

**SENATE JOURNAL
67TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 6, 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. Forty-nine members present, Senator McClafferty excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/6/2021

Correctly printed: **SB 232, SB 285, SB 336, SB 374, SB 377, SB 378, SB 395, SB 396, SB 398, SB 402, SB 403, SJ 22, SR 74, SR 88, HB 155, HB 244, HB 451, HB 463, HB 477, HB 480, HB 525, HB 574, HJ 8, HJ 9, HJ 19.**

Correctly engrossed: **SB 323, SB 333, SB 379, SB 385, SB 388, SB 399, HB 2, HB 90, HB 92, HB 158, HB 276, HB 334, HB 448, HB 450, HB 479, HB 502, HB 503, HB 527, HB 539.**

Correctly enrolled: **SB 20, SB 49, SB 57, SB 72, SB 91, SB 168, SB 169, SB 175, SB 196, SB 211, SB 230, SB 240, SB 248, SB 267, SB 275, SJ 15, SR 90, SR 91, SR 94.**

Examined by the sponsor and found to be correct: **SB 20, SB 49, SB 57, SB 72, SB 91, SB 168, SB 175, SB 240, SB 248, SB 267, SB 275, SJ 15, SR 90.**

Transmitted to the House: **HB 112, HB 201, HB 258, HB 298, HB 382, HB 394, HB 589, HB 616.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/6/2021
SB 395, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/1/2021
SB 379, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "(1)"
Insert: "(a)"

2. Page 2, line 2.
Strike: "shall"
Insert: "may"

3. Page 2, line 4.
Following: "unit"
Strike: ", that acquires"
Insert: "to acquire"

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4. Page 2, line 4.

Following: "interest in"

Strike: ", "

5. Page 2, line 4.

Strike: "enters"

Insert: "to enter"

6. Page 2, line 5.

Following: "act]"

Insert: "."

(b) If the commission allows a utility to acquire an additional equity interest in or to enter into a lease or a power purchase agreement, the commission shall allow the utility"

7. Page 2, line 7.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

8. Page 2, line 7.

Strike: "its"

Insert: "an"

9. Page 2, line 7.

Following: "interest"

Insert: "acquired"

10. Page 2, line 7 through line 8.

Strike: "that" on line 7 through "prior to" on line 8

Insert: "after"

11. Page 2, line 10 through line 11.

Strike: "existed" on line 10 through "ownership or" on line 11

12. Page 2, line 13.

Strike: "rate of return must be"

Insert: "commission must determine the rate of return"

13. Page 2, line 14.

Strike: "calculated to equal"

Insert: "according to"

And, as amended, do pass.

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HB 448, be amended as follows:

1. Page 3, line 26.

Following: "(19)"

Insert: "(a)"

2. Page 3, line 27.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

3. Page 3, line 28.

Following: "CUSTOMERS,"

STRIKE: "OR"

4. PAGE 4, LINE 1.

STRIKE: "350"

INSERT: "100"

5. PAGE 4, LINE 1.

FOLLOWING: "CUSTOMERS"

Insert: ", or not more than 350 kilowatts for government-owned facilities"

6. Page 4, line 3.

Following: "facilities;"

Strike: "and"

7. Page 4, line 4.

Strike: "."

Insert: ";

8. Page 4.

Following: line 4

Insert: "(vi) is tested annually and certified for the full functionality of all systems, in accordance with the current national electrical code; and

(vii) employs a qualified, onsite employee who:

(A) during a known power outage, is responsible for conducting an onsite inspection of the system and confirming that the system is disconnected from power and locked out during the outage;

(B) must contact the relevant grid dispatch center to verify the system is off the grid prior to standard maintenance or in the event of an outage; and

(C) must be compensated at the standard prevailing rate of wages as defined in 18-2-401.

(b) Customers using net metering systems under this part may not be subsidized by other utility customers who do not use net metering systems."

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9. Page 6.

Following: line 13

Insert: "NEW SECTION. Section 2. {standard} Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

Renumber: subsequent section

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair):
HB 2, be amended as follows:

3/31/2021

1. Page BP-2: .

Following: line 3

Insert: "NEW SECTION. Section 8. Budget amendment eligibility. If a state special revenue fund is specifically identified and referenced in [section 11] and eligible for budget amendments in the 2023 biennium, the base budget for the 2025 biennium will be established using the higher of the fiscal year 2023 biennium appropriation in House Bill No. 2 or the fiscal year 2022 actual expenditure level to include expenditures associated with budget amendments as defined in Senate Bill No. 191."

Renumber: subsequent sections.

2. Page A-1:

Strike: Lines 24 through 25 in their entirety

3. Page A-1, line 5: .

Strike: "10,025,441 10,608,879" [General Fund FY22 FY23]

Insert: "10,223,417 10,986,583" [General Fund FY22 FY23]

4. Page A-1: .

Following: line 9

Insert: "c. Session System Replacement and Website Integration (OTO)"

Insert: "100,000 100,000" [General Fund FY22 FY23]

Insert: "d. Retirement Termination Payouts (OTO)"

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

5. Page A-1, line 11: .

Strike: "1,069,352" [General Fund FY22]

Insert: "1,112,352" [General Fund FY22]

6. Page A-1, line 19: .

Strike: "2,853,644 2,909,980" [General Fund FY22 FY23]

Insert: "2,901,522 2,936,151" [General Fund FY22 FY23]

7. Page A-1: .

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Following: line 19

Insert: "a. Additional Audit Requirements for HB 632 (OTO)"

Insert: "50,225 50,225" [State Special Fund FY22 FY23]

8. Page A-2, line 12:

Strike: "3,231,399 3,281,300" [General Fund FY22 FY23]

Insert: "3,287,176 3,337,208" [General Fund FY22 FY23]

9. Page A-3:

Strike: Lines 4 through 5 in their entirety

Strike: Lines 6 through 7 in their entirety

Strike: Lines 19 through 20 in their entirety

10. Page A-4, line 19:

Strike: "129,291 129,207" [Proprietary FY22 FY23]

Insert: "155,452 155,452" [Proprietary FY22 FY23]

11. Page A-4: .

Following: line 21

Insert: "b. Entitlement Share (OTO)"

Insert: "\$482,000" [General Fund FY22]

12. Page A-5:

Strike: Lines 13 through 14 in their entirety

13. Page A-5, line 19:

Strike: "and proprietary fund of \$26,161 in FY 2022 and \$26,245 in FY 2023"

14. Page A-5: .

Following: line 20

Insert: "The Entitlement Share is contingent on the passage and approval of HB 678 with a section authorizing increased entitlement share base amounts for counties with large amounts of state-owned lands and adjusting the base entitlement share for the remaining counties and consolidated city-counties."

15. Page A-7:

Strike: Lines 3 through 4 in their entirety

16. Page A-7:

Strike: Lines 13 through 14 in their entirety

17. Page A-7, line 22:

Strike: "2,363,419 2,397,865" [General Fund FY22 FY23]

Insert: "2,437,073 2,471,654" [General Fund FY22 FY23]

Strike: "11,015,373 10,972,061" [State Special Fund FY22 FY23]

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Insert: "2,263,533 2,220,319" [State Special Fund FY22 FY23]

18. Page A-8: .

Following: line 13

Insert: "4. Montana Heritage Commission (80)"

Insert: "Virginia and Nevada Cities (Restricted/Biennial)"

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

Renumber: subsequent subsections

19. Page A-8, line 16:

Strike: "~~549,325 549,225~~" [Federal Special Fund FY22 FY23]

Insert: "600,000 600,000" [Federal Special Fund FY22 FY23]

20. Page A-8:

Strike: Lines 21 through 22 in their entirety

21. Page A-8: .

Strike: Lines 23 through 25 in their entirety

22. Page A-9, line 2:

Strike: "14,583,298 14,606,220" [State Special Fund FY22 FY23]

