

29. Page 30, line 2.

Strike: "5"

Insert: "4"

30. Page 30, line 3 through line 4.

Strike: "a" on line 3 through "as" on line 4

31. Page 30, line 4.

Strike: "40"

Insert: "41"

32. Page 30, line 5.

Strike: "40"

Insert: "41"

33. Page 30, line 5.

Strike: "section 6"

Insert: "sections 1 through 4"

MOTIONS

Majority Leader Vinton moved the Speaker accede to the request of the Senate and be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on House Amendments to **SB 388**. Without objection, Speaker Galt appointed:

Representative Welch
Representative Kassmier
Representative Harvey

House recessed.

House reconvened.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 637**

Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 637** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 637** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "AUTHORITY;"

Insert: "REVISING LAWS RELATED TO BLOCK MANAGEMENT PROGRAM PAYMENTS;
REVISING LAWS RELATED TO PUBLIC ACCESS LAND AGREEMENTS;"

2. Title, line 6.

Following: "LICENSES;"

Insert: "REVISING LAWS RELATED TO ELK LICENSES AND PERMITS FOR
LANDOWNERS OFFERING PUBLIC HUNTING;"

Following: "REVISING"

Strike: "THE CALCULATION OF"

3. Title, line 7.

Following: "POINTS"

Insert: "LAWS;"

Strike: "FOR PARTY APPLICANTS;"

4. Title, line 13.

Following: "OFFENSES;"

Insert: "REVISING LAWS RELATED TO THE TRANSFER OF OWNERSHIP INTERESTS IN
COMMERCIAL LICENSES HELD BY INCORPORATED ENTITIES; AUTHORIZING ONE-TIME
ISSUANCE OF CLASS B-10 AND CLASS B-11 LICENSES TO CERTAIN NONRESIDENTS;
ALLOCATING REVENUE; PROVIDING RULEMAKING AUTHORITY;"

5. Title, line 14.

Following: "APPROPRIATIONS;"

Insert: "MAKING REISSUANCE OF CERTAIN SPECIAL MOOSE LICENSES FOR ANIMALS
FOUND UNFIT FOR HUMAN CONSUMPTION RETROACTIVELY APPLICABLE;"

Following: "87-1-265,"

Insert: "87-1-295,"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Following: "87-2-115,"

Insert: "87-2-513,"

6. Title, line 16.

Following: "SECTIONS"

Insert: "87-1-296, 87-1-297,"

Following: "87-1-505"

Insert: ", "

7. Page 4, line 13.

Following: "(8)"

Insert: "(a)"

Following: "87-1-264"

Insert: "and subsection (8)(b) of this section"

8. Page 4, line 14.

Strike: "\$17,500"

Insert: "\$25,000"

9. Page 4.

Following: line 14

Insert: "(b) Each landowner who participates in a unified cooperative agreement pursuant to subsection (3) may be eligible for payments not to exceed \$25,000 per year."

10. Page 4.

Following: line 17

Insert: "Section 3. Section 87-1-295, MCA, is amended to read:

"87-1-295. Public access land agreement -- terms -- application fee. (1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder. An agreement may not include land for which the landowner is also compensated pursuant to 76-17-102 or 87-1-294.

(2) The department shall negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:

- (a) the amount of compensation, not to exceed \$15,000 annually, and the duration of the agreement;
- (b) improvements to the land provided by the department that may facilitate public access;
- (c) the location of the access and the transportation mode by which the public may use the access;
- (d) time periods when the access may and may not be used; and
- (e) penalties for trespassing on private land not covered by the agreement.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- (3) The private land/public wildlife advisory committee appointed pursuant to 87-1-269 shall review proposed public access land agreements and make recommendations to the department. The department shall consider the recommendations when issuing agreements.
- (4) The department may revoke a public access land agreement for a violation of the terms of the agreement.
- (5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who holds a public access land agreement.
- (6) (a) A landowner who proposes a public access land agreement to the department shall pay a \$5 application fee.
- (b) All application fees must be deposited in the department's general license account and used for the purpose of establishing public access land agreements. At the end of each fiscal year, application revenue that remains unobligated is available to the department for any purpose pursuant to 87-1-201(3).
- (7) The department may adopt rules to implement the provisions of this section.""

Renumber: subsequent sections

11. Page 7, line 22.

Strike: "\$50"

Insert: "\$100"

12. Page 7, line 26.

Following: "year"

Insert: "except a nonresident hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3, and providing the documentation required in subsection (8), may purchase two preference points per license year. No applicant may accumulate more than three preference points total."

Strike: "; and"

13. Page 8, line 1.

Strike: "September 30"

Insert: "December 31"

14. Page 8, line 1 through line 2.

Following: "year." on line 1

Strike: remainder of line 1 through line 2 in their entirety

15. Page 8, line 3 through line 4.

Following: "(4)" on line 3

Insert: "(a)"

Strike: remainder of line 3 through line 4 in their entirety

Insert: "The"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

16. Page 8, line 5.

Strike: "the"

Insert: "an"

17. Page 8, line 5.

Following: "points"

Insert: "if the applicant:

- (i) obtains a Class B-10 or Class B-11 license; or
- (ii) does not apply for a Class B-10 or Class B-11 license in consecutive years.
- (b) If an applicant is unsuccessful in drawing a Class B-10 or Class B-11 license, the department shall allow the applicant to keep and apply preference points to subsequent drawings if done in consecutive years"

18. Page 8.

Following: line 20

Insert: "(8) A nonresident purchasing a second preference point pursuant to subsection (3)(a) shall provide written affirmation at the time of application indicating the name and license number of the outfitter with whom the person intends to hunt. If the nonresident obtains the license applied for with the preference points purchased pursuant to subsection (3)(a), the nonresident may only use the license when accompanied by an outfitter or the outfitter's designee licensed to provide guiding services.

- (9) (a) Fees collected from a nonresident purchasing a second preference point pursuant to subsection (3)(a) must be allocated as follows:
 - (i) 25% to public access land agreements established pursuant to 87-1-295;
 - (ii) 25% to hunting access programs established pursuant to 87-1-265;
 - (iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding projects that provide public access through private property; and
 - (iv) 25% to the purchase of permanent easements through private property to access otherwise inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to public land that is leased by the landowner, public land for which there is no leaseholder, or public land for which the landowner has consent of the leaseholder.
- (b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a) to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including but not limited to contracting and transaction costs incurred by the department or entities partnering with the department, and for providing support to the private land/public wildlife advisory committee for its review of public access land agreements pursuant to 87-1-295.
- (c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain unobligated are available to the department for any purpose pursuant to 87-1-201(3)."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

19. Page 9, line 3.

Strike: "50"

Insert: "80"

20. Page 9.

Following: line 23

Insert: "Section 8. Section 87-2-513, MCA, is amended to read:

- "87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance.** (1) For wildlife management purposes, the department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination thereof as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property. A designee may be an immediate family member or an authorized full-time employee of the landowner.
- (2) To be eligible for a license or permit pursuant to this section, a landowner:
- (a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;
 - (b) may not have been issued a Class A-7 landowner license pursuant to 87-2-501(3) during the license year;
 - (c) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and
 - (d) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.
- (3) For every ~~four~~three members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination thereof pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.
- (4) A license or permit issued pursuant to this section:
- (a) is nontransferable and may not be sold or bartered; and
 - (b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.
- (5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.
- (6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.
- (7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

- (b) ~~The~~ Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district." "

Renumber: subsequent sections

21. Page 22.

Following: line 24

Insert: "NEW SECTION. Section 23. One-time issuance of Class B-10 and Class B-11

licenses for nonresidents hunting with licensed outfitters. (1) The department of fish, wildlife, and parks shall issue, for the requisite fee, the applicable Class B-10 or Class B-11 license to a nonresident who booked a trip for the 2021 license year with an outfitter licensed pursuant to Title 37, chapter 47, part 3, prior to April 1, 2021, but was unsuccessful in the drawing for a 2021 Class B-10 or Class B-11 license.

(2) To be eligible to obtain a license pursuant to this section, the nonresident:

(a) shall apply to obtain the license prior to August 30, 2021; and

(b) shall provide as proof of the booking a reservation record or contract or a deposit payment verification using a credit card record or cancelled check.

(3) A nonresident issued a license pursuant to this section:

(a) forfeits the person's accumulated preference points; and

(b) is not eligible to receive any limited special permit for which the person was also unsuccessful in drawing.

(4) Fees collected for licenses issued pursuant to this section must be allocated in the same manner and used by the department for the same purposes as provided in [section 6(9)]."

Insert: "NEW SECTION. Section 24. Transfer of ownership interest in commercial

licenses. Unless otherwise specifically provided in this chapter, the sale or transfer of an ownership interest in an incorporated entity that holds a commercial license issued pursuant to this chapter does not constitute a transfer of the license so long as the license remains in the name of the incorporated entity."

Renumber: subsequent sections

22. Page 22.

Following: line 26

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "87-1-296. Funding agreement limits -- administrative costs.
87-1-297. Rulemaking authority."

23. Page 23, line 20.

Following: "instruction."

Insert: "(1)"

24. Page 23, line 20.

Strike: "13"

Insert: "15"

25. Page 23, line 22.

Strike: "13"

Insert: "15"

26. Page 23, line 22.

Following: "15]."

Insert: "(2) [Section 24] is intended to be codified as an integral part of Title 87, chapter 4, and the provisions of Title 87, chapter 4, apply to [section 24]."

27. Page 23, line 25.

Strike: "5"

Insert: "7"

28. Page 24, line 7.

Strike: "50"

Insert: "80"

29. Page 25, line 3.

Strike: "16"

Insert: "19"

30. Page 27.

Following: line 3

Insert: "COORDINATION SECTION. Section 31. Coordination instruction. If both House Bill No. 353 and [this act] are passed and approved, then the provisions of House Bill No. 353 apply retroactively to special moose licenses issued on or after March 1, 2019. A person who is eligible to receive a replacement license pursuant to this section may only receive the replacement license in the 2021 license year."

Renumber: subsequent sections

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

31. Page 27, line 6.

Strike: "5"

Insert: "6"

For the Senate:

Brown, Chair
Hinebauch

For the House:

Berglee, Vice Chair
Loge

FREE CONFERENCE COMMITTEE
on **House Bill 693**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 693** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 693** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

Strike: "REQUIRING THE INVESTIGATION OF CERTAIN ORGANIZATIONS BY THE DEPARTMENT OF JUSTICE;"

2. Title, line 13.

Following: "EVALUATION;"

Insert: "TRANSFERRING ADMINISTRATION OF 9-1-1 FUNDS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF JUSTICE;"

3. Title, line 15 through line 16.

Strike: "ESTABLISHING" on line 15 through "CORRECTIONS;" on line 16

4. Title, line 19.

Following: "RENEWAL;"

Insert: "REVISING FUNDING FOR THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT;"

Following: "3-5-102,"

Insert: "10-4-101, 10-4-105, 10-4-304,"

5. Title, line 20.

Strike: "53-1-211,"

Insert: "61-3-103, 61-3-109, 61-3-203,"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

6. Page 8, line 26 through page 9, line 21.

Strike: section 6 in its entirety

Renumber: subsequent sections

7. Page 10.

Following: line 16

Insert: "Section 9. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

- (1) "9-1-1 system" means telecommunications facilities, circuits, equipment, devices, software, and associated contracted services for the transmission of emergency communications. A 9-1-1 system includes the transmission of emergency communications:
 - (a) from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, and transfer of emergency communications; and
 - (b) to or from a public safety answering point to or from emergency service units.
- (2) "Access line" means a voice service of a provider of exchange access services, a wireless provider, or a provider of interconnected voice over IP service that has enabled and activated service for its subscriber to contact a public safety answering point via a 9-1-1 system by entering or dialing the digits 9-1-1. When the service has the capacity, as enabled and activated by a provider, to make more than one simultaneous outbound 9-1-1 call, then each separate simultaneous outbound call, voice channel, or other capacity constitutes a separate access line.
- (3) "Commercial mobile radio service" means:
 - (a) a mobile service that is:
 - (i) provided for profit with the intent of receiving compensation or monetary gain;
 - (ii) an interconnected service; and
 - (iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or
 - (b) a mobile service that is the functional equivalent of a mobile service described in subsection (3)(a).
- (4) "Department" means the department of ~~administration~~ justice provided for in Title 2, chapter 15, part ~~40~~ 20.
- (5) "Emergency communications" means any form of communication requesting any type of emergency services by contacting a public safety answering point through a 9-1-1 system, including voice, nonvoice, or video communications, as well as transmission of any text message or analog digital data.
- (6) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.
- (7) "Exchange access services" means:

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- (a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and
- (b) unless a separate tariff rate is charged for the exchange access lines or channels, a facility or service provided in connection with the services described in subsection (7)(a).
- (8) "Interconnected voice over IP service" means a service that:
 - (a) enables real-time, two-way voice communications;
 - (b) requires a broadband connection from a user's location;
 - (c) requires IP-compatible customer premises equipment; and
 - (d) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.
- (9) "IP" means internet protocol, or the method by which data are sent on the internet, or a communications protocol for computers connected to a network, especially the internet.
- (10) "Local government" has the meaning provided in 7-11-1002.
- (11) "Next-generation 9-1-1" means a system composed of hardware, software, data, and operational policies and procedures that:
 - (a) provides standardized interfaces from call and message services;
 - (b) processes all types of emergency calls, including nonvoice or multimedia messages;
 - (c) acquires and integrates additional data useful to emergency communications;
 - (d) delivers the emergency communications or messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities;
 - (e) supports data and communications needs for coordinated incident response and management; and
 - (f) provides a secure environment for emergency communications.
- (12) "Originating service provider" means an entity that provides capability for a retail customer to initiate emergency communications.
- (13) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a county according to the most recent decennial census compiled by the United States bureau of the census.
- (14) "Private safety agency" means an entity, except a public safety agency, providing emergency fire, ambulance, or medical services.
- (15) "Provider" means a public utility, a cooperative telephone company, a wireless provider, a provider of interconnected voice over IP service, a provider of exchange access services, or any other entity that provides access lines.
- (16) "Public safety agency" means a functional division of a local or tribal government or the state that dispatches or provides law enforcement, firefighting, or emergency medical services or other emergency services.
- (17) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives emergency communications from persons requesting emergency services and that may, as appropriate, directly dispatch emergency services or transfer or relay the emergency communications to appropriate public safety agencies.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- (18) "Relay" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.
- (19) "Subscriber" means an end user who has an access line or who contracts with a wireless provider for commercial mobile radio services.
- (20) "Transfer" means a service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other emergency services provider.
- (21) "Tribal government" has the meaning provided in 2-15-141.
- (22) "Wireless provider" means an entity that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."

Insert: "Section 10. Section 10-4-105, MCA, is amended to read:

"10-4-105. 9-1-1 advisory council. (1) There is a 9-1-1 advisory council.

(2) The council consists of 18 members appointed by the governor as follows:

- (a) ~~the director of the department or the director's attorney general or the attorney general's~~ designee, who serves as presiding officer of the council;
- (b) a representative of the department of justice, Montana highway patrol;
- (c) a representative of the Montana emergency medical services association;
- (d) three representatives of Montana telecommunications providers, including at least one wireless provider;
- (e) a representative of the Montana association of public safety communications officials;
- (f) two public safety answering point managers, one serving a population of less than 30,000 and one serving a population of greater than 30,000;
- (g) a representative of the department of military affairs, disaster and emergency services division;
- (h) a representative of the Montana association of chiefs of police;
- (i) a representative of the Montana sheriffs and peace officers association;
- (j) a representative of the Montana state fire chiefs' association;
- (k) a representative of the Montana state volunteer firefighters association;
- (l) a representative of the Montana association of counties;
- (m) a representative of the Montana league of cities and towns;
- (n) the state librarian or the state librarian's designee; and
- (o) the state director of Indian affairs provided for in 2-15-217.
- (3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.
- (4) The council shall, within its authorized budget, hold quarterly meetings.
- (5) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503."

Insert: "Section 11. Section 10-4-304, MCA, is amended to read:

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- "10-4-304. Establishment of 9-1-1 accounts.** (1) Beginning July 1, 2018, there is established in the state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.
- (2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department or used for public safety radio communications, if allowable, are allocated as follows:
- (a) 75% of the account must be deposited in an account for distribution to local and tribal government entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the department in accordance with 10-4-108; and
- (b) 25% of the account must be deposited in an account for distribution in the form of grants to private telecommunications providers, local or tribal government entities that host public safety answering points, or both in accordance with 10-4-306.
- (3) Beginning July 1, 2018, 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.
- (4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts.""

Renumber: subsequent sections

8. Page 16, line 8 through line 13.

Strike: section 11 in its entirety

Renumber: subsequent sections

9. Page 19, line 9 through page 20, line 15.

Strike: section 13 in its entirety

Insert: "**Section 14.** Section 61-3-103, MCA, is amended to read:

- "61-3-103. Filing of security interests -- perfection -- rights -- procedure -- fees.** (1) (a) Except as provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment of a voluntary security interest or lien by the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on a form prescribed by the department.
- (b) After the voluntary security interest or lien has been entered on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was perfected.
- (c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent, or a county treasurer receives the written acknowledgment of the

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- voluntary security interest or lien from the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.
- (d) Except as provided in subsection (3), when a person applying for a certificate of title requests issuance of a certificate of title under 61-3-201, the department shall record the voluntary security interest or lien on the face of a certificate of title.
- (2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.
- (3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject to two security interests previously perfected under this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE. This vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests is not required to be endorsed on the certificate.
- (4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.
- (5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the department \$25 for each day that the secured party or lienholder fails to file the satisfaction.
- (6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail to the owner or any secured party or lienholder of record a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.
- (7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, for which a certificate of title is issued under this chapter, to any other person without the consent of and without affecting the interest of the holder of the certificate of title.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- (b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department and the department shall record the assignment in the department's records.
- (8) (a) A fee must be paid to the department to file any security interest or other lien against a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.
- (b) ~~Beginning January 1, 2002, and ending June 30, 2019, the~~ The fee to file a lien is \$8. Of the \$8 fee, \$4 must be deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state for deposit in the motor vehicle information technology system account provided for in 61-3-550.
- (c) ~~Beginning July 1, 2019, the fee is \$4 and must be deposited in the state general fund.~~
- (9) (a) Until June 30, ~~2026~~ 2034, a fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. Beginning July 1, ~~2026~~ 2034, the fee for a new certificate of title under this subsection is \$5.
- (b) Until June 30, ~~2026~~ 2034, the fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550.
- (c) Beginning July 1, ~~2026~~ 2034, the \$5 fee must be deposited in the state general fund.""
- Insert: "Section 15.** Section 61-3-109, MCA, is amended to read:
- "61-3-109. Electronic title, lien filing, and registration.** (1) The department shall develop and implement a pilot program to allow:
- (a) electronic transmission of data by an authorized agent, a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;
- (b) substantiation of electronic record transactions performed by the department, an authorized agent, a county treasurer, or a person;
- (c) the production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department;
- (d) electronic filing, perfection, and release of security interests or liens of record;
- (e) certification and audit by the department of its authorized agents; and
- (f) expedited title services for customers with exceptional needs who are willing to pay an optional fee prescribed by the department by rule.
- (2) Money collected from the fee imposed under subsection (1)(f) must be deposited in the ~~highway nonrestricted~~ motor vehicle information technology system account provided for in ~~15-70-125~~ 61-3-550.""

Insert: "Section 16. Section 61-3-203, MCA, is amended to read:

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- "61-3-203. Fee for original certificate of title -- disposition.** (1) Until June 30, ~~2026~~ 2028, a person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:
- (a) \$10 if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs 1 ton or less; or
 - (b) \$12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs 1 ton or less.
- (2) The amount of \$5 of the fee imposed pursuant to subsection (1) must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550, and the remaining amount must be deposited in the state general fund.
- (3) For expedited certificates of title, which may only be issued by the Montana motor vehicle division, the entirety of the fee imposed pursuant to subsection (1) must be deposited into the motor vehicle information technology system account provided for in 61-3-550.
- (4) Beginning July 1, ~~2026~~ 2028, the fee imposed in subsection (1)(a) is \$5 and the fee imposed in subsection (1)(b) is \$7 and all fees paid pursuant to this section must be deposited in the state general fund."

Renumber: subsequent sections

10. Page 25, line 20.

Strike: "5"

Insert: "4"

11. Page 26, line 1.

Strike: "16 AND 18"

Insert: "19 and 21"

For the Senate:

Osmundson, Chair
Howard
Lynch

For the House:

Mercer, Vice Chair
Kerr-Carpenter

FREE CONFERENCE COMMITTEE
on **Senate Bill 231**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 231** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

And, recommend that **Senate Bill 231** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Following: "SIZES;"

Insert: "ALLOWING CERTAIN BOUNDARY RELOCATIONS;"

2. Page 2, line 23.

Strike: "and"

Insert: ";"

3. Page 2, line 24.

Strike: "(b)"

4. Page 2, line 26 through line 27.

Strike: "(C)" on line 26 through "DISTRICT" on line 27

5. Page 3, line 5 through line 6.

Strike: "EACH" on line 5 through "MADE" on line 6

6. Page 3.

Following: line 7

Insert: "(b) relocating common boundary lines between adjoining properties located within a zoning district is allowed provided the adjoining properties are owned by the same person or entity;

(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes"

Renumber: subsequent subsections

For the Senate:

Blasdel, Chair
Fitzpatrick

For the House:

Malone, Vice Chair
Harvey
Walsh

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

MESSAGES FROM THE GOVERNOR

April 28, 2021

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Galt and President Blasdel:

"Vaccine passports" undermine individual liberty and threaten personal privacy, tenets Montanans hold dear. No person should be compelled to involuntarily divulge their personal health information as a condition of participating in everyday life, and so-called vaccine passports are one step down a dangerous path that erodes personal privacy. "Vaccine passports" are steeped in discrimination and have no place in our state.

I appreciate the Legislature's work to prohibit "vaccine passports" in Montana with House Bill 702, and I support the sponsor's efforts and intent. However, I believe this measure can be strengthened.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 702: "A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING DISCRIMINATION BASED ON A PERSON'S VACCINATION STATUS OR POSSESSION OF AN IMMUNITY PASSPORT; PROVIDING AN EXCEPTION; PROVIDING AN APPROPRIATION ; AND PROVIDING EFFECTIVE DATES.

"In line with Executive Order 7-2021, I firmly believe that "vaccine passports," or any documentation related to an individual's vaccination status, are an unwarranted infringement on our liberties.

Many Montanans have deeply held religious reasons for not obtaining a vaccine. Others have health conditions that prohibit them from getting one. Ultimately, the decision to receive a vaccine is voluntary, and Montanans should not face the threat of discrimination rooted in whether they decide to receive a vaccine. Furthermore, employers must not discriminate or take punitive action against employees who opt out of immunizations, but instead should work to

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

provide well established, reasonable accommodations that protect the health and safety of all involved.

For these reasons, I am pleased to offer an amendment that strengthens HB 702 and promotes its proper enactment. Specifically, my amendment clarifies that an employer may ask an employee to volunteer their vaccination or immunization status under certain circumstances.

My amendment also makes clear that an employer's implementation of reasonable accommodation measures for persons who are not vaccinated or not immune to protect the safety and health of employees, customers, patients, visitors, and other persons from communicable diseases is not unlawful discrimination.

Additionally, my amendment would ensure that provisions of HB 702 do not put licensed nursing homes, long-term care facilities, or assisted living facilities in violation of regulations or guidance issued by the U.S. Centers for Medicare and Medicaid Services.

This is an important bill that can be reinforced to further protect Montanans, and I respectfully ask for your support of this amendment.

Sincerely,

GREG GIANFORTE
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 702

Report No. 1, April 27, 2021

Governor's recommendations for amendments to **House Bill 702** are as follows:

1. Title, line 10.

Following: "EXCEPTION"

Insert: "AND AN EXEMPTION"

2. Page 2, line 12.

Following: "~~(3)~~(2)~~(3)~~"

Insert: "(a)"

3. Page 2.

Following: line 13

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "(b) A health care facility, as defined in 50-5-101, does not unlawfully discriminate under this section if it complies with both of the following:

(i) asks an employee to volunteer the employee's vaccination or immunization status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A health care facility may consider an employee to be nonvaccinated or nonimmune if the employee declines to provide the employee's vaccination or immunization status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented.

(ii) implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases."

4. Page 2.

Following: line 21

Insert: "NEW SECTION. **Section 2. Exemption.** A licensed nursing home, long-term care facility, or assisted living facility is exempt from compliance with [section 1] during any period of time that compliance with [section 1] would result in a violation of regulations or guidance issued by the centers for medicare and medicaid services or the centers for disease control and prevention."

Renumber: subsequent sections

5. Page 3, line 3.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

6. Page 3, line 4.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

7. Page 3, line 12.

Strike: "2"

Insert: "3"

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

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Garner in the chair.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

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

HB 188 - Conference Committee Report No. 1 - Representative Loge moved the Conference Committee report to **HB 188** be adopted. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 68

Nays: Abbott, Bishop, Buckley, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 278 - Free Conference Committee Report No. 1 - Representative Buttrey moved the Free Conference Committee report to **SB 278** be adopted. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Mercer.

Total 1

SB 319 - Free Conference Committee Report No. 1 - Representative McKamey moved the Free Conference Committee report to **SB 319** be adopted. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hinkle J, Holmlund, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 57

Nays: Abbott, Bedey, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Frazer, Funk, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hopkins, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Whiteman Pena, Windy Boy.

Total 43

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

SJR 1 - Free Conference Committee Report No. 1 - Representative Skees moved the Free Conference Committee report to **SJR 1** be adopted. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 33 - Representative Zolnikov moved **SJR 33** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Funk, Galloway, Garner, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Reksten, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 95

Nays: Fuller, Gillette, Regier A, Regier M, Ricci.

Total 5

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 92 - Governor's Amendments - Representative Kelker moved Governor's amendments to **HB 92** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stromswold, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 84

Nays: Abbott, Bishop, Buckley, Dunwell, Farris-Olsen, Hinkle C, Karjala, Kerr-Carpenter, Knudsen C, Kortum, Marler, Olsen, Smith, Stewart Peregoy, Sullivan, Tenenbaum.

Total 16

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 459 - Governor's Amendments - Representative Lenz moved Governor's amendments to **HB 459** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Dunwell, Smith, Whiteman Pena.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vinton moved the Committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Garner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 81

Nays: Abbott, Bishop, Caferro, Dunwell, Farris-Olsen, France, Garner, Harvey, Hawk, Karjala, Kerr-Carpenter, Kortum, Olsen, Running Wolf, Sullivan, Weatherwax, Whiteman Pena.

Total 17

Voted absentee: None.

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Absent or not voting: Hopkins, Patelis.

Total 2

House recessed.

House reconvened.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 2**

Report No. 004, April 29, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1: .

Following: line 14

Insert: "e. Capitol Technical Support"

Insert: "100,000 100,000" [State Special Fund FY22 FY23]

2. Page A-1: .

Following: line 21

Insert: "c. Committee on Judicial Accountability/HB 483"
(Restricted/Biennial/OTO)"

Insert: "285,496" [General Fund FY22]

3. Page A-1, line 23: .

Strike: "2,235,078 2,386,410" [General Fund FY22 FY23]

Insert: "2,353,655 2,459,174" [General Fund FY22 FY23]

4. Page A-2: .

Following: line 8

Insert: "It is the intent of the Legislature that the Legislative Services Division may collect fees for deposit in a state special revenue account for the development, coordination, and support of remote and hybrid meetings conducted in the Capitol. Legislative meetings would not be subject to the fees."

5. Page A-3.

Following: line 6

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "c. Internal Audit Management (Restricted/Biennial/OTO)"

Insert: "125,000 125,000 " [General Fund FY22 FY23]

6. Page A-3: .

Following: line 20

Insert: "**SECRETARY OF STATE (32010)**"

Insert: "1. Business and Government Services (01)"

Insert: "Election Litigation (Restricted/Biennial/OTO)"

Insert: "100,000" [General Fund FY22]

7. Page A-6, line 18: .

Strike: "14,861,532 17,662,985" [General Fund FY22 FY23]

Insert: "9,094,743 9,454,934" [General Fund FY22 FY23]

1 HB000232-O.AKW

8. Page A-7, line 4: .

Strike: "423,193 424,342" [State Special Fund FY22 FY23]

9. Page A-7: .

Strike: line 5 through line 6 in their entirety

10. Page A-8: .

Following: line 10

Insert: "It is the intent of the Legislature that the Department of Administration transition all statewide workforce training from the Professional Development Center to the private sector, universities, or colleges by the end of the 2023 biennium. It is the intent of the Legislature that the Professional Development Center be closed by the end of the 2023 biennium."

11. Page A-8:

Following: line 10

Insert: "The Director's Office includes a one-time-only general fund reduction of \$5,766,789 in FY 2022 and \$8,208,051 in FY 2023 for the transfer to the capital development account."

12. Page A-8:

Following: Line 24

Insert: "Taiwan Economic Development and Business Recruitment (Biennial)"

Insert: "500,000 500,000" [State Special Fund FY22 FY23]

13. Page A-9, line 9: .

Strike: "0 0" [State Special Fund FY22 FY23]

Insert: "1,270,000 1,270,000" [State Special Fund FY22 FY23]

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

14. Page A-9, line 11:

Strike: "600,000 600,000" [State Special Fund FY22 FY23]

Insert: "1,000,000 1,000,000" [State Special Fund FY22 FY23]

15. Page A-11, line 19: .

Strike: "653,674 654,614" [Federal Special Fund FY22 FY23]

Insert: "653,924 655,299" [Federal Special Fund FY22 FY23]

16. Page B-1: .

Following: line 19

Insert: "a. Report on Medicaid Paid Abortions"

Insert: "45,000 45,000" [General Fund FY22 FY23]

17. Page B-2, line 18: .

Strike: "1,905,267 3,810,534" [General Fund FY22 FY23]

Insert: "1,339,072 2,678,145" [General Fund FY22 FY23]

Strike: "3,522,843 7,045,686" [Federal Special Fund FY22 FY23]

Insert: "2,481,465 4,951,894" [Federal Special Fund FY22 FY23]

18. Page B-3: .

Following: line 5

Insert: "g. Home and Community Based Services Direct Care Worker Recruitment and Retention"

Insert: "386,439 772,878" [General Fund FY22 FY23]

Insert: "1,163,968 2,306,316" [Federal Special Fund FY22 FY23]

19. Page B-3, line 7: .

Strike: "8,190,180 10,380,259" [General Fund FY22 FY23]

Insert: "8,164,143 10,354,222" [General Fund FY22 FY23]

Strike: "37,483 39,865" [State Special Fund FY22 FY23]

Insert: "34,472 36,854" [State Special Fund FY22 FY23]

20. Page B-3, line 8: .

Strike: "23,296,688 29,093,867" [Federal Special Fund FY22 FY23]

Insert: "23,243,237 29,040,416" [Federal Special Fund FY22 FY23]

21. Page B-3, line 22: .

Strike: "2,157,514 4,315,028" [General Fund FY22 FY23]

Insert: "305,879 611,758" [General Fund FY22 FY23]

Strike: "3,989,250 7,978,498" [Federal Special Fund FY22 FY23]

Insert: "554,539 1,109,076" [Federal Special Fund FY22 FY23]

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

22. Page B-4, line 12: .

Strike: "935,563 1,871,126" [General Fund FY22 FY23]

Insert: "467,782 935,563" [General Fund FY22 FY23]

Strike: "1,729,859 3,459,718" [Federal Special Fund FY22 FY23]

Insert: "864,930 1,729,859" [Federal Special Fund FY22 FY23]

23. Page B-5: .

Strike: lines 13 through 14 in their entirety

24. Page B-5: .

Following: line 24

Insert: "The Legislature intends that the Department of Public Health and Human Services eliminate the policy of 12-month continuous eligibility for the Medicaid expansion population."

25. Page B-5: .

Following: line 24

Insert: "The line item for report on Medicaid paid abortions is to be used by the Department of Public Health and Human Services to review and report the history, utilization data, policies, rules, and definitions for Medicaid paid abortions to the Interim Budget Committee for the Department of Public Health and Human Services and the Children, Families, Health, and Human Services Interim Committee at a meeting in September of 2021 with follow up work as the committees request."

26. Page C-3, line 17:

Strike: "12,865,334 12,888,848" [State Special Fund FY22 FY23]

Insert: "11,365,334 11,388,848" [State Special Fund FY22 FY23]

27. Page D-1, line 5: .

Strike: "18,093,075 18,348,767" [General Fund FY22 FY23]

Insert: "18,481,759 18,713,942" [General Fund FY22 FY23]

28. Page D-2, line 15: .

Strike: "500,000 500,000" [General Fund FY22 FY23]

Insert: "1,000,000 1,000,000" [State Special Fund FY22 FY23]

29. Page D-2, line 17: .

Strike: "566,339 566,796" [State Special Fund FY22 FY23]

Insert: "989,532 991,138" [State Special Fund FY22 FY23]

Following: "line 17"

Insert: "a. Legislative Audit (Restricted/Biennial)"

Insert: "695" [State Special Fund FY22]

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

30. Page D-2, line 19: .

Strike: "7,980,701 8,127,106" [General Fund FY22 FY23]

Insert: "8,257,140 8,551,862" [General Fund FY22 FY23]

31. Page D-2, line 25: .

Strike: "5,278,367 5,364,861" [General Fund FY22 FY23]

Insert: "6,542,928 5,918,105" [General Fund FY22 FY23]

32. Page D-3: .

Following: line 26

Insert: "The motor vehicle information technology system account includes a reduction in state special revenue due to the elimination of a deposit of a \$4 fee pursuant to 61-3-103(8) made July 1, 2019. If HB 693 is passed and approved with a section that amends the termination date of the \$4 fee, the motor vehicle information technology system account is considered eligible to be amended under 17-07-402(1)(a)(xii) in the 2023 biennium budget."

33. Page D-4: .

Strike: line 18 through line 19 in their entirety

34. Page D-6, line 25: .

Strike: "72,842,854 73,408,078" [General Fund FY22 FY23]

Insert: "72,334,356 72,889,410" [General Fund FY22 FY23]

Strike: "1,123,962 1,123,976" [State Special Fund FY22 FY23]

Insert: "1,123,296 1,123,296" [State Special Fund FY22 FY23]

Following: line 27

Insert: "b. Nonprofit Provider Per Diem (Restricted)"

Insert: "508,498 518,668" [General Fund FY22 FY23]

Insert: "666 680" [State Special Fund FY22 FY23]

35. Page D-7, line 2: .

Strike: "86,492,071 87,895,483" [General Fund FY22 FY23]

Insert: "86,492,621 87,896,990" [General Fund FY22 FY23]

36. Page D-7, line 5: .

Strike: "237,170 651,098" [General Fund FY22 FY23]

Insert: "304,229 781,639" [General Fund FY22 FY23]

37. Page D-7, line 7: .

Strike: "134,962 262,725" [General Fund FY22 FY23]

Insert: "67,903 132,184" [General Fund FY22 FY23]

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

38. Page D-8, line 2: .

Following: "community."

Strike: "The department may not place offenders based on an ASAM score and shall primarily rely on the risk and needs assessment and the underlying offense when placing offenders."

Insert: "In placing offenders in treatment facilities, the department shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender's treatment dosage and needs."

39. Page D-8, line 4: .

Following: "placement."

Insert: "Pre-screening is not required for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered. Contracted treatment and pre-release centers should simultaneously screen an offender's application."

40. Page D-8, line 6: .

Following: "branch."

Insert: "Pre-screening and providing placement recommendations will begin no later than July 1, 2021."

41. Page D-8, line 9: .

Strike: "for the previous 18 months."

Insert: "each month of the biennium beginning on July 1, 2021. Funds will be certified on a monthly basis by the budget director."

42. Page D-8, line 20: .

Following: "approved"

Insert: "as introduced"

43. Page E-1, line 5:

Strike: "11,273,957 11,427,175" [General Fund FY22 FY23]

Insert: "8,739,997 8,882,546" [General Fund FY22 FY23]

Following: line 5

Insert: "a. Audiology (Restricted)

533,460 544,129" [General Fund FY22 FY23]

Insert: "b. Montana Digital Academy (Restricted)

2,000,500 2,000,500" [General Fund FY22 FY23]

Renumber: subsequent subsections

44. Page E-1, line 13: .

Following: line 13

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "e. Medicaid Services to Schools Director (RST)"

Insert: "67,500 67,500" [General Fund FY22 FY23]

Insert: "67,500 67,500" [Federal Special Fund FY22 FY23]

Following: line 13

Insert: "f. Medicaid Services to Schools Technical Support (RST) (OTO)"

Insert: "55,000 55,000" [General Fund FY22 FY23]

Insert: "55,000 55,000" [Federal Special Fund FY22 FY23]

45. Page E-1, line 22:

Strike: "785,684,113 823,862,141" [General Fund FY22 FY23]

Insert: "784,643,285 823,021,316" [General Fund FY22 FY23]

46. Page E-3:

Strike: line 26 in its entirety

47. Page E-5, line 10:

Strike: "4,977,617 5,136,239" [General Fund FY22 FY23]

Insert: "4,978,887 5,139,719" [General Fund FY22 FY23]

48. Page E-8: .

Following: line 11

Insert: "c. Bureau of Business and Economic Research Study (Restricted/Biennial/OTO)"

Insert: "75,000" [General Fund FY22]

49. Page E-8, line 22: .

Strike: "13,741,815" [General Fund FY22]

Insert: "14,041,815" [General Fund FY22]

50. Page E-8: .

Following: line 24

Insert: "b. Flathead Valley Community College (OTO)"

Insert: "300,000" [General Fund FY22]

Insert: "c. Bitterroot Community College (Restricted/Biennial)"

Insert: "400,000" [General Fund FY22]

51. Page E-9, line 9: .

Strike: "250,000 750,000" [General Fund FY22 FY23]

Insert: "500,000 500,000" [General Fund FY22 FY23]

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

52. Page E-9, line 11: .

Strike: "250,000 750,000" [General Fund FY22 FY23]

Insert: "375,000 375,000" [General Fund FY22 FY23]

53. Page E-9, line 13: .

Strike: "500,000 1,500,000" [General Fund FY22 FY23]

Insert: "750,000 750,000" [General Fund FY22 FY23]

54. Page E-9, line 15: .

Strike: "375,000 1,125,000" [General Fund FY22 FY23]

Insert: "750,000 750,000" [General Fund FY22 FY23]

55. Page E-9: .

Strike: line 16 through line 17 in their entirety

For the Senate:
Osmundson, Chair
C. Smith

For the House:
Jones, Vice Chair
Bartel
Caferro

FREE CONFERENCE COMMITTEE
on **House Bill 5**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 5** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 5** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

Following: "DEFINITIONS;"

Insert: "PROVIDING FOR A TRANSFER OF FUNDS;"

2. Page 5.

Following: line 20

Insert: "COVID-19 Remote and Office Workspace Study and Planning Fund

1,400,000	1,400,000
-----------	-----------

Legislative Staff Workspace Renovation and Reorganization

500,000	500,000
---------	---------

Removal and Replacement of Legislative Chambers Carpeting

1,000,000	1,000,000"
-----------	------------

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

3. Page 8.

Following: line 8

Insert: "MAES Greenhouse Laboratories

2,000,000

2,000,000

Capitol Complex Building Renovations for Remote and Office Workspace Improvements

10,000,000

10,000,000

Mazurek Building Renovations

3,000,000

3,000,000"

4. Page 10, line 17 through line 20.

Strike: "(A)" on line 17 through "210." on line 20

5. Page 10, line 21.

Strike: "(B)"

Insert: "(a)"

Renumber: subsequent subsections

6. Page 10, line 28.

Strike: "(3)(E)"

Insert: "(3)(d)"

7. Page 11, line 17.

Strike: "(3)(C)"

Insert: "(3)(b)"

8. Page 11, line 18.

Strike: "(3)(C)"

Insert: "(3)(b)"

9. Page 11.

Following: line 18

Insert: "(4)(a) As part of the COVID-19 remote and office workspace study and planning, the department of justice, the Montana state library, and the judicial branch shall participate in a working group for the Mazurek building led by the department of administration.

(b) The working group shall:

(i) determine the minimum space needs of the current occupants of the Mazurek building, including whether the footprint of the state law library can be reduced and opportunities exist to move department of justice staff to the building from private leased space. Tenants should determine whether remote work is a viable option for employees, and the working group should look for opportunities to reduce agency space.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

(ii) determine the space configuration that is most efficient and effective for each tenant and its mission. To minimize disruption to the agencies and minimize costs, the configurations should minimize moves from current space and remodeling costs.

(iii) consider how to use the unoccupied space in the building for the needs of the agencies to meet their minimum space needs. If the agencies do not use all of the unoccupied space, then the remaining space should be maintained in a sufficient block to allow for an additional agency tenant.

(c) Prior to the commencement of any renovations on the Mazurek building, the budget director must approve the renovation plan."

10. Page 13, line 17.

Insert: "600,000" [state special revenue]

Strike: "600,000" [federal special revenue]

11. Page 14.

Following: line 23

Insert: "(6) The following money is appropriated to the department of environmental quality in the indicated amount for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable:

Agency/Project [stack these 6 lines as column heads per AIC]

LRBP MR Fund

State Special Revenue

Federal Special Revenue

Authority Only Sources

Total

Remediation of Leaking Petroleum Tanks

2,000,000 [state special revenue]

2,000,000 [total]"

[note: bracketed labels not to be included in actual inserted text]

12. Page 18.

Following: line 17

Insert: "NEW SECTION. Section 12. Transfer of funds. By July 1, 2021, the state treasurer shall transfer \$2,000,000 from the general fund to a state special account for the purpose of leaking petroleum tank remediation."

Renumber: subsequent sections

For the Senate:

Cuffe, Chair

Boldman

Osmundson

For the House:

Jones, Vice Chair

Hamilton

Hopkins

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

FREE CONFERENCE COMMITTEE
on **House Bill 632**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 632** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 632** (reference copy -- salmon) be amended as follows:

The amendment reference, authorized print version is available at the end of this Journal.

For the Senate:

Osmundson, Chair
Cuffe
Lynch

For the House:

Garner, Vice Chair
Bartel
Keane

FREE CONFERENCE COMMITTEE
on **House Bill 663**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 663** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 663** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "TAXES;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 3.

Following: line 16

Insert: "NEW SECTION. Section 2. Appropriation. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 1]:

Fiscal year 2022	\$10,245,460
Fiscal year 2023	\$10,439,655

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session."

Renumber: subsequent sections

3. Page 4, line 24.

Strike: "252%"

Insert: "254%"

4. Page 5, line 28.

Strike: "2"

Insert: "4"

5. Page 6.

Following: line 6

Insert: COORDINATION SECTION. Section 4. Coordination instruction. If both House Bill No. 303 and [this act] are passed and approved, then [section 2 of this act] is void and must be replaced with:

"NEW SECTION. Appropriation. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 3]:

Fiscal year 2022	\$10,245,460
Fiscal year 2023	\$12,889,751

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session.""

Renumber: subsequent section

For the Senate:

Salomon, Chair

Bogner

McClafferty

For the House:

Ler, Vice Chair

Jones

Novak

FREE CONFERENCE COMMITTEE
on **Senate Bill 191**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 191** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

And, recommend that **Senate Bill 191** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Following: "REQUIREMENTS;"

Insert: "PROVIDING LEGISLATIVE INTENT; REVISING LAWS RELATING TO THE TRANSFER OF DEFENDANTS AFTER SENTENCING; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REPORT TO LEGISLATIVE COMMITTEES PRIOR TO TAKING CERTAIN ACTIONS; PROVIDING FOR TRANSFERS AND APPROPRIATIONS; AMENDING SECTION 1, CHAPTER 1, LAWS OF 2019;"

2. Title, line 8.

Following: "17-7-209,"

Strike: "AND"

Following: "17-7-402,"

Insert: "46-19-101, AND 53-6-101,"

Following: "AN"

Insert: "IMMEDIATE"

3. Page 2, line 9.

Following: "~~the~~"

Insert: "The state treasurer shall calculate the operating reserve level of general fund balance defined in 17-7-102(11). The treasurer shall first apply the excess revenue to reach the operating reserve level general fund balance, if necessary. Once the general fund balance is at the reserve level, 75% of the remaining excess revenue is transferred to the budget stabilization reserve fund."

4. Page 2, line 9 through line 12

Strike: "By" on line 9 through "(6)." on line 12

5. Page 2, line 15.

Following: "THEN"

Insert: "50% of"

6. Page 2, line 15.

Strike: "17-7-208"

Insert: "17-7-209 and 50% to the general fund"

7. Page 4, line 16.

Strike: "and proprietary funds"

8. Page 5.

Following: line 20

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "Section 4. Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program -- authorization of services. (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

- (a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;
- (b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and
- (c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

- (a) inpatient hospital services;
- (b) outpatient hospital services;
- (c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;
- (d) skilled nursing services in long-term care facilities;
- (e) physicians' services;
- (f) nurse specialist services;
- (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);
- (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
- (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
- (j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
- (k) health services provided under a physician's orders by a public health department;
- (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);
- (m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;
- (n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103; and

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- (o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.
- (4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:
 - (a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;
 - (b) home health care services;
 - (c) private-duty nursing services;
 - (d) dental services;
 - (e) physical therapy services;
 - (f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;
 - (g) clinical social worker services;
 - (h) prescribed drugs, dentures, and prosthetic devices;
 - (i) prescribed eyeglasses;
 - (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
 - (k) inpatient psychiatric hospital services for persons under 21 years of age;
 - (l) services of professional counselors licensed under Title 37, chapter 23;
 - (m) hospice care, as defined in 42 U.S.C. 1396d(o);
 - (n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
 - (o) services of psychologists licensed under Title 37, chapter 17;
 - (p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; (q) services of behavioral health peer support specialists certified under Title 37, chapter 38, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and
 - (r) any additional medical service or aid allowable under or provided by the federal Social Security Act.
- (5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.
- (6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

- services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(r) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.
- (7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.
- (8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.
- (b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:
- (i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.
- (ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.
- (9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.
- (10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.
- (b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.
- (11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.
- (12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department shall report the information to:
- (i) the children, families, health, and human services interim committee; and
- (ii) the legislative finance committee.
- (b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

~~(12)~~(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2023--sec. 7, Ch. 412, L. 2019.)""

Insert: "NEW SECTION. Section 5. Legislative intent -- medicaid transfers. If, during the 2023 biennium, expenditures in the disabilities and employment transition division, the developmental services division, the health resources division, the senior and long term care division, the addictive and mental disorders division, or the child and family services division are estimated to exceed appropriations, thereby requiring actions under 17-7-301, it is the intent of the legislature that the department of public health and human services may, with prior approval of the office of budget and program planning, transfer budget authority from any division in the department to any other division listed above to eliminate a potential deficit or supplemental request and eliminate the need for actions under 17-7-301. Total transfers to a division may not exceed 10% of the budget of the division receiving the transfer. Such transfers between divisions must be reported by the department to the legislative finance committee at its next regular meeting. For the 2023 biennium, this language supersedes language contained in House Bill No. 341 and House Bill No. 275, if passed and approved."

Insert: "**Section 6.** Section 1, Chapter 1, Laws of 2019, is amended to read:

"Section 1. Appropriation. (1) The following amounts are appropriated from the state general fund for fiscal years 2019, 2020, and 2021 for the operation of the 66th legislature and the costs of preparing for the 67th legislature:

LEGISLATIVE BRANCH (1104)

1. Senate \$3,850,818
2. House of Representatives \$6,346,581
3. Legislative Services Division \$1,069,866

(2) The following amounts are appropriated from the state general fund for fiscal year 2021 for the initial costs of the 67th legislature:

LEGISLATIVE BRANCH (1104)

1. Senate \$316,674
2. House \$521,853
3. Legislative Services Division \$16,500

(3) Funds in subsections (1) and (2) appropriated to the Senate and the House of Representatives that are unencumbered and unexpended on June 30, 2021, may be used to support the 67th legislature for the purposes in House Bill No. 483.""

Insert: "NEW SECTION. Section 7. Transfer of funds. The state treasurer shall transfer \$165 million from the general fund to the capital developments long-range building program account established in 17-7-209 by June 30, 2021."

Insert: "NEW SECTION. Section 8. Appropriation. (1) For the biennium beginning July 1, 2021, there is appropriated \$1,500,000 from the general fund to the office of budget and

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

program planning to be allocated to agencies at the discretion of the office of budget and program planning. Funding may be included as part of the base budget for the next legislative session.

- (2) For the biennium beginning July 1, 2021, there is appropriated \$1,000,000 from a state special revenue account to the office of budget and program planning to be allocated to agencies at the discretion of the office of budget and program planning. Funding may be included as part of the base budget for the next legislative session."

Insert: "COORDINATION SECTION. Section 9. Coordination instruction. If both [this act] and House Bill No. 578 are passed and approved, then 46-19-101 must be amended as follows:

"46-19-101. Commitment of defendant -- transfer of information in possession of sheriff -- notification to court of delay. (1) Upon oral pronouncement of a sentence imposing

punishment of imprisonment, commitment to the department of corrections, placement in a prerelease center, community corrections facility, or other place of confinement, or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment.

- (2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and mental health of the defendant, including health information contained in a presentence investigation report.

- (3) If a defendant is sentenced to prison, another place of confinement operated by or under contract with the department of corrections, or committed to the department and the offender is not transported to the placement within 10 days of receipt of sentencing documents, the department shall notify the court in writing of the reason for the delay."

Insert: "COORDINATION SECTION. Section 10. Coordination instruction. If both [this act] and House Bill No. 497 are passed and approved, then [section 4 of this act], amending 53-6-101, is void and 53-6-101 must be amended to include a new subsection (12) that reads as follows:

"(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human services shall report this information to the following committees:

- (i) the children, families, health, and human services interim committee;
- (ii) the legislative finance committee; and
- (iii) the health and human services budget committee.

- (b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If both [this act] and House Bill No. 8 are passed and approved, then [section 2(4)(b) of House Bill No. 8] must read:

"(b) The loan in this subsection (4) is contingent on the following:

- (i) the forming of a water users' association of Montana users of the waters flowing from the Milk River that includes cities, towns, districts, water users' associations, and other unassociated individuals and entities; and"
- (ii) the water users' association demonstrating to the satisfaction of the department of natural resources and conservation its financial capacity, through water user fees or other available sources of funding, to pay the annual costs of the loan repayment over the term of the loan."

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If both [this act] and House Bill No. 629 are passed and approved, then [section 20 of House Bill No. 629] must read:

"**Section 20. Appropriation.** There is appropriated \$271,895 from the general fund to the department of labor and industry for the fiscal year beginning July 1, 2022, for the purposes of complying with [this act]."

Renumber: subsequent sections

9. Page 5, line 21.

Strike: "June 30, 2021"

Insert: "on passage and approval"

For the Senate:

Osmundson, Chair
Lynch
C. Smith

For the House:

Jones, Vice Chair
Bartel
Kerr-Carpenter

FREE CONFERENCE COMMITTEE
on **Senate Bill 388**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 388** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 388** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "EFFECTIVE DATE"

Strike: "AND AN APPLICABILITY DATE"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

2. Page 3, line 12.

Strike: "gondolas,"

3. Page 4, line 21.

Strike: "2021"

Insert: "2022"

4. Page 4, line 27.

Strike: "2021"

Insert: "2022"

5. Page 7, line 9.

Strike: "2021"

Insert: "2022"

6. Page 7, line 10.

Strike: "25 years"

Insert: "the 30th year following the original adoption of the tax increment provision"

7. Page 8, line 25 through line 26.

Strike: section 8 in its entirety

For the Senate:

Hertz, Chair
Kary

For the House:

Welch, Vice Chair
Kassmier

MESSAGES FROM THE SENATE

Free Conference Committee Report No.1 adopted:

4/28/2021

HB 555, introduced by M. Regier

HB 648, introduced by J. Kassmier

HB 678, introduced by D. Bartel

MESSAGES FROM THE GOVERNOR

April 28, 2021

The Honorable Wylie Galt

Speaker of the House

State Capitol

Helena, Montana 59620

STATE INTERNET/BBS COPY

76

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Dear Speaker Galt:

On Monday, April 26, 2021, I signed the following bills:

House Bill 136 - Sheldon-Galloway

House Bill 140 - A. Regier

House Bill 171 - Greef

House Bill 477 - Zolnikov

House Bill 491 - Funk

House Bill 517 - Mercer

The bills have been delivered to the Secretary of State's office.

Sincerely,

GREG GIANFORTE
Governor

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

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noland in the chair.

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

HB 637 - Free Conference Committee Report No. 1 - Representative Berglee moved the Free Conference Committee report to **HB 637** be adopted. Motion carried as follows:

Yeas: Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Zolnikov, Mr. Speaker.
Total 64

Nays: Abbott, Beard, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Hopkins, Karjala, Keane, Kelker, Keogh,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart
Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Whitman, Windy Boy.
Total 36

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 693 - Majority Leader Vinton moved consideration of **HB 693** be placed at the bottom of the second reading board. Motion carried.

SB 231 - Free Conference Committee Report No. 1 - Representative Malone moved the Free Conference Committee report to **SB 231** be adopted. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 73

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, France, Funk, Hawk, Hayman, Hill, Karjala, Keogh, Kortum, Marler, Moore, Olsen, Running Wolf, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 26

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Mercer.
Total 1

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

HB 702 - Governor's Amendments - Representative Carlson moved Governor's amendments to **HB 702** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Galloway, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 693 - Free Conference Committee Report No. 1 - Representative Mercer moved the Free Conference Committee report to **HB 693** be adopted. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 95

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Nays: Marler, Olsen, Weatherwax, Whiteman Pena, Windy Boy.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Noland moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gist, Greef, Gunderson, Hamilton, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Thane, Trebas, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 73

Nays: Abbott, Bishop, Caferro, Dunwell, France, Harvey, Hawk, Hayman, Karjala, Keane, Kortum, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Tschida, Weatherwax, Whiteman Pena, Windy Boy.

Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Farris-Olsen, Gillette, Noland, Patelis, Usher.

Total 5

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 689**

Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 689** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 689** (reference copy -- salmon) be amended as follows:

1. Page 4, line 5.

Following: "communication"

Insert: "not for distribution to the general public"

2. Page 5, line 11.

Following: "communication"

Insert: "not for distribution to the general public"

3. Page 6, line 7.

Following: "communication"

Insert: "not for distribution to the general public"

4. Page 6, line 26.

Following: "communication"

Insert: "not for distribution to the general public"

5. Page 9.

Following: line 11

Insert: "(43) "Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach, and support, and the production and distribution of religious literature developed by the organization."

Renumber: subsequent subsections

For the Senate:

Kary, Chair

Howard

For the House:

Dooling, Vice Chair

McKamey

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

FREE CONFERENCE COMMITTEE
on **Senate Bill 402**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 402** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 402** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

Following: "PROCEEDING"

Insert: "involving the constitutionality of a provision of a bill if"

2. Page 1, line 16.

Following: "(A)"

Strike: "WHEN"

3. Page 1, line 18.

Strike: "OR A SIMILAR POLICY MATTER THAT LATER COMES BEFORE THE COURT"

Insert: "legislation if it is at issue in a case"

4. Page 1, line 19.

Following: "(B)"

Strike: "WHEN"

5. Page 1, line 19.

Strike: "THE LEGISLATIVE"

Insert: "a"

6. Page 1, line 19 through line 21.

Strike: "OF" on line 19 through "COMMITTEE" on line 21

Insert: "or group designed to evaluate legislation when the committee or group expressed support or opposition on a bill during the judicial officer's service on the committee or other group"

7. Page 1, line 21 through line 22.

Strike: "OR" on line 21 through "PRESIDES" on line 22

Insert: "legislation is pending before the judicial officer"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

8. Page 1, line 23.

Following: "(C)"

Strike: "WHEN"

9. Page 1, line 24 through line 25.

Strike: "SAME" on line 24 through "PRESIDES" on line 25

Insert: "legislation is pending before the judicial officer"

For the Senate:

C. Smith, Chair
Esp

For the House:

Ler, Vice Chair
Berglee

THIRD READING OF BILLS

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

HB 92 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle J, Karjala, Kassmier, Keane, Kelker, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Olsen, Phalen, Putnam, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 79

Nays: Abbott, Bishop, Buckley, Farris-Olsen, Gunderson, Hinkle C, Holmlund, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Read, Smith, Stewart Peregoy, Stromswold, Sullivan.

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis, Running Wolf.

Total 4

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

HB 188 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Sheldon-Galloway, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 30

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Fuller, Hopkins, Jones, Patelis.

Total 4

HB 303 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Karjala, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 64

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Hamilton, Harvey, Hawk, Hayman, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

HB 340 passed as follows:

Yeas: Anderson, Bartel, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Holmlund, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Nave, Noland, Novak, Phalen, Putnam, Read, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 77

Nays: Abbott, Beard, Binkley, Buckley, Dunwell, Farris-Olsen, France, Hayman, Hinkle C, Hinkle J, Kerr-Carpenter, Kortum, Mercer, Mitchell, Moore, Olsen, Regier A, Regier M, Smith, Tenenbaum.

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

HB 459 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 79

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kerr-Carpenter, Marler, Whiteman Pena.

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Brewster, Hopkins, Jones, Patelis.

Total 4

HB 555 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Karjala, Kassmier, Keane, Kelker, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 87

Nays: Hamilton, Hayman, Keogh, Kortum, Running Wolf, Smith, Stewart Peregoy, Weatherwax, Whiteman Pena, Windy Boy.

Total 10

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

HB 637 passed as follows:

Yeas: Anderson, Bartel, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Zolnikov, Mr. Speaker.

Total 62

Nays: Abbott, Beard, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Whitman, Windy Boy.

Total 35

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

HB 648 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Fern, Fielder, Fitzgerald, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hinkle C, Hinkle J, Holmlund, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Windy Boy, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Caferro, Dunwell, Duram, Farris-Olsen, Fleming, France, Hamilton, Hayman, Hill, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Olsen, Running Wolf, Sheldon-Galloway, Smith, Stafman, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Zolnikov.

Total 29

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis, Stewart Peregoy.

Total 4

HB 661 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Keane, Kerns, Knudsen C, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Knudsen R, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 30

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

HB 678 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 93

Nays: Loge, Windy Boy.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Farris-Olsen, Hopkins, Jones, Olsen, Patelis.

Total 5

HB 693 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 96

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Olsen, Patelis.

Total 4

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

HB 702 passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 64

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Keane, Patelis.

Total 4

SB 231 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Keane, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 69

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Hawk, Hayman, Karjala, Kelker, Keogh, Kortum, Marler, Moore, Novak, Olsen, Running Wolf, Stafman, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 28

Voted absentee: None.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

SB 278 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 63

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

SB 319 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hinkle J, Holmlund, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Nave, Noland, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tschida, Usher, Vinton, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 52

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

Nays: Abbott, Bedey, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Mercer, Moore, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Walsh, Weatherwax, Whiteman Pena, Windy Boy.

Total 45

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

SJR 1 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 63

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Regier M, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Hopkins, Jones, Patelis.

Total 3

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

SJR 33 concurred in as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Funk, Galloway, Garner, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Karjala, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Loge, Malone, Marler, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Phalen, Putnam, Read, Reksten, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 86

Nays: Bartel, Carlson, Fuller, Gillette, Kassmier, Ler, Marshall, Regier A, Regier M, Ricci, Schillinger.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Hopkins, Jones, Patelis.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 10:00 a.m., Thursday, April 29, 2021.
Motion carried.

House adjourned at 5:46 p.m.

CAROLYN TSCHIDA
Chief Clerk of the House

WYLIE GALT
Speaker of the House

1 HOUSE BILL NO. 632

2 INTRODUCED BY F. GARNER, E. BUTTREY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE AMERICAN RESCUE PLAN ACT;
5 PROVIDING APPROPRIATIONS AND ALLOCATIONS OF FEDERAL FUNDS AND OTHER FUNDS
6 AVAILABLE BECAUSE OF THE RECEIPT OF FEDERAL FUNDS FOR THE FISCAL YEAR ENDING JUNE
7 30, 2021; ALLOWING APPROPRIATIONS TO CONTINUE INTO THE 2023 BIENNIUM AND 2025
8 BIENNIUMS; PROVIDING CONDITIONS AND RESTRICTIONS ON THE USE OF FUNDS; CREATING
9 ADVISORY COMMISSIONS RELATED TO INFRASTRUCTURE, COMMUNICATIONS, ECONOMIC
10 TRANSFORMATION AND STABILIZATION, AND HEALTH; PROVIDING DEADLINES AND OTHER
11 CONDITIONS RELATED TO THE GRANT PROCESS; REQUIRING THE USE OF MATCHING FUNDS FOR
12 CERTAIN GRANTS; PROVIDING FOR AN OUTREACH TEAM TO ASSIST LOCAL GOVERNMENTS IN THE
13 GRANT PROCESS; PROVIDING FOR FUNDING FOR STATE CAPITAL PROJECTS AND GRANTS FOR
14 WATER AND WASTEWATER PROJECTS; PROVIDING MINIMUM ALLOCATION GRANTS TO LOCAL
15 GOVERNMENTS FOR QUALIFYING PROJECTS; PROVIDING FOR A GRANT PROCESS FOR
16 COMMUNICATIONS AND ECONOMIC TRANSFORMATION AND STABILIZATION PROJECTS; PROVIDING
17 GRANTS TO REGIONAL WATER AUTHORITIES; REQUIRING PERFORMANCE MEASURES AND
18 REPORTING ON PROJECTS; PROVIDING COORDINATION INSTRUCTIONS TO FUND QUALIFYING
19 LONG-RANGE PROJECTS WITH FEDERAL FUNDS; PROVIDING THE EXECUTIVE THE AUTHORITY TO
20 MODIFY AND REPORT MODIFICATIONS TO APPROPRIATIONS AND PARAMETERS OF PROGRAMS TO
21 THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR A REDUCTION TO CERTAIN GRANT
22 AWARDS TO LOCAL GOVERNMENTS BASED ON HEALTH REGULATIONS THAT ARE MORE STRICT
23 THAN THOSE OF THE STATE; PROVIDING FOR ADMINISTRATION AND AUDIT COSTS; AMENDING
24 SECTION 2-17-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

25

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

27

1 (Refer to Introduced Bill)

2 Strike everything after the enacting clause and insert:

3
4 **NEW SECTION. Section 1. Infrastructure advisory commission.** (1) There is an American Rescue
5 Plan infrastructure advisory commission.

6 (2) The commission consists of nine members, who must be appointed as follows:

7 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
8 president;

9 (b) three representatives, two from the majority party and one from the minority party, appointed by the
10 speaker of the house; and

11 (c) three members appointed by the governor.

12 (3) The commission shall review applications for funding for state capital projects and state and local
13 government water and wastewater projects and shall provide recommendations to the executive on which
14 projects should be funded. Projects approved by the 67th legislature for funding in House Bill No. 5, 6, 7, 11, or
15 14 are not submitted to the commission.

16 (4) Appointed members of the commission must be compensated and receive travel expenses as
17 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
18 or service as a commission member.

19 ~~(5) THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION SHALL SERVE AS LEAD STAFF WITH THE~~
20 ~~DEPARTMENTS OF ADMINISTRATION AND COMMERCE ASSISTING.~~

21 ~~(6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 3].~~

22
23 **NEW SECTION. Section 2. Appropriations APPROPRIATION for capital projects and water and**
24 **wastewater projects -- matching funds.** (1) There are federal funds received pursuant to the American
25 Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of budget and program planning for state
26 ~~infrastructure projects and local infrastructure~~ **AND LOCAL WATER AND WASTEWATER** grants as follows:

	Amount	ARPA Section
	500,000,000 <u>450,000,000</u>	602

Amendment - Reference

1 119,300,000 _____ 604

2 (2) For any water or wastewater grant awarded to a local government with these funds, a local
3 government must provide matching funds.

4 (3) For the purposes of [this act], "local government" means any ~~tribe, city, town, county, consolidated~~
5 ~~city-county, or school district~~ CITY, COUNTY, CONSOLIDATED CITY-COUNTY, SCHOOL DISTRICT, OR OTHER POLITICAL
6 SUBDIVISION OR LOCAL GOVERNMENT BODY OF THE STATE, INCLUDING AN AUTHORITY AS DEFINED IN 75-6-304, WATER
7 DISTRICT, SEWER DISTRICT, IRRIGATION DISTRICT, WATER USERS ASSOCIATION, CONSERVATION DISTRICT, OR TRIBAL
8 GOVERNMENT.

9 (4) For the purposes of [this act], "~~state infrastructure projects~~" STATE WATER AND WASTEWATER
10 PROJECTS includes projects for state-owned buildings and facilities AND ASSOCIATED INFRASTRUCTURE, as well as
11 within the Montana university system, including community colleges in the state.

12 (5) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act
13 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 ~~or section~~
14 ~~604~~.

15 (6) FUNDS APPROPRIATED UNDER THIS SECTION THAT ARE NOT OTHERWISE ALLOCATED ARE ALLOCATED TO
16 THE OFFICE OF BUDGET AND PROGRAM PLANNING TO PROVIDE GRANTS PURSUANT TO [SECTION 3].

17
18 NEW SECTION. Section 3. Eligibility—submission deadline—priority—approval of
19 ~~recommendations~~ COMPETITIVE GRANT PROGRAM. (1) ~~State~~ FOR THE FIRST ROUND OF GRANTS, STATE and local
20 governments shall submit grant requests and supporting materials, including the amount of matching funds
21 available FOR WATER AND WASTEWATER PROJECTS, to the applicable agency by July 1, 2021, in order to be
22 eligible for funding under [section 2]. The agency will review grant applications, rank projects, and issue a list of
23 recommended projects to the advisory commission by August 15, 2021.

24 (2) The applicable agency shall submit a list of recommended state capital projects to the advisory
25 commission by August 15, 2021.

26 (3) The advisory commission shall review the lists of recommended WATER AND WASTEWATER projects
27 and issue a ~~final~~ list of recommended projects to the executive by September 1, 2021.

28 (4) THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE

Amendment - Reference

67th Legislature

HB 632.4.6

1 COMMISSION AS NEEDED.

2 ~~(4)(5) In preparing recommendations, for capital projects, preference must be given to projects that~~
3 ~~carry out critical capital projects directly enabling work, education, and health monitoring, including remote~~
4 ~~options, in response to the public health emergency with respect to COVID-19. For local government WATER~~
5 ~~AND WASTEWATER grants, preference may also be given to projects that provide a higher match rate.~~

6 ~~(5)(6) The recommendations of the advisory commission must be considered by the governor and~~
7 ~~reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify~~
8 ~~recommendations and shall provide the final list of approved projects to the legislative finance committee by~~
9 ~~October 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE~~
10 ~~COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE~~
11 ~~ADVISORY COMMISSIONS AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.~~

12 ~~(7) If it is later determined that a project cannot be completed, the governor may authorize another A~~
13 ~~DIFFERENT project and provide a report to the legislative finance committee. If it is determined at any time that a~~
14 ~~project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in~~
15 ~~a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the~~
16 ~~federal government pursuant to the American Rescue Plan Act, the governor may authorize another A~~
17 ~~DIFFERENT project and provide a report to the legislative finance committee.~~

18 ~~(8) NO PROJECT MAY RECEIVE MORE THAN \$25 MILLION IN GRANT PROCEEDS FROM THIS SECTION.~~

19 ~~(9) UP TO 2.5% OF THE FUNDS APPROPRIATED IN [SECTION 2] MAY BE ALLOCATED FOR ADMINISTRATIVE~~
20 ~~COSTS.~~

21
22 ~~NEW SECTION. SECTION 4. MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS. (1) THE AMOUNT OF~~
23 ~~\$150 MILLION OF THE CORONAVIRUS LOCAL STATE FISCAL RECOVERY FUNDS APPROPRIATED IN [SECTION 2] MUST BE~~
24 ~~USED TO PROVIDE MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS FOR INFRASTRUCTURE WATER AND~~
25 ~~WASTEWATER PROJECTS ELIGIBLE FOR FUNDING UNDER THE AMERICAN RESCUE PLAN ACT.~~

26 ~~(2) THE AMOUNT A LOCAL GOVERNMENT IS ELIGIBLE TO RECEIVE IN WATER AND WASTEWATER GRANTS UNDER~~
27 ~~THIS SECTION IS IN THE SAME PROPORTION AND USING THE SAME RATIOS PROVIDED FOR IN 15-70-101(2)(B), (2)(C), AND~~

28 ~~(3).~~

Amendment - Reference

67th Legislature

HB 632.4.6

1 (3) (A) TO RECEIVE A GRANT UNDER THIS SECTION, A LOCAL GOVERNMENT SHALL SUBMIT AN APPLICATION FOR
2 A QUALIFYING ~~INFRASTRUCTURE~~ WATER OR WASTEWATER PROJECT AND PLEDGE MATCHING FUNDS.

3 (B) A QUALIFYING WATER OR WASTEWATER PROJECT IS A PROJECT THAT COMPLIES WITH THE USES
4 AUTHORIZED FOR THE CORONAVIRUS STATE FISCAL RECOVERY FUNDS.

5 (C) THE LOCAL GOVERNMENT SHALL PLEDGE THE ~~GREATER~~ LESSER OF:

6 (I) ONE-TO-ONE MATCHING FUNDS; OR

7 (II) 25% OF THE AMOUNT THAT THE LOCAL GOVERNMENT RECEIVED IN CORONAVIRUS LOCAL FISCAL RECOVERY
8 FUNDS PROVIDED FOR IN THE AMERICAN RESCUE PLAN ACT.

9 (D) A LOCAL GOVERNMENT MAY USE CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS AS MATCHING FUNDS.

10 (4) GRANT FUNDS NOT ~~CLAIMED~~ APPLIED FOR AND AWARDED OR IN A PENDING STATUS BY JANUARY 1, 2023,
11 ARE TRANSFERRED TO THE COMPETITIVE GRANT PROGRAM ADMINISTERED BY THE APPROPRIATE AGENCY FOR
12 DISTRIBUTION THROUGH THE COMPETITIVE GRANT PROGRAM ESTABLISHED IN [SECTION 3].

13
14 **NEW SECTION. SECTION 5. GRANTS TO REGIONAL WATER AUTHORITIES -- MATCHING FUNDS -- USES. (1)**
15 OF THE APPROPRIATION MADE IN [SECTION 2] OF CORONAVIRUS STATE FISCAL RECOVERY FUNDS, \$10 MILLION IS
16 ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO PROVIDE EACH REGIONAL WATER
17 AUTHORITY A GRANT OF \$2.5 MILLION.

18 (2) FOR A GRANT UNDER THIS SECTION, A REGIONAL WATER AUTHORITY MUST PROVIDE ONE-TO-ONE MATCHING
19 FUNDS ~~TO BE COMPRISED OF LOANS SECURED BY COAL SEVERANCE TAX BONDS MADE PURSUANT TO HOUSE BILL No. 8.~~

20 (3) THE REGIONAL WATER AUTHORITY ~~MUST~~ MAY USE GRANT FUNDS AND LOANS SECURED BY BONDS TO SERVE
21 AS MATCHING FUNDS FOR FEDERAL GRANTS.

22
23 **NEW SECTION. Section 6. Outreach TECHNICAL ASSISTANCE team -- grant application and**
24 **engineering assistance.** (1) The department of commerce shall assemble ~~an outreach~~ A TECHNICAL
25 ASSISTANCE team to notify local governments, with an emphasis on rural local governments, of the funding
26 opportunities provided for in this bill related to ~~communications, economic TRANSFORMATION AND stabilization,~~
27 and ~~infrastructure~~ WATER AND WASTEWATER projects.

28 (2) The ~~outreach~~ TECHNICAL ASSISTANCE team shall also assist local governments in the application

Amendment - Reference

1 process and offer LIMITED engineering assistance.

2 (3) The department may hire modified FTE or contract to create the ~~outreach~~ TECHNICAL ASSISTANCE
3 team.

4 (4) There ~~must be an appropriation of administrative funds~~ IS ALLOCATED \$750,000 FROM THE FUNDS
5 APPROPRIATED IN [SECTION 2] FOR THE TECHNICAL ASSISTANCE TEAM.

6
7 NEW SECTION. Section 7. APPROPRIATION FOR CAPITAL PROJECTS. (1) THERE ARE FEDERAL FUNDS
8 RECEIVED PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW 117-2, APPROPRIATED TO THE
9 OFFICE OF BUDGET AND PROGRAM PLANNING FOR STATE INFRASTRUCTURE PROJECTS AS FOLLOWS:

<u>AMOUNT</u>	<u>ARPA SECTION</u>
<u>119,300,000</u>	<u>604</u>

12 (2) FOR THE PURPOSES OF [THIS ACT], "STATE INFRASTRUCTURE PROJECTS" INCLUDES PROJECTS FOR
13 STATE-OWNED BUILDINGS AND FACILITIES AND ASSOCIATED INFRASTRUCTURE AS WELL AS WITHIN THE MONTANA
14 UNIVERSITY SYSTEM, INCLUDING COMMUNITY COLLEGES IN THE STATE.

15 (3) THE DEPARTMENT OF ADMINISTRATION SHALL SUBMIT A LIST OF RECOMMENDED STATE CAPITAL PROJECTS
16 TO THE ADVISORY COMMISSION.

17 (4) THE ADVISORY COMMISSION SHALL REVIEW THE LISTS OF RECOMMENDED CAPITAL PROJECTS AND ISSUE A
18 LIST OF RECOMMENDED PROJECTS TO THE EXECUTIVE.

19 (5) THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE
20 COMMISSION AS NEEDED.

21 (6) IN PREPARING RECOMMENDATIONS FOR CAPITAL PROJECTS, PREFERENCE MUST BE GIVEN TO PROJECTS
22 THAT ARE GEOGRAPHICALLY DISPERSED THROUGHOUT THE STATE, CARRY OUT CRITICAL CAPITAL PROJECTS DIRECTLY
23 ENABLING WORK, EDUCATION, AND HEALTH MONITORING, INCLUDING REMOTE OPTIONS, IN RESPONSE TO THE PUBLIC
24 HEALTH EMERGENCY WITH RESPECT TO COVID-19.

25 (7) THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR AND
26 REVIEWED TO COMPLY WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE GOVERNOR MAY
27 MODIFY RECOMMENDATIONS AND SHALL PROVIDE THE LIST OF APPROVED PROJECTS TO THE LEGISLATIVE FINANCE
28 COMMITTEE BY OCTOBER 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY

Amendment - Reference

67th Legislature

HB 632.4.6

1 THE COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE
2 LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

3 (8) IF IT IS LATER DETERMINED THAT A PROJECT CANNOT BE COMPLETED, THE GOVERNOR MAY AUTHORIZE A
4 DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE COMMITTEE. IF IT IS DETERMINED AT ANY
5 TIME THAT A PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON FEDERAL GUIDANCE OR REGULATION AND, IF
6 COMPLETED, WOULD RESULT IN A REDUCTION IN FUNDS FROM THE AMERICAN RESCUE PLAN ACT OR REQUIRE THE
7 STATE TO REPAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE AMERICAN RESCUE PLAN ACT,
8 THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE
9 COMMITTEE.

10 (9) REFERENCES TO "ARPA SECTION" MEAN REFERENCES TO SECTION 9901 OF THE AMERICAN RESCUE
11 PLAN ACT OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION
12 604.

13 (10) UP TO 2% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE
14 COSTS.

15
16 NEW SECTION. Section 8. Communications advisory commission. (1) There is an American
17 Rescue Plan communications advisory commission.

18 (2) The commission consists of nine members, who must be appointed as follows:

19 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
20 president;

21 (b) three representatives, two from the majority party and one from the minority party, appointed by the
22 speaker of the house; and

23 (c) three members, appointed by the governor.

24 (3) The commission shall review ~~applications~~ RECOMMENDATIONS for funding ~~for grants for~~
25 communications projects and provide recommendations to the executive on which projects should be funded.

26 (4) Appointed members of the commission shall be compensated and receive travel expenses as
27 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
28 or service as a commission member.

1 (5) THE DEPARTMENT OF COMMERCE SHALL STAFF THE COMMISSION.

2 (6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 9].

3

4 NEW SECTION. Section 9. Appropriations APPROPRIATION for communications project grants

5 PROJECTS. (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
6 117-2, appropriated to the office of budget and program planning and allocated to the ~~governor~~ DEPARTMENT OF
7 COMMERCE for the fiscal year beginning July 1, 2020, for communications ~~project grants as follows.~~

8 ~~Appropriation authority is intended to be allocated to the following items. Appropriations are~~ PROJECTS. THE
9 APPROPRIATION IS authorized to continue through the biennium beginning July 1, 2023.

10 Amount ARPA Section

11 ~~250,000,000~~ 275,000,000 9901, 602

12 (2) Communication projects are those related to broadband; INFRASTRUCTURE, INCLUDING cell towers, or
13 public safety, IF ELIGIBLE.

14 (3) For ~~any grant~~ PROJECTS awarded with these funds, a local government or private entity must provide
15 matching funds.

16 (4) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act
17 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 ~~or section~~
18 ~~604.~~

19 (5) UP TO 3% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE
20 COSTS.

21

22 NEW SECTION. Section 10. Eligibility -- submission deadline -- preference -- approval of

23 recommendations. ~~(1) Local governments and private entities shall submit grant requests and supporting~~
24 ~~materials, including the amount of matching funds available, to the applicable state agency by July 1, 2021, in~~
25 ~~order to be eligible for funding under [section 6 7 8]. The agency will review grant applications, rank projects,~~
26 ~~and issue a list of recommended projects to the advisory commission by August 15, 2021.~~

27 ~~(2)~~(1) The advisory commission shall review the lists of recommended projects and issue a final list of
28 recommended projects ~~to the executive by September 1, 2021.~~

Amendment - Reference

67th Legislature

HB 632.4.6

1 ~~(3)~~(2) In preparing recommendations, preference must be given to projects that provide broadband
2 access to UNSERVED, underserved, and high needs areas AS DESIGNATED BY THE DEPARTMENT OF COMMERCE.
3 Preference may also be given to projects that provide a higher match rate.

4 ~~(4)~~(3) The recommendations of the advisory commission must be considered by the governor and
5 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
6 recommendations and shall provide the ~~final~~ list of approved projects to the legislative finance committee by
7 October 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE
8 COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE
9 ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

10 (4) If it is later determined that a project cannot be completed, the governor may authorize ~~another~~ A
11 DIFFERENT project and provide a report to the legislative finance committee. If at any time it is determined that a
12 project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in
13 a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the
14 federal government pursuant to the American Rescue Plan Act, the governor may authorize ~~another~~ A
15 DIFFERENT project and provide a report to the legislative finance committee.

16
17 NEW SECTION. Section 11. Economic TRANSFORMATION AND stabilization ADVISORY commission.

18 (1) There is an American Rescue Plan economic TRANSFORMATION AND stabilization advisory commission.

19 (2) The commission consists of nine members, who must be appointed as follows:

20 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
21 president;

22 (b) three representatives, two from the majority party and one from the minority party, appointed by the
23 speaker of the house; and

24 (c) three members appointed by the governor.

25 (3) The commission shall review applications for funding for economic TRANSFORMATION AND
26 stabilization projects and provide a list of recommendations to the executive.

27 (4) Appointed members of the commission must be compensated and receive travel expenses as
28 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty

1 or service as a commission member.

2 (5) THE ECONOMIC TRANSFORMATION AND STABILIZATION ADVISORY COMMISSION SHALL REQUIRE BUSINESS
3 APPLICANTS TO DISCLOSE WHETHER THEY RECEIVED MONEY ADMINISTERED BY THE STATE FROM THE CORONAVIRUS
4 AID, RELIEF, AND ECONOMIC SECURITY ACT OF 2020 (CARES ACT) OR THE CORONAVIRUS RESPONSE AND RELIEF
5 SUPPLEMENTAL APPROPRIATIONS ACT OF 2020 (CRRSA) AND, IF SO, THE AMOUNT RECEIVED AND THE BASIS AND
6 PURPOSE OF THE AWARD. IN MAKING ITS RECOMMENDATIONS, THE ADVISORY COMMISSION SHALL TAKE INTO ACCOUNT
7 THE FACT THAT THE APPLICANT HAS ALREADY BENEFITED FROM FEDERAL ASSISTANCE PROVIDED IN RESPONSE TO
8 COVID-19, BUT A PREVIOUS CARES ACT OR CRRSA AWARD MAY NOT PRECLUDE CONSIDERATION OF AN
9 APPLICATION.

10 (6) THE DEPARTMENT OF COMMERCE SHALL STAFF THE COMMISSION.

11 (7) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 12].

13 NEW SECTION. Section 12. ~~Appropriations~~ **APPROPRIATION for economic TRANSFORMATION AND**

14 **stabilization grants.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021,
15 Public Law 117-2, appropriated to the office of budget and program planning ~~and allocated to the governor~~ for
16 the fiscal year beginning July 1, 2020, for economic TRANSFORMATION AND stabilization grants or loans as
17 follows. ~~Appropriation authority is intended to be allocated to the following items. Appropriations are~~ THE
18 APPROPRIATION IS authorized to continue through the biennium beginning July 1, 2023.

19	Amount	ARPA Section
20	150,000,000	9901, 602

21 (2) \$10 MILLION OF THE FUNDS APPROPRIATED IN THIS SECTION MUST BE USED FOR RAPID RETRAINING JOBS
22 TRAINING.

23 (3) THE APPROPRIATION IN THIS SECTION MAY BE USED FOR WORKFORCE DEVELOPMENT AND BUSINESS
24 TRANSFORMATION AND STABILIZATION PROGRAMS INCLUDING BUT NOT LIMITED TO WORKFORCE TRAINING INCLUDING
25 RAPID RETRAINING, RETURN-TO-WORK BONUSES, OR SHORT-TERM WAGE SUBSIDIES, BUSINESS ASSISTANCE FOR HIRING
26 OR REHIRING EMPLOYEES, BUSINESS ASSISTANCE FOR TRAINING OR RETRAINING EMPLOYEES, BUSINESS TECHNOLOGY
27 GRANTS, AGRICULTURAL RESILIENCY, AND BUSINESS TRANSFORMATION OR STABILIZATION GRANTS.

28 (4) UP TO 3% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE COSTS.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NEW SECTION. Section 13. Eligibility -- submission deadline -- preference -- approval of recommendations. (1) APPLICABLE AGENCIES SHALL RECOMMEND PROGRAMS AND FUNDING AMOUNTS TO THE ADVISORY COMMISSION FOR REVIEW AND COMMENT.

(2) WITHIN THE PROGRAMS ESTABLISHED BY THE APPLICABLE AGENCIES, ~~Businesses~~ BUSINESSES OR OTHER ORGANIZATIONS shall submit grant requests and supporting materials to the applicable state agency ~~by July 1, 2021,~~ in order to be eligible for funding under [section 9 ~~10 11 12~~]. The agency will review grant applications, rank grant applications, and issue a list of recommended grants to the ADVISORY commission ESTABLISHED IN [SECTION 8 10 11] ~~by August 15, 2021.~~

~~(2)(3)~~ (3) The advisory commission shall review the lists of recommended grants and other proposed uses of the funds and issue a ~~final~~ list of recommended grants and uses of funds to the executive ~~by September 1, 2021.~~

(4) THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE COMMISSION AS NEEDED.

~~(3)(5)~~ (5) THE ADVISORY COMMISSION SHALL PROVIDE OVERSIGHT AND RECOMMENDATIONS ON FUNDS APPROPRIATED PURSUANT TO [SECTION 11 13 THROUGH 14 16] [SECTIONS 14, 16, AND 17]. THE DEPARTMENT OF COMMERCE SHALL REPORT TO THE ADVISORY COMMISSION ON LOANS MADE IN ACCORDANCE WITH THE FEDERAL REQUIREMENTS OF THE STATE SMALL BUSINESS CREDIT INITIATIVE IN [SECTION 15].

~~(3)(4)~~ (6) The recommendations of the advisory commission must be considered by the governor and reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify recommendations and shall provide the ~~final~~ list of approved projects to the legislative finance committee by October 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE ADVISORY COMMISSION AND TO THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

(7) If it is later determined that a project cannot be completed, the governor may authorize ~~another~~ A DIFFERENT project and provide a report to the legislative finance committee. If at any time it is determined that a project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the

Amendment - Reference

1 federal government pursuant to the American Rescue Plan Act, the governor may authorize another A
2 DIFFERENT project and provide a report to the legislative finance committee.

3
4 **NEW SECTION. Section 14. Appropriations for housing and workforce training programs.** (1)

5 There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,
6 appropriated to the office of budget and program planning and allocated to the department of commerce as
7 follows for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
8 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

9	Amount	Purpose	ARPA Section
10	50,000,000	Mortgage Assistance	3206, 3208
11	41,000,000 <u>11,459,768</u>	Revolving Fund for Low Income Housing <u>HOME PROGRAM</u>	
12	<u>SUPPLEMENTAL ALLOCATION</u>		3205
13	152,400,000	Emergency Rental Assistance	3201, 3202 , 3204
14		<u>Workforce</u> _____	

15 ~~(2) Grants and other uses of funds must be targeted to industries with workforce shortages and~~
16 ~~promoting high demand, high wage jobs, and short term training to be delivered in the private sector.~~

17 ~~(3)~~(2) For Emergency Rental Assistance, funds may be used to pay rent or rental arrears to any place
18 where someone pays on a periodic basis for shelter, including but not limited to nursing homes, senior assisted
19 living, group homes, low-income housing, workforce housing, transitional housing, and correctional facilities, IF
20 ELIGIBLE. IF FEDERAL GUIDANCE ALLOWS FOR OTHER USES OF EMERGENCY RENTAL ASSISTANCE FUNDS, THESE FUNDS
21 MAY BE USED FOR THOSE ADDITIONAL AUTHORIZED PURPOSES.

22 ~~(4)~~(3) The ~~economic stabilization~~ ADVISORY commission ESTABLISHED IN [SECTION 8 40 11] shall provide
23 oversight to the department on the use of funds in this section.

24 ~~(5)~~(4) The department of commerce or applicable agency is encouraged to use existing programs,
25 where feasible, to implement the programs provided for in this section.

26
27 **NEW SECTION. Section 15. State Small Business Credit Initiative insert.** There is appropriated to
28 the department of commerce ~~up to~~ \$65 million in federal funds received pursuant to section 3301 of the

Amendment - Reference

67th Legislature

HB 632.4.6

1 American Rescue Plan Act of 2021, Public Law 117-2, for the State Small Business Credit Initiative. Funds are
2 to be distributed in accordance with department of treasury guidelines and as detailed in the department of
3 commerce application specific to the program. The appropriation is for the fiscal year beginning July 1, 2020,
4 and is authorized to continue through the biennium beginning July 1, 2031.

5
6 **NEW SECTION. Section 16. Appropriations to department of labor and industry.** (1) There are
7 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to
8 the department of labor and industry for the fiscal year beginning July 1, 2020, that are authorized to continue
9 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following
10 items.

11	Amount	Purpose	ARPA Section
12	5,500,000	Workforce <u>OFFICE OF COMMUNITY SERVICE</u>	2206
13	5,200,000	Unemployment Administration	9031, 9032
14	<u>2,000,000</u>	<u>RAPID RETRAINING FOR VETERANS</u>	<u>8006</u>

15 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of
16 2021, Public Law 117-2.

17
18 **NEW SECTION. Section 17. Appropriations to department of transportation -- grants.** (1) There
19 are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated
20 to the department of transportation for the fiscal year beginning July 1, 2020, that are authorized to continue
21 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following
22 items.

23	Amount	Purpose	ARPA Section
24	600,000	Grants to Airports	7102
25	800,000	Grants for Rural Transit	3401

26 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of
27 2021, Public Law 117-2.

28

Amendment - Reference

67th Legislature

HB 632.4.6

1 NEW SECTION. Section 18. Health advisory commission. (1) There is an American Rescue Plan
2 health advisory commission.

3 (2) The commission consists of ~~nine members, who must be appointed as follows:~~

4 ~~(a) three senators, two from the majority party and one from the minority party, appointed by the senate~~
5 ~~president;~~

6 ~~(b) three representatives, two from the majority party and one from the minority party, appointed by the~~
7 ~~speaker of the house; and;~~

8 (A) MEMBERS OF THE JOINT APPROPRIATIONS SUBCOMMITTEE FOR HEALTH AND HUMAN SERVICES FROM THE
9 67TH LEGISLATURE; AND

10 ~~(e)~~(b) three members appointed by the governor.

11 (3) The commission shall recommend how funds allocated to the department of public health and
12 human services are to be used.

13 (4) Appointed members of the commission must be compensated and receive travel expenses as
14 provided for in 2-15-124 for each day in attendance at commissions meetings or in the performance of any duty
15 or service as a commission member.

16 (5) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL STAFF THE COMMISSION.

17 (6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 20].

18

19 NEW SECTION. Section 19. Deadlines -- meetings -- recommendations -- approval. (1) The
20 ~~committee~~ commission shall meet on or before June 1, 2021, and shall report its recommendations to the
21 director of the department of public health and human services on or before June 15, 2021, OR AS OTHERWISE
22 IDENTIFIED BY A MAJORITY OF THE COMMISSION.

23 (2) The recommendations of the advisory commission must be considered by the executive. The
24 department shall provide reports to the commission on implementation.

25 (3) THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR AND
26 REVIEWED TO COMPLY WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE GOVERNOR MAY
27 MODIFY RECOMMENDATIONS AND SHALL PROVIDE THE LIST OF APPROVED PROJECTS TO THE LEGISLATIVE FINANCE
28 COMMITTEE BY OCTOBER 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDATIONS SUBMITTED BY THE

Amendment - Reference

1 COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGE TO THE
2 ADVISORY COMMISSION AND TO THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

3 (4) IF IT IS LATER DETERMINED THAT A PROJECT CANNOT BE COMPLETED, THE GOVERNOR MAY AUTHORIZE A
4 DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE COMMITTEE. IF AT ANY TIME IT IS
5 DETERMINED THAT A PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON FEDERAL GUIDANCE OR REGULATION AND, IF
6 COMPLETED, WOULD RESULT IN A REDUCTION IN FUNDS FROM THE AMERICAN RESCUE PLAN ACT OR REQUIRE THE
7 STATE TO REPAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE AMERICAN RESCUE PLAN ACT,
8 THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE
9 COMMITTEE.

10
11 **NEW SECTION. Section 20. Appropriations to department of public health and human**
12 **services.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
13 117-2, appropriated to the department of public health and human services for the fiscal year beginning July 1,
14 2020, and continuing into the biennium beginning July 1, 2021. Appropriations are authorized to continue
15 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following
16 items. References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021,
17 Public Law 117-2.

Amount	Program	ARPA Section
13,000,000 <u>11,000,000</u>	SNAP	1101,1102
200,000	Commodity Supplemental Food Program	1104
900,000	Family Violence Prevention	2204
1,111,000	Child Abuse Prevention	2205
22,500,000	Vaccine Distribution and Supply	2301
143,400,000	Testing and Contact Tracing	2401
111,000,000 <u>112,500,000</u>	Child Care Stabilization & Block Grants	2201, 2202
1,700,000	State Veterans' Homes	8004
23,000,000	Public Health Workforce	2501
20,000,000	Rapid Retraining Jobs Training	9901/602

Amendment - Reference

1	17,000,000 <u>10,500,000</u>	SAMHSA/Mental Health and Substance Use Disorder	
2		Mental Health Block Grant	2701, <u>2702, 2703, 2705,</u>
3	<u>2706, 2707</u>		
4		Substance Abuse Prevention and Treatment	2702
5		Block Grant	
6		Mental and Behavioral Health Training	2703
7		Grants for Healthcare Providers to Promote	2705
8		Mental and Behavioral Health	
9		Community-based Funding for Local	
10		Substance Use Disorder Services	2706
11		Community-based Funding for	2707
12		Local Behavioral Health Needs	
13	21,000,000 <u>31,775,000</u>	LIHEAP/Water Assistance	2911, 2912
14	1,000,000	Supporting Older Americans and Families	2921
15		Home and Community-Based Supportive	2921
16		Services for Blind News Service	
17	930,000	Emergency Food and Shelter Program	4007, 4008
18	2,726,000	Pandemic Emergency Assistance	9201
19		Elder Justice Programs	9301
20		Maternal, Infant, and Early Childhood	9101
21		Home Visiting	
22	<u>1,130,000</u>	WIC	1105
23	<u>1,223,000</u>	IDEA Infants and toddlers	<u>2014</u>

24 (2) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT
 25 OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION 602,
 26 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING AND ALLOCATED TO THE DEPARTMENT OF PUBLIC
 27 HEALTH AND HUMAN SERVICES AS FOLLOWS:

28 (A) \$15 MILLION FOR NURSING HOME SUPPLEMENTAL PAYMENTS; AND

Amendment - Reference

1	Amount	Program	ARPA Section
2	1,000,000	Freezer, Morgue, and Refrigeration Space	9901, 604
3	1,000,000	Crime Lab Facility Space	9901, 602

4 (2) AUTHORITY IS GRANTED TO CONSTRUCT THE PROJECTS IN THIS SECTION.

5

6 NEW SECTION. Section 23. Appropriations to office of public instruction AND OFFICE OF BUDGET

7 AND PROGRAM PLANNING. (1) There are federal funds received pursuant to the American Rescue Plan Act of
8 2021, Public Law 117-2, appropriated to the office of public instruction for the fiscal year beginning July 1, 2020.
9 Appropriation authority is intended to be allocated to the following items. Appropriations are authorized to
10 continue through the biennium beginning July 1, 2023. References to "ARPA Section" mean references to
11 sections in the American Rescue Plan Act of 2021, Public Law 117-2.

12	Amount	Purpose	ARPA Section
13	343,817,312	Basic Allocation to School Districts	2001
14	3,400,000	Supplemental Allocation to School Districts	2001
15	120,000	Allocation to Other Educational Institutions	2001
16	555,234	Education Leadership in Montana	2001
17	5,475,248	OPI Database Modernization	2001
18	1,910,096	Administration	2001
19	19,100,962	State Learning Loss	2001
20	3,820,192	State Summer Enrichment	2001
21	3,820,192	State Afterschool Programs	2001
22	7,000,000	Assistance to Nonpublic Schools	2002
23	40,200,000 <u>9,241,420</u>	Individual <u>INDIVIDUALS with Disabilities</u> <u>EDUCATION Act</u>	2014

24 (2) The appropriations to the office of public instruction in subsection (1) are restricted as follows:

25 (a) For Basic Allocation to School Districts, the amount allocated by the office of public instruction to
26 school districts must be as required by federal law. The office of public instruction shall distribute funds via
27 grants for expenses that are consistent with section 2001(e) of ESSER III.

28 (b) For Supplemental Allocation to School Districts, the office of public instruction shall allocate the

Amendment - Reference

67th Legislature

HB 632.4.6

1 funds as follows:

2 (i) a school district with fewer than 6 quality educators receives \$10,000;

3 (ii) a school district with 6 or more quality educators that receives less than an amount equal to \$10,000
4 times the number of the district's quality educators in the basic allocation receives an amount for every quality
5 educator plus an additional \$50 for every quality educator that the district is below the statewide average of
6 quality educators for each district;

7 (iii) the amount for every quality educator must be calculated to use the \$3.4 million appropriation; and

8 (iv) the office of public instruction shall distribute the funds in the same manner as used for the basic
9 allocation.

10 (c) For Allocation to Other Educational Institutions, an allocation to the school for the deaf and blind,
11 Pine Hills youth correctional facility, and the youth academy must be made on a per-quality-educator basis. The
12 office of public instruction shall distribute the funds in the same manner as used for the basic allocation.

13 (d) For Education Leadership in Montana, the office of public instruction shall create a system to build
14 the capacity of principals, teachers, and other leaders to ensure recovery of each school from the effects of the
15 covid-19 pandemic in a model that addresses the learning opportunities missed and needed by each person to
16 reach their full educational potential.

17 (e) For OPI Database Modernization, funds must be used by the office of public instruction to repair,
18 improve, or replace existing data systems to respond to learning loss associated with the pandemic. Actions
19 taken must be consistent with 20-7-104.

20 (f) For Administration, funds must be used by the office of public instruction for administration of
21 ESSER III activities.

22 (g) For State Learning Loss, State Summer Enrichment, and State Afterschool Programs, funds may be
23 used at the discretion of the office of public instruction for purposes allowed by federal law and may include
24 grants to school districts. A school district may use these funds to provide allowable support to a special
25 education cooperative of which it is a member. Any funds granted to school districts must be distributed in the
26 same manner as used for the basic allocation.

27 (3) THERE IS APPROPRIATED \$7 MILLION TO THE OFFICE OF BUDGET AND PROGRAM PLANNING FOR ASSISTANCE
28 TO NONPUBLIC SCHOOLS FROM THE FUNDS RECEIVED PURSUANT TO SECTION 2002 OF THE AMERICAN RESCUE PLAN

Amendment - Reference

1 ACT, PUBLIC LAW 117-2.

2

3 NEW SECTION. Section 24. Appropriations to commissioner of higher education, state library,
4 **and Montana arts council.** (1) There are federal funds received pursuant to the American Rescue Plan Act of
5 2021, Public Law 117-2, appropriated to the office of budget and program planning and allocated to agencies
6 listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
7 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.
8 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public
9 Law 117-2.

Agency	Amount	Purpose	ARPA Section
Office of the Commissioner of Higher Education	7,500,000	Montana Research and Economic Development Initiative	602rr
_____	1,000,000	Teacher Education Programs	602rr
_____	1,000,000	Workforce Recovery COVID-19	602rr
_____	2,000,000	Accelerate Montana	602rr
_____	1,500,000	Cyber Hub	8006
_____	2,000,000	Center for Translational Medicine	602rr
_____	2,000,000	Rapid Retraining for Veterans	8006
Montana Arts Council	764,000	_____	2021
State Library	120,000	Newsline	2921
_____	1,235,444	Hot Spot Lending Program	2023
_____	1,000,000	E Learning Digital Content	2023

25 ~~(2) For Teacher Education Programs, the purpose is to retool teacher education programs to train~~
26 ~~teachers on proficiency education success in a virtual world.~~

27 (2) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO SECTION 2021 THE AMERICAN RESCUE PLAN ACT
28 OF 2021, PUBLIC LAW 117-2, IN THE AMOUNT OF \$764,000 APPROPRIATED TO THE MONTANA ARTS COUNCIL FOR THE

Amendment - Reference

67th Legislature

HB 632.4.6

1 FISCAL YEAR BEGINNING JULY 1, 2020. APPROPRIATIONS ARE AUTHORIZED TO CONTINUE THROUGH THE BIENNIUM
2 BEGINNING JULY 1, 2023.

3 (3) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021,
4 PUBLIC LAW 117-2, APPROPRIATED TO THE STATE LIBRARY FOR THE FISCAL YEAR BEGINNING JULY 1, 2020.
5 APPROPRIATION AUTHORITY IS INTENDED TO BE ALLOCATED TO THE FOLLOWING ITEMS. APPROPRIATIONS ARE
6 AUTHORIZED TO CONTINUE THROUGH THE BIENNIUM BEGINNING JULY 1, 2023.

7 1,235,444 HOT SPOT LENDING PROGRAM 2023

8 1,000,000 E-LEARNING DIGITAL CONTENT 2023

9 (4) THERE IS ALLOCATED \$120,000 TO THE STATE LIBRARY FOR NEWSLINE FROM THE FUNDS APPROPRIATED IN
10 [SECTION 20] FOR SUPPORTING OLDER AMERICANS AND FAMILIES.

11
12 NEW SECTION. Section 25. APPROPRIATION -- CORONAVIRUS LOCAL FISCAL RECOVERY FUND. THERE IS
13 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING \$81.8 MILLION TO DISTRIBUTE PURSUANT TO
14 SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW, 117-2, WHICH AMENDS TITLE VI OF THE
15 SOCIAL SECURITY ACT TO INCLUDE SECTION 603.

16
17 NEW SECTION. Section 26. AUDIT APPROPRIATIONS. (1) OF THE FEDERAL FUNDS APPROPRIATED TO THE
18 OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTION 14] AND APPROPRIATED TO THE DEPARTMENT OF COMMERCE
19 IN [SECTION 15], THE AMOUNT OF \$20,500 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND
20 BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM.

21 (2) OF THE FEDERAL FUNDS APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTIONS
22 2, 7, AND 12], THE AMOUNT OF \$47,150 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND
23 BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM AS FOLLOWS:

24 (A) AMERICAN RESCUE PLAN ACT TESTING, \$36,900; AND

25 (B) SINGLE AUDIT ADMINISTRATION AND REPORTING, \$10,250.

26 (3) OF THE FEDERAL FUNDS APPROPRIATED TO THE OFFICE OF PUBLIC INSTRUCTION IN [SECTION 23], THE
27 AMOUNT OF \$20,500 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND BIENNIAL
28 APPROPRIATION FOR THE 2023 BIENNIUM.

1 (4) OF THE FEDERAL FUNDS APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IN
2 [SECTION 20], THE AMOUNT OF \$12,300 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND
3 BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM.

4 (5) THE LEGISLATIVE AUDIT DIVISION WILL INCLUDE ESTIMATED AUDIT COSTS ASSOCIATED WITH [THIS ACT] IN
5 THE ESTIMATED AUDIT COSTS PROVIDED FOR IN 5-13-402 FOR THE 2025 BIENNIUM.

6 (6) AS PROVIDED FOR IN 17-7-141, AGENCIES APPROPRIATED FUNDS THROUGH [THIS ACT] WILL RESERVE
7 ENOUGH MONEY FROM THESE FEDERAL FUNDS TO PAY ASSOCIATED AUDIT COSTS IN THE 2025 BIENNIUM.

8
9 NEW SECTION. Section 27. ~~Authorization to modify or increase~~ **MODIFICATIONS TO**
10 **appropriations and authorizations -- report of modifications or changes.** (1) The governor, or the budget
11 director under the direction of the governor, is authorized to redirect appropriations and authorizations to other
12 projects or appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and
13 guidance issued by federal agencies.

14 (2) (a) If a proposed line-item transfer or a fund switch in [this act] exceeds \$100,000, the budget
15 director shall submit a legal analysis and detailed description of the requested line-item transfer or fund switch
16 to the legislative fiscal analyst 30 days prior to the next scheduled meeting of the legislative finance committee.

17 (b) For the purposes of this section, the following definitions apply:

18 (i) "Line-item transfer" means the transfer of appropriation authority from one line-item APPROPRIATION
19 to a different line-item APPROPRIATION WITHIN THE SAME SECTION OF [THIS ACT]. TRANSFERS ARE NOT AUTHORIZED
20 BETWEEN APPROPRIATIONS MADE IN DIFFERENT SECTIONS.

21 (ii) "Fund switch" means a change in a line-item fund source or account to another fund source or
22 account.

23 (3) WHEN FEDERAL GUIDANCE IS ISSUED RELATED TO THE USE OF "REDUCTION IN REVENUE" FUNDS
24 PURSUANT TO SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW 117-2, AMENDING TITLE VI
25 OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION 602(C)(1)(C), OTHERWISE KNOWN AS "REVENUE REPLACEMENT
26 FUNDS", THE OFFICE OF BUDGET AND PROGRAM PLANNING WILL CALCULATE THE AMOUNT OF FUNDS AVAILABLE
27 PURSUANT TO THAT SECTION 602 AND RECOMMEND TO THE GOVERNOR AND THE LEGISLATIVE FINANCE COMMITTEE AN
28 AMOUNT TO BE ALLOCATED AMONG THE APPROPRIATIONS OF 602 FUNDS IN [THIS ACT].

1 ~~(3)~~(4) The legislative finance committee shall review the proposed line-item transfer or fund switch OR
2 THE RECOMMENDATION ON THE USE OF REVENUE REPLACEMENT FUNDS AS PROVIDED IN SUBSECTION (3), at the next
3 meeting. A representative of the office of budget and program planning shall be present at the meeting to
4 discuss the proposal OR RECOMMENDATION. The legislative finance committee may take up to 15 days following
5 its meeting to review and comment on the proposal OR RECOMMENDATION. The office of budget and program
6 planning may provide a response to the comments within 15 days of receiving the committee's comments.

7 ~~(4)~~(5) The governor, or the budget director at the direction of the governor, is authorized to adjust the
8 parameters of a program or service appropriated in [this act] to ensure conformity with applicable federal laws,
9 regulations, and guidance issued by federal agencies. If the parameters of a program are adjusted, the office of
10 budget and program planning shall notify the legislative finance committee of the change at its next scheduled
11 meeting. The legislative finance committee may take up to 15 days following its meeting to review and
12 comment on the proposal. The office of budget and program planning may provide a response to the comments
13 within 15 days of receiving the committee's comments.

14 ~~(5)~~(6) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program
15 or service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible
16 and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to
17 review the proposal and provide comment. The meeting may be held in a virtual setting.

18 ~~(6)~~(7) If additional funds are received by the state from the federal government above the levels
19 appropriated in [this act], House Bill No. 3, or House Bill No. 630, the approving authority as defined in 17-7-102
20 may authorize a budget amendment as defined in Title 17, chapter 7, part 4, and the requirements of 17-7-
21 402(1)(e) do not apply. If a federal appropriation is not included in [this act], House Bill No. 3, or House Bill No.
22 630, for a specific grant authorized by the federal government or in an amount sufficient to appropriate the
23 entire amount received from a federal agency to deploy funds authorized by the federal government, the
24 requirements of 17-7-402(1)(e) do not apply.

25

26 NEW SECTION. Section 28. Dissemination PERFORMANCE MEASURES -- DISSEMINATION of
27 information -- reporting and accountability. (1) APPLICABLE AGENCIES WILL PROPOSE A PERFORMANCE
28 MEASUREMENT PLAN TO THE COMMISSIONS.

Amendment - Reference

67th Legislature

HB 632.4.6

1 ~~(2)~~ AN APPLICATION SUBMITTED TO A COMMISSION ESTABLISHED BY [SECTION 1, 5, 7, 8, 10, OR 15, 17] MUST IN
2 [THIS ACT] MAY INCLUDE PERFORMANCE MEASURES TO ALLOW THE COMMISSION, STAKEHOLDERS, AND THE PUBLIC TO
3 UNDERSTAND WHAT THE APPLICANT INTENDS TO ACCOMPLISH AND, IF SELECTED TO RECEIVE MONEY FROM THE
4 AMERICAN RESCUE PLAN ACT, A BASIS TO EVALUATE WHETHER THE APPLICANT HAS ACHIEVED WHAT IT INTENDED TO
5 ACCOMPLISH. WHERE FEASIBLE, PERFORMANCE MEASURES SHOULD BE QUANTITATIVE.

6 ~~(2)(3)~~ QUARTERLY PERFORMANCE REPORTS MUST MAY BE PROVIDED TO THE OFFICE OF BUDGET AND
7 PROGRAM PLANNING APPLICABLE AGENCY BY ENTITIES THAT RECEIVE FUNDS FROM THE FEDERAL MONEY APPROPRIATED
8 IN [THIS ACT] TO PROVIDE AN ASSESSMENT OF THE OUTPUTS AND OUTCOMES ACHIEVED COMPARED TO THE
9 PERFORMANCE MEASURES SET FORTH IN THE ENTITIES' APPLICATIONS. THE REPORTS MUST MAY BE SUBMITTED BY THE
10 15TH DAY OF THE FIRST MONTH OF EACH QUARTER FOR THE PREVIOUS QUARTER UNTIL COMPLETION OF THE FUNDED
11 PROJECT.

12 ~~(3)(4)~~ The office of budget and program planning shall promote the funding opportunities afforded in
13 [this act] and offer an online portal that directs prospective grantees to the various grant programs available
14 pursuant to [this act]. THE ONLINE PORTAL MUST ALSO PROVIDE DATA AND INFORMATION ON THE WEBSITE TO PROVIDE
15 TRANSPARENCY IN HOW FUNDS WERE SPENT AND IDENTIFY GRANT RECIPIENTS FOR BUSINESSES, LOCAL OR TRIBAL
16 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS.

17 ~~(2)(4)(5)~~ The office of budget and program planning shall provide quarterly reports to the legislative
18 finance committee throughout the interim on the implementation of [this act].

19 ~~(6)~~ THE OFFICE OF BUDGET AND PROGRAM PLANNING IS APPROPRIATED \$3.5 MILLION TO PROVIDE
20 OVERSIGHT, PUBLIC INTERACTION, REPORTING, TRANSPARENCY, AND OTHER SERVICES FROM 602 FUNDS.

21
22 NEW SECTION. Section 29. Reduction in funding -- health regulations. If a local government is
23 awarded grant funds pursuant to ~~[this act]~~ APPROPRIATED IN [SECTION 2], the amount of the grant is reduced by
24 20% if that local government or any of its authorized agents have ~~issued~~ CURRENT health regulations related to
25 COVID-19 that are more strict than those imposed by the state IN EFFECT AT THE TIME THE GRANT IS AWARDED.

26
27 NEW SECTION. Section 25. Consideration of select committee proposals. ~~The work of the select~~
28 ~~committee on House Bill No. 632 and its subcommittees must be considered by the advisory commissions~~

1 ~~established in [this act] when preparing final recommendations to the executive.~~

2

3 **Section 30.** Section 2-17-603, MCA, is amended to read:

4 **"2-17-603. Government competition with private internet services providers prohibited --**

5 **exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state
6 may not directly or through another agency or political subdivision be an internet services provider.

7 (2) (a) An agency or political subdivision may act as an internet services provider if:

8 (i) no private internet services provider is available within the jurisdiction served by the agency or
9 political subdivision; or

10 (ii) the agency or political subdivision provided services prior to July 1, 2001.

11 (b) An agency or political subdivision may act as an internet services provider when providing
12 advanced services that are not otherwise available from a private internet services provider within the
13 jurisdiction served by the agency or political subdivision.

14 (c) If a private internet services provider elects to provide internet services in a jurisdiction where an
15 agency or political subdivision is providing internet services, the private internet services provider shall inform
16 the agency or the political subdivision in writing at least 30 days in advance of offering internet services.

17 (3) Upon receiving notice pursuant to subsection (2)(c), the agency or political subdivision shall notify
18 its subscribers within 30 days of the intent of the private internet services provider to begin providing internet
19 services and may choose to discontinue providing internet services within 180 days of the notice.

20 (4) Nothing in this section may be construed to prohibit an agency or political subdivision from:

21 (a) offering electronic government services to the general public; ~~or~~

22 (b) acquiring access to the internet from a private internet services provider in order to offer electronic
23 government services to the general public; or

24 (c) investing in infrastructure to improve, construct, extend, expand, or maintain internet service as
25 determined appropriate by the political subdivision. Investment in infrastructure permitted in this section must
26 be:

27 (i) in cooperation with a private internet service provider; or

28 (ii) provided through an agreement or contract with a private internet service provider."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NEW SECTION. Section 31. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. SECTION 32. LONG-RANGE PROJECTS FUNDING. (1) IF ANY OF THE ALLOCATIONS FOR PROJECTS OUTLINED IN [SECTION 33 THROUGH 36] ARE DETERMINED TO BE INELIGIBLE FOR FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT, FUNDING FOR EACH INELIGIBLE PROJECT IS APPROPRIATED FOR THE PROJECT FROM THE SOURCE OF FUNDING DESIGNATED IN THE INTRODUCED VERSION OF THE RESPECTIVE LONG-RANGE BILL.

(2) IF ANY OF THE ALLOCATIONS FOR PROJECTS OUTLINED IN [SECTION 37] ARE DETERMINED TO BE INELIGIBLE FOR FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT, FUNDING FOR THOSE PROJECTS SHALL BE:

(A) APPROPRIATED FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT PROVIDED FOR IN 17-7-209 FOR PROJECTS FUNDED [SECTION 1] OF HOUSE BILL NO. 14;

(B) APPROPRIATED FROM THE TREASURE STATE ENDOWMENT SPECIAL REVENUE ACCOUNT PROVIDED FOR IN 17-5-703(3)(A) FUNDED THROUGH [SECTION 5] OF HOUSE BILL NO. 14; AND

(C) APPROPRIATED FROM THE NATURAL RESOURCES PROJECTS STATE SPECIAL REVENUE ACCOUNT PROVIDED FOR IN 15-38-302 FUNDED THROUGH [SECTION 9] OF HOUSE BILL NO. 14.

COORDINATION SECTION. Section 33. Coordination instruction -- House Bill No. 5. (1) If both House Bill No. 5 and [this act] are passed and approved, then the appropriations for the OPI MT Learning Center Civil Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill No. 5 are void and there is ~~appropriated to the office of budget and program planning and allocated to the department of administration \$2,050,000 from federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602), for those projects~~ FOR THOSE PROJECTS FROM THE FUNDS APPROPRIATED IN [SECTION 2].

(2) If both House Bill No. 5 and [this act] are passed and approved, then the appropriations for the following projects in [section 2(1)] of House Bill No. 5 are void and there is ~~appropriated to the office of budget and program planning and allocated to the department of administration \$5,310,000 from federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the~~

Amendment - Reference

67th Legislature

HB 632.4.6

1 ~~Social Security Act to include section 604), for those projects~~ FOR THE FOLLOWING PROJECTS FROM THE FUNDS

2 APPROPRIATED IN [SECTION 7]:

3 (a) MSU Haynes Hall Lab Ventilation Upgrades;

4 (b) MSU BLGS Art Annex Safety and System Upgrades;

5 (c) UM-HC Donaldson Building HVAC Upgrades;

6 (d) MSU-N Auto Tech Building System Improvements;

7 (e) MSDB Card Lock System; and

8 (f) MSU-N Brockmann Center HVAC and Energy Project.

9

10 COORDINATION SECTION. Section 34. Coordination instruction -- House Bill No. 6. (1) If both
11 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of
12 House Bill No. 6 must read:

13 "(1) For the biennium beginning July 1, 2021, there is ~~appropriated to the office of budget and program~~
14 ~~planning and~~ allocated to the department of natural resources and conservation from ~~federal funds received~~
15 ~~pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the~~
16 ~~Social Security Act to include section 602),~~ FROM FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632, up
17 to:".

18 (2) If both House Bill No. 6 and [this act] are passed and approved, then [section 1(2)] of House Bill No.
19 6 must read:

20 "(2) The amount of \$4,500,000 is ~~appropriated to the office of budget and program planning and~~
21 allocated to the department of natural resources and conservation from ~~federal funds received pursuant to the~~
22 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~
23 ~~Act to include section 602),~~ THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632, for the biennium
24 beginning July 1, 2021. The funds referred to in this subsection must be awarded by the department to the
25 named entities for the described purposes and in the grant amounts listed in subsection (4), subject to the
26 conditions set forth in [sections 2 and 3] and the contingencies described in the renewable resource grant and
27 loan program January 2021 report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years
28 2021-2023 Volume 6"."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COORDINATION SECTION. **Section 35. Coordination instruction -- House Bill No. 7.** If both House Bill No. 7 and [this act] are passed and approved, then [section 1(2)] of House Bill No. 7 must read:

"(2) The amount of \$3,273,833 is appropriated ~~to the office of budget and program planning and allocated~~ to the department of natural resources and conservation from the natural resources projects state special revenue account established in 15-38-302 and the amount of \$429,000 is ~~appropriated to the office of budget and program planning and~~ allocated to the department of natural resources and conservation from ~~federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602);~~ THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632 for grants to political subdivisions and local governments during the biennium beginning July 1, 2021. The funds in this subsection must be awarded by the department to the named entities for the described purposes and in the grant amounts set out in subsection (4) subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the reclamation and development grants program report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years 2021-2023 Volume 5".

COORDINATION SECTION. **Section 36. Coordination instruction -- House Bill No. 11.** If both House Bill No. 11 and [this act] are passed and approved, then [section 1(1)] of House Bill No. 11 must read:

"(1) There is ~~appropriated to the office of budget and program planning and~~ allocated to the department of commerce \$9,869,800 for the biennium beginning July 1, 2021, from ~~federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602);~~ THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632 to finance treasure state endowment program grants authorized by subsection (2)."

(2) If both House Bill No. 11 and [this act] are passed and approved, then [section 5] of House Bill No. 11 must read:

"There is ~~appropriated~~ ALLOCATED \$100,000 ~~from federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602);~~ ~~to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of commerce for the biennium beginning July 1, 2021,

Amendment - Reference

67th Legislature

HB 632.4.6

1 for the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure
2 projects, as defined in 90-6-701."

3 (3) If both House Bill No. 11 and [this act] are passed and approved, then [section 6] of House Bill No.
4 11 must read:

5 "There is ~~appropriated~~ ALLOCATED \$900,000 ~~from federal funds received pursuant to the American~~
6 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~
7 ~~include section 602), to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED
8 IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of commerce for the biennium beginning July 1, 2021,
9 for the purpose of providing local governments, as defined in 90-6-701, with the infrastructure planning grants
10 for infrastructure projects, as defined in 90-6-701."

11 (4) If both House Bill No. 11 and [this act] are passed and approved, then [section 7(1)] of House Bill
12 No. 11 must read:

13 "There is ~~appropriated~~ ALLOCATED \$5,000,000 ~~from the federal funds received pursuant to the American~~
14 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~
15 ~~include section 602), to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED
16 IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of natural resources and conservation for the biennium
17 beginning July 1, 2021, to finance the state's share of regional water system projects authorized in subsection
18 (2) and as set forth in 90-6-715."

19
20 COORDINATION SECTION. Section 37. Coordination instruction -- House Bill No. 14. (1) If both
21 House Bill No. 14 and [this act] are passed and approved, then there is ~~appropriated from the federal funds~~
22 ~~received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI~~
23 ~~of the Social Security Act to include section 604), to the office of budget and program planning and allocated~~
24 FROM THE FUNDS APPROPRIATED IN [SECTION 7] to the department of administration:

25 ~~(a) \$26,200,000 for the MT Veterinarian Diagnostic & Ag Analytical Labs;~~

26 ~~(b)(a) \$6,500,000 for Liquor Warehouse Expansion; and~~

27 ~~(e)(b) \$4,800,000 for the UM-W Block Hall Renovation.~~

28 (2) (A) IF BOTH HOUSE BILL NO. 14 AND [THIS ACT] ARE PASSED AND APPROVED, THEN THERE IS ALLOCATED

Amendment - Reference

67th Legislature

HB 632.4.6

1 \$26,200,000 FROM THE FUNDS APPROPRIATED IN [SECTION 20] TO THE DEPARTMENT OF ADMINISTRATION FOR THE MT
2 VETERINARIAN DIAGNOSTIC & AG ANALYTICAL LABS.

3 (B) IF IT DETERMINED THAT THE PROJECT IDENTIFIED IN (2)(A) IS INELIGIBLE FOR FUNDING FROM THE
4 APPROPRIATIONS IN [SECTION 20], THE ALLOCATION IN (2)(A) IS VOID AND THERE IS ALLOCATED \$26,200,000 FROM THE
5 FUNDS APPROPRIATED IN [SECTION 7] TO THE DEPARTMENT OF ADMINISTRATION FOR THE MT VETERINARIAN
6 DIAGNOSTIC & AG ANALYTICAL LABS.

7 ~~(2)(3)~~ If both House Bill No. 14 and [this act] are passed and approved, then [section 5(1)] of House Bill
8 No. 14 must read:

9 "(1) There is ~~appropriated to the office of budget and program planning and~~ allocated to the department
10 of commerce \$13,707,898 for the biennium beginning July 1, 2021, ~~from federal funds received pursuant to the~~
11 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~
12 ~~Act to include section 602)~~, FROM THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632 to finance
13 treasure state endowment program grants authorized by subsection (2)."

14 ~~(3)(4)~~ If both House Bill No. 14 and [this act] are passed and approved, then [section 9(1)] of House Bill
15 No. 14 must read:

16 "(1) There is ~~appropriated from federal funds received pursuant to the American Rescue Plan Act of~~
17 ~~2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602), to~~
18 ~~the office of budget and program planning and~~ allocated to the department of natural resources and
19 conservation FROM THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632 up to \$4,720,788 for grants
20 to political subdivisions and local governments for the biennium beginning July 1, 2021. The funds referred to in
21 this subsection must be awarded by the department to the named entities for the described purposes and in the
22 grant amounts listed in subsection (3), subject to the conditions set forth in [sections 11 and 12] and the
23 contingencies described in the renewable resource grant and loan program January 2021 report to the 67th
24 legislature titled: "Governor's Executive Budget Fiscal Years 2021-2023 Volume 6"."

25

26 COORDINATION SECTION. Section 34. Coordination instruction — House Bill No. 497. If both
27 House Bill No. 497 and [this act] are passed and approved, then [section 15 ~~16~~ 17 of this act] must be
28 amended to read:

Amendment - Reference

67th Legislature

HB 632.4.6

1 ~~"Section 15 16 17. Health advisory commission and human services budget committee --~~
2 ~~recommendations.~~ (1) There is an American Rescue Plan health advisory commission.
3 ~~(2) The commission consists of nine members, who must be appointed as follows:~~
4 ~~(a) three senators, two from the majority party and one from the minority party, appointed by the senate~~
5 ~~president;~~
6 ~~(b) three representatives, two from the majority party and one from the minority party, appointed by the~~
7 ~~speaker of the house; and~~
8 ~~(c) three members appointed by the governor.~~
9 ~~(3) The commission shall recommend how funds allocated to the department of public health and~~
10 ~~human services are to be used. The health and human services budget committee established pursuant to~~
11 ~~House Bill No. 497 shall recommend how funds appropriated to the department of public health and human~~
12 ~~services are to be used.~~
13 ~~(4)(2) Appointed members of the commission committee must be compensated and receive travel~~
14 ~~expenses as provided for in 2-15-124 for each day in attendance at commissions committee meetings or in the~~
15 ~~performance of any duty or service as a commission committee member.~~
16 ~~(3) If both House Bill No. 497 and [this act] are passed and approved, all references to th e health and~~
17 ~~human services commission must be replaced with references to the committee."~~

18
19 NEW SECTION. SECTION 38. COORDINATION -- SENATE BILL NO. 297. IF BOTH SENATE BILL NO. 297 AND
20 [THIS ACT] ARE PASSED AND APPROVED, THE APPROPRIATION IN [SECTION 9] SHALL BE USED FOR THE PURPOSES SET
21 FORTH IN SENATE BILL NO. 297.

22
23 NEW SECTION. SECTION 39. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT
24 ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
25 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
26 APPLICATIONS.

27
28 COORDINATION SECTION. Section 40. Coordination instruction. If both Senate Bill No. 297 and

Amendment - Reference

67th Legislature

HB 632.4.6

1 [this act] are passed and approved:

2 (1) [section 2(11) of Senate Bill No. 297] must read as follows:

3 "(11) "Underserved area" means an area where at least 10% of the delivery points have no access to
4 broadband service offered with a download speed range of at least 100 megabits per second and an upload
5 speed of at least 20 megabits per second or less with low latency."

6 (2) [section 7 of Senate Bill No. 297] must be amended to include subsection (5)(n) which reads:

7 "(n) broadband service providers who have broadband service infrastructure already deployed in the
8 project area."

9

10 NEW SECTION. Section 41. Effective date. [This act] is effective on passage and approval.

11

- END -