

**SENATE JOURNAL
67TH LEGISLATURE
SEVENTH LEGISLATIVE DAY**

Helena, Montana
January 12, 2021

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/12/2021

Correctly printed: **SB 91, SB 92, SB 93, SB 94.**
Correctly engrossed: **SJ 1, SR 1.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/12/2021
SB 49, do pass..
SB 66, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/11/2021
SB 25, do pass.

JUDICIARY (Regier, Chair): 1/12/2021
SB 47, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "provide"
Insert: "a rationale for the placement and"

And, as amended, do pass.

TAXATION (Hoven, Chair): 1/12/2021
SB 34, do pass.
SB 35, introduced bill, be amended as follows:

1. Title, line 6.
Following: "SECTIONS"
Insert: "15-24-3004, 15-24-3005,"

2. Title, line 8.
Following: "15-24-3001"

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Strike: ","
Insert: "AND"

3. Title, line 8.
Following: "15-24-3002,"
Strike: "15-24-3004, AND 15-24-3005,"

4. Page 1.
Following: line 11
Insert: "**Section 1.** Section 15-24-3004, MCA, is amended to read:

"15-24-3004. Wind generation facility impact fee for local governmental units and school districts. (1) An owner or operator of a wind generation facility used for a commercial purpose is subject to an initial local governmental and local school impact fee to be paid for each year of the first 3 years after construction of the wind generation facility begins. The annual impact fee may not exceed 0.5% of the total cost of constructing the wind generation facility.

(2) (a) Subject to subsection (2)(b), the impact fee is assessed and distributed as provided in ~~15-24-3005(2)~~ and ~~(3)~~ 15-24-3005(1) and (2).

(b) Local governmental units may enter into an interlocal agreement as provided in ~~15-24-3005(4)~~ 15-24-3005(3).

(3) (a) For the purposes of this section, "wind generation facility" means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind.

(b) The term does not include a wind generation facility used for noncommercial purposes or exclusively for agricultural purposes.""

Insert: "**Section 2.** Section 15-24-3005, MCA, is amended to read:

"15-24-3005. Electrical Wind generation facility impact fee for local governmental units and school districts --wind generation facility impact fee. (1) ~~(a) If an owner or operator of an electrical generation facility, as defined in 15-24-3001, is exempt from property taxation pursuant to 15-24-3001, the owner or operator of the facility is subject to an initial local government and local school impact fee. In the first 2 years of construction, the impact fee may not exceed 0.75% of the total cost of constructing the electrical generation facility.~~

~~(b) In the case of a generation facility powered by oil or gas turbines, the impact fee may not exceed 0.1% of the total construction cost in the remaining 3 years of the tax exemption period as provided in 15-24-3001.~~

~~(c) In the case of any other generation facility, the impact fee may not exceed 0.1% of the total construction cost in the subsequent 4 years and may not exceed 0.08% of the total construction cost in the remaining 4 years of the tax exemption period as provided in 15-24-3001.~~

~~(2) Except as provided in subsection ~~(4)~~ (3), the jurisdictional area of a local governmental unit in which an electrical generation facility or a wind generation facility is located is the local governmental unit that is authorized to assess the impact fee pursuant to 15-24-3004(1) or subsection (1) of this section.~~

~~(3) (2) The impact fee must be distributed to the local governmental unit for local impacts and to the impacted school districts.~~

~~(4) (3) Subject to the conditions of 15-24-3006 and subsection ~~(5)~~ (4) of this section, if the~~

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~~electrical generation facility or~~ wind generation facility is located within the jurisdictional areas of multiple local governmental units of the county or contiguous counties, the local governmental units may enter into an interlocal agreement under Title 7, chapter 11, part 1, to determine how the fee should be distributed among the various local governmental units and impacted school districts pursuant to subsection ~~(3)~~ (2). The county in which the ~~electrical generation facility or~~ wind generation facility is located is authorized to assess the fee under the interlocal agreement.

~~(5)~~ (4) For purposes of 15-24-3004 ~~and this section~~, a "local governmental unit" means a county, city, or town. If ~~an exempt electrical generation facility or a~~ wind generation facility is located within a tax increment financing district, the tax increment financing district is considered a local governmental unit and is entitled to the distribution of impact fees under this section. A tax increment financing district may not receive a distribution of impact fees if ~~an exempt electrical generation facility or a~~ wind generation facility is not located within the district.