Insert: "13,833,298 13,856,220" [State Special Fund FY22 FY23]

23. Page A-9:

Strike: Lines 20 through 21 in their entirety

24. Page A-9:

Following: line 24

Insert: "The Montana Help Act special revenue fund in the Department of Labor and Industry is eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

25. Page A-10: .

Following: line 10

Insert: "b. Additional Operating Expenses (Restricted)"

Insert: "66,750 66,750" [General Fund FY22 FY23]

Insert: "200,250 200,250" [Federal Special Fund FY22 FY23]

26. Page A-11:

Strike: Lines 13 through 15 in their entirety

27. Page A-11: .

Following: line 18

Insert: "Additional Operating Expenses is contingent on the Department of Military Affairs reverting at least \$133,500 in general fund for the 2021 biennium."

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28. Page B-2, line 8:

Strike: "6,855,606 7,085,268" [General Fund FY22 FY23]
Insert: "7,056,441 7,281,538" [General Fund FY22 FY23]

29. Page B-2, line 16: .

Strike: "952,633 1,905,267" [General Fund FY22 FY23]
Insert: "1,905,267 3,810,534" [General Fund FY22 FY23]
Strike: "1,761,422 3,522,843" [Federal Special Fund FY22 FY23]
Insert: "3,522,843 7,045,686" [Federal Special Fund FY22 FY23]

30. Page B-3, line 5: .

Strike: "22,912,964 28,709,838" [Federal Special Fund FY22 FY23]
Insert: "23,296,688 29,093,867" [Federal Special Fund FY22 FY23]

31. Page B-3, line 9: .

Strike: "11,242,236 11,244,918" [State Special Fund FY22 FY23]
Insert: "11,240,717 11,243,398" [State Special Fund FY22 FY23]

32. Page B-3, line 17: .

Strike: "1,078,757 2,157,514" [General Fund FY22 FY23]
Insert: "2,157,514 4,315,028" [General Fund FY22 FY23]
Strike: "1,994,625 3,989,249" [Federal Special Fund FY22 FY23]
Insert: "3,989,250 7,978,498" [Federal Special Fund FY22 FY23]

33. Page B-4, line 6: .

Strike: "467,782 935,563" [General Fund FY22 FY23]
Insert: "935,563 1,871,126" [General Fund FY22 FY23]
Strike: "864,930 1,729,859" [Federal Special Fund FY22 FY23]
Insert: "1,729,859 3,459,718" [Federal Special Fund FY22 FY23]

34. Page B-4:

Strike: Lines 15 through 19 in their entirety

35. Page B-5, line 6: .

Strike: "LC 1790"
Insert: "HB 686"

36. Page B-5: .

Following: line 7

Insert: "For all line items in the Department of Public Health and Human Services that include the word "Medicaid" or "CHIP", for each quarter in which the COVID-enhanced Federal Medical Assistance Percentage authorized by the "Families First Coronavirus Response Act" provides a 6.2 percentage points increase in federal funding, the department shall decrease: (1) general fund authority pursuant to 17-2-108(2); and (2) state special fund authority pursuant to 17-2-108(3). The combined decrease of general fund and state

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special authority must equal the amount of the increased federal funding provided for by the 6.2 percentage points increase in Federal Medical Assistance Percentage. The department is authorized to establish a new appropriation to include both general fund and state special revenue equal to the amounts reduced pursuant to 17-2-108 for the first quarter of FY 2022, which serves as a contingency fund that may be used by the department for any use consistent with the goals and objectives of the agency in the biennium. This new appropriation must be established as biennial and one-time-only."

37. Page C-1, line 9:

Strike: "14,833,938 14,878,802" [State Special Fund FY22 FY23]
Insert: "13,833,938 13,878,802" [State Special Fund FY22 FY23]

38. Page C-1, line 19:

Strike: "15,609,047 15,647,327" [State Special Fund FY22 FY23]
Insert: "13,759,047 13,797,327" [State Special Fund FY22 FY23]

39. Page C-2, line 11:

Strike: "18,430,205 18,466,464" [State Special Fund FY22 FY23]
Insert: "17,719,524 17,756,909" [State Special Fund FY22 FY23]
Strike: "621,761 622,662" [Federal Special Fund FY22 FY23]
Insert: "750,064 751,364" [Federal Special Fund FY22 FY23]

40. Page C-2:

Strike: Line 20 through 21 in their entirety

41. Page C-2:

Strike: Lines 24 through 26 in their entirety

42. Page C-2:

Following: line 26

Insert: "The General License Account, Aquatic Invasive Species, and the Hunting Access state special revenue funds in the Department of Fish, Wildlife, and Parks are eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

43. Page C-3, line 4:

Strike: "802,742 813,125" [General Fund FY22 FY23]
Insert: "837,179 847,650" [General Fund FY22 FY23]
Strike: "3,098,843 3,101,100" [State Special Fund FY22 FY23]
Insert: "2,758,251 2,761,005" [State Special Fund FY22 FY23]
Strike: "620,943 623,860" [Federal Special Fund FY22 FY23]
Insert: "709,518 712,682" [Federal Special Fund FY22 FY23]

44. Page C-3, line 8:

Strike: "14,365,334 14,388,848" [State Special Fund FY22 FY23]
Insert: "12,865,334 12,888,848" [State Special Fund FY22 FY23]

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45. Page C-3, line 12:

Strike: "11,904,569 11,925,898" [State Special Fund FY22 FY23]

Insert: "9,654,569 9,675,898" [State Special Fund FY22 FY23]

46. Page C-4:

Strike: Lines 1 through 3 in their entirety

47. Page C-4:

Following: line 3

Insert: "The Hard Rock Mining Reclamation, Air Quality Operating Fees, Petroleum Storage Tank Cleanup, Junk Vehicle Disposal, Environmental Quality Protection, and the Major Facility Siting state special revenue funds in the Department of Environmental Quality are eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

48. Page C-4, line 18:

Strike: "133,394,730 133,678,343" [State Special Fund FY22 FY23]

Insert: "135,104,044 135,391,799" [State Special Fund FY22 FY23]

Strike: "8,081,261 8,082,641" [Federal Special Fund FY22 FY23]

Insert: "8,969,540 8,973,763" [Federal Special Fund FY22 FY23]

49. Page C-5:

Strike: Lines 6 through 8 in their entirety

50. Page C-5, line 21:

Strike: "2,981,572 3,044,546" [General Fund FY22 FY23]

Insert: "3,000,805 3,063,845" [General Fund FY22 FY23]

Strike: "2,102,073 2,105,933" [State Special Fund FY22 FY23]

Insert: "2,171,582 2,175,133" [State Special Fund FY22 FY23]

Strike: "1,977,276 1,981,500" [Federal Special Fund FY22 FY23]

Insert: "1,988,699 1,992,962" [Federal Special Fund FY22 FY23]

51. Page C-5:

Following: line 25

Insert: "c. Cooperative Interstate Shipping Program (Restricted/OTO)"

Insert: "80,000 80,000" [General Fund FY22 FY23]

Insert: "120,000 120,000" [Federal Special Fund FY22 FY23]

52. Page C-6:

Strike: Lines 7 through 9 in their entirety

53. Page C-6, line 14:

Strike: "4,300,720 4,374,226" [General Fund FY22 FY23]

Insert: "4,538,779 4,612,908" [General Fund FY22 FY23]

Strike: "3,253,422 3,247,753" [State Special Fund FY22 FY23]

Insert: "3,474,026 3,468,893" [State Special Fund FY22 FY23]

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Strike: "28,562 27,881" [Federal Special Fund FY22 FY23]
Insert: "32,502 31,833" [Federal Special Fund FY22 FY23]

54. Page C-6, line 20:

Strike: "10,499,452 10,502,834" [State Special Fund FY22 FY23]
Insert: " 8,374,452 8,377,834" [State Special Fund FY22 FY23]

55. Page C-6:

Following: line 20

Insert: "a. Conservation District AIS Check Stations (Restricted)"

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

Insert: "b. Lake Elmo Restoration (Restricted/OTO)"

Insert: "50,000 50,000" [State Special Fund FY22 F23]

56. Page C-6, line 22:

Strike: "11,007,399 11,483,245" [General Fund FY22 FY23]

Insert: "11,028,238 11,504,237" [General Fund FY22 FY23]

Strike: "8,375,255 8,378,452" [State Special Fund FY22 FY23]

Insert: "8,381,578 8,384,880" [State Special Fund FY22 FY23]

Strike: "279,873 280,158" [Federal Special Fund FY22 FY23]

Insert: "279,938 280,227" [Federal Special Fund FY22 FY23]

57. Page C-7:

Strike: Lines 16 through 17 in their entirety

Strike: Lines 22 through 25 in their entirety

58. Page C-7:

Strike: Lines 26 through 27 in their entirety

59. Page C-8:

Strike: Line 1 in its entirety

60. Page C-8: .

Following: line 1

Insert: "During the 2023 biennium, the department is authorized to decrease federal special revenue and increase state special revenue by a like amount in the Director's Office indirects account for amounts not included in but necessary to meet the intent of the decision package 2102 - DO Funding Shift."

61. Page C-8:

Following: line 1

Insert: "The RDB Proceeds, Coal Bed Methane Protection, Broadwater Irrigation, Forest Resources Forest Improvement, and the TLMD Trust Administration state special revenue funds in the Department of Natural Resources and Conservation are eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

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62. Page C-8, line 6:

Strike: "240,834 245,540" [General Fund FY22 FY23]
Insert: "248,240 252,961" [General Fund FY22 FY23]
Strike: "1,367,370 1,370,421" [State Special Fund FY22 FY23]
Insert: "1,435,162 1,438,415" [State Special Fund FY22 FY23]
Strike: "128,571 127,682" [Federal Special Fund FY22 FY23]
Insert: "142,263 141,413" [Federal Special Fund FY22 FY23]
Strike: "134,382 134,639" [Proprietary FY22 FY23]
Insert: "138,297 138,561" [Proprietary FY22 FY23]

63. Page C-8:

Strike: Lines 21 through 23 in their entirety

64. Page D-1:

Following: line 13
Insert: "a. 11th Judicial District"
Insert: "233,138" [General Fund FY23]

65. Page D-1:

Following: line 24
Insert: "Funding for the judge and associated staff in the 11th Judicial District is contingent on the establishment of a treatment court in the 11th Judicial District by no later than January 1, 2023."

66. Page D-1:

Following: line 9
Insert: "c. Drug Treatment Courts"
Insert: "354,901" [State Special Fund FY23]

67. Page D-1:

Strike: Lines 21 through 22 in their entirety

68. Page D-1:

Following: line 24
Insert: "The funding for Drug Treatment Courts is contingent on implementation of the Corrections Institute of Cincinnati evidence-based evaluation protocols and the elimination of peer-reviewed evaluations."

69. Page D-2:

Following: line 5
Insert: "a. Montana Highway Patrol Boulder Campus"
Insert: "500,000 500,000" [General Fund FY22 FY23]

70. Page D-3.

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Following: "line 7"

Insert: "The funding for the Montana Highway Patrol Boulder Campus is contingent on the passage and approval of HB 686 without an appropriation for the Boulder campus."

71. Page D-2, line 12: .

Strike: "3,152,478 3,164,461" [State Special Fund FY22 FY23]

Insert: "3,294,272 3,306,255" [State Special Fund FY22 FY23]

Strike: "1,483,066 1,488,753" [Proprietary FY22 FY23]

Insert: "1,341,272 1,346,959" [Proprietary FY22 FY23]

72. Page D-3:

Strike: Lines 1 through 3 in their entirety

73. Page D-3: .

Following: line 7

Insert: "The Department of Justice includes the Montana Board of Crime Control. The Montana Board of Crime Control is appropriated \$1,956,193 in general fund in FY 2022 and \$1,957,315 in FY 2023, \$127,635 in state special revenue in FY 2022 and \$127,670 in FY 2023, and \$13,507,265 in federal special revenue in FY 2022 and \$13,507,578 in FY 2023 supporting 17.50 FTE and \$1,690,654 in personal services in FY 2022 and \$1,694,849 in FY 2023, \$1,016,318 in operating expenses in FY 2022 and \$1,013,593 in FY 2023, \$12,909 in equipment and intangible assets in FY 2022 and \$12,909 in FY 2023, \$9,985,395 in grants in FY 2022 and \$9,985,395 in FY 2023, and \$2,885,817 in transfers in FY 2022 and \$2,885,817 in FY 2023 to comply with the requirements of SB 19."

74. Page D-5:

Strike: Lines 3 through 4 in their entirety

75. Page D-5, line 22: .

Strike: "112,190 112,191" [Proprietary FY22 FY23]

Insert: "146,117 142,869" [Proprietary FY22 FY23]

76. Page D-5, line 23:

Strike: "13,565,291 13,793,445" [General Fund FY22 FY23]

Insert: "16,136,999 16,400,333" [General Fund FY22 FY23]

Strike: "604,227 604,261" [State Special Fund FY22 FY23]

Insert: "603,785 603,410" [State Special Fund FY22 FY23]

Strike: "13,503,613 13,503,898" [Federal Special Fund FY22 FY23]

Insert: "13,513,988 13,514,301" [Federal Special Fund FY22 FY23]

77. Page D-6, line 4: .

Strike: "71,576,420 72,156,289" [General Fund FY22 FY23]

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

78. Page D-6, line 4: .

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Strike: "856,914 856,914" [State Special Fund FY22 FY23]
Insert: "1,123,962 1,123,976" [State Special Fund FY22 FY23]

79. Page D-6, line 8:

Strike: "1,240,142 1,240,142" [State Special Fund FY22 FY23]
Insert: "1,235,680 1,235,680" [State Special Fund FY22 FY23]

80. Page D-6, line 16: .

Strike: "25,572,950 25,857,511" [General Fund FY22 FY23]
Insert: "26,852,474 27,137,035" [General Fund FY22 FY23]

81. Page D-6, line 16:

Strike: "208,900 208,900" [State Special Fund FY22 FY23]
Insert: " 0 0" [State Special Fund FY22 FY23]

82. Page D-6, line 18: .

Strike: "1,202,540 1,199,826" [General Fund FY22 FY23]
Insert: "1,102,598 1,124,195" [General Fund FY22 FY23]

83. Page D-6, line 24 through line 25: .

Strike: "If, through the Legislative Audit Division process for establishing performance audits, a performance audit for the Department of Corrections is prioritized, the Legislative Audit Division shall contract with an educational organization that has developed audit tools that measure correctional programs content and capacity and that works with the Department of Corrections."

Insert: "If, through the Legislative Audit Division process for establishing performance audits, a performance audit for Department of Corrections evidence-based programs is prioritized, the Legislative Audit Division shall contract with an educational organization that has appropriate subject matter expertise to provide specialist services as part of the audit."

84. Page D-6:

Strike: Lines 26 through 27 in their entirety

85. Page D-7: .

Strike: Line 1 in its entirety

86. Page D-7:

Strike: Lines 13 through 15 in their entirety

87. Page D-7.

Following: line 15

Insert: "If HB 553 is not passed and approved, the Probation and Parole Division general fund is increased by \$173,039 in FY 2022 and \$162,889 in FY 2023 and the Department of Corrections may increase full-time equivalent positions authorized in HB 2 by 2.00 FTE."

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88. Page D-7: .

Following: line 15

Insert: "The Department of Corrections Director's Office is reduced by \$1,956,193 in general fund in FY 2022 and \$1,957,315 in FY 2023, \$127,635 in state special revenue in FY 2022 and \$127,670 in FY 2023, and \$13,507,265 in federal special revenue in FY 2022 and \$13,507,578 in FY 2023 supporting 17.50 FTE and \$1,690,654 in personal services in FY 2022 and \$1,694,849 in FY 2023, \$1,016,318 in operating expenses in FY 2022 and \$1,013,593 in FY 2023, \$12,909 in equipment and intangible assets in FY 2022 and \$12,909 in FY 2023, \$9,985,395 in grants in FY 2022 and \$9,985,395 in FY 2023, and \$2,885,817 in transfers in FY 2022 and \$2,885,817 in FY 2023 to comply with the requirements of SB 19. "

89. Page D-7:

Following: line 15

Insert: "The Miscellaneous Fines and Fees state special revenue fund in the Department of Corrections is eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

90. Page E-1, line 21:

Strike: "784,680,739 822,655,779" [General Fund FY22 FY23]

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

91. Page E-3:

Following: line 5

Insert: "w. State Lands Block Grants (Restricted/Biennial/OTO)"

Insert: "75,000 75,000" [General Fund FY22 FY23]

Insert: "x. Comprehensive School and Community Treatment (Restricted/OTO)"

Insert: "2,235,578" [General Fund FY22]

Insert: "8,942,230 10,958,252" [State Special Fund FY22 FY23]

92. Page E-3:

Following: line 8

Insert: "If HB 46 is passed and approved, the appropriation for Special Education becomes part of K-12 BASE Aid."

93. Page E-3:

Following: line 17

Insert: "Incentivize Increase in Starting Teacher Pay is part of K-12 BASE Aid."

94. Page E-3:

Strike: Lines 18 through 19 in their entirety

95. Page E-3:

Following: line 19

Insert: "If HB 303 is not passed and approved, K-12 BASE Aid is decreased by \$1,040,828

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general fund in FY 2022 and \$1,244,592 general fund in FY 2023."

96. Page E-3: .

Strike: Line 20 in its entirety

Strike: Lines 23 through 26 in their entirety

97. Page E-4, line 22:

Strike: "1,768,033 1,831,957" [General Fund FY22 FY23]

Insert: "1,733,033 1,796,957" [General Fund FY22 FY23]

Insert: "a. Student Travel (OTO)

Insert: "35,000 35,000" [General Fund FY22 FY23]

98. Page E-4, line 24: .

Strike: "5,004,555 5,163,177" [General Fund FY22 FY23]

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

Following: line 24

Insert: "a. Extra-Curricular Activities (OTO)"

Insert: "26,938 26,938" [General Fund FY22 FY23]

99. Page E-5:

Strike: Lines 11 through 12 in their entirety

100. Page E-6:

Strike: Lines 5 through 6 in their entirety

101. Page E-6, line 15: .

Strike: "1,016,155 1,043,380" [General Fund FY22 FY23]

Insert: "1,043,816 1,071,124" [General Fund FY22 FY23]

Strike: "97,894 97,959" [Federal Special Fund FY22 FY23]

Insert: "108,859 108,946" [Federal Special Fund FY22 FY23]

Strike: "206,277 206,275" [Proprietary FY22 FY23]

Insert: "206,290 206,288" [Proprietary FY22 FY23]

102. Page E-7:

Strike: Lines 5 through 6 in their entirety

103. Page E-7: .

Strike: Lines 7 through 9 in their entirety

104. Page E-7, line 14:

Strike: "3,658,184 3,718,524" [General Fund FY22 FY23]

Insert: "3,697,901 3,758,