~~(6)~~ (5) Impact fees imposed under 15-24-3004(2)(b) or under subsection ~~(4)~~ (3) of this section must be deposited in the county electrical energy generation impact fee reserve account established in 15-24-3006 for the county in which the ~~electrical-wind~~ generation facility is located. Money in the account may not be expended until the multiple local governmental units have entered into an interlocal agreement.""

Renumber: subsequent sections

5. Page 1, line 14.

Strike: "that received"

Insert: "receiving"

6. Page 1, line 14.

Following: "under"

Strike: "former"

Following: "or"

Insert: "that received impact fees from an electrical generation facility under"

Following: "15-24-3005(4)"

Insert: "before the amendments in [this act]"

7. Page 1, line 15.

Following: "~~an~~"

Insert: "establish or"

8. Page 1, line 19.

Following: the first "in"

Strike: "former"

Following: "or"

Strike: "former"

9. Page 1, line 25.

Following: "in"

Strike: "former"

10. Page 1, line 26.

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Following: "to"
Strike: "former"

11. Page 1, line 27.
Following: "15-24-3005(2)"
Insert: "before the amendments in [this act]"
Following: ","
Insert: "15-24-3005,"
Following: "an"
Insert: "establish or"
Following: "~~deposit~~"
Insert: "deposit or"

12. Page 15, line 24 through line 26.
Strike: line 24 through on line 26

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 11, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Environmental Review
MCA § 2-15-3502

I have appointed the following persons to the Board of Environmental Review:

- Jon C. Reiten, 101 Grand Avenue, Billings, MT 59101, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Reiten fulfills the qualifications of hydrologist and replaces John DeArment whose term expired January 3, 2021.
- David W. Simpson, 3603 Toboggan Road, Billings, MT 59101, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Simpson fulfills the qualifications of environmental science and replaces Dexter Busby whose term expired January 3,

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2021.

- Joseph T. Smith, 702 Ranch Ridge Lane, Florence, MT 59833, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Smith fulfills the qualifications of local government planning and replaces Christine Deveny whose term expired January 3, 2021.
- Steven P. Ruffatto, 31 Lower Hawk Valley Rd., Columbus, MT 59109, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Ruffatto fulfills the qualifications of attorney and replaces Christian Tweeten whose term expired January 3, 2021.

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- Jeremiah Lynch, 640 Beverly, Missoula, MT 59801, who was appointed by former Governor Bullock on February 14, 2020 and whose term expires January 1, 2023. Mr. Lynch fulfills the qualifications of a public member.
- In the event the Senate does not confirm Mr. Lynch, I appoint and request the Senate to confirm Julia Altemus, 2807 O'Shaughnessy, Missoula, MT 59808. Ms. Altemus fulfills the qualifications of a public member, would be filling the vacancy created upon non-confirmation of Mr. Lynch, and would serve through January 1, 2023.

Board of Water Well Contractors

MCA § 2-15-3307

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following person whose was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- Pat Byrne, 245 Gerber Road, Great Falls, MT 59405, who was appointed by former Governor Bullock on July 3, 2019 and whose term expires July 1, 2022. Mr. Byrne fulfills the qualifications of a licensed Montana water well contractor. I support the confirmation of Mr. Byrne.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

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MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

1/11/2021

HB 3, introduced by Bedey

FIRST READING AND COMMITMENT OF BILLS

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

- SB 95**, introduced by E. McClafferty, referred to Education and Cultural Resources.
- SB 96**, introduced by S. Webber, referred to Highways and Transportation.
- SB 97**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
- SB 98**, introduced by B. Gillespie, referred to Agriculture, Livestock and Irrigation.
- SB 99**, introduced by C. Smith, referred to Education and Cultural Resources.
- SB 100**, introduced by C. Smith, referred to Public Health, Welfare and Safety.
- SB 101**, introduced by C. Smith, referred to Business, Labor, and Economic Affairs.
- SB 102**, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

The following Senate bill was introduced and read first time:

SB 103, introduced by B. Gillespie.

The following House bill was introduced, read first time, and referred to committee:

HB 3, introduced by D. Bedey (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

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

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Blasdel in the chair.

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

SB 28 - Senator Salomon moved **SB 28** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

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Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 19 - Senator K. Regier moved **SB 19** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 50 - Senator Sands moved **SB 50** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 39

Nays: Brown, Glimm, Hertz, Hinebauch, Keenan, McGillvray, Molnar, Mr. President, Smith C, Vance, Welborn.
Total 11

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Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Majority Leader Smith moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Smith moved that **SB 32** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Judiciary Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, January 13, 2021, the eighth legislative day. Motion carried.

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Senate adjourned at 1:29 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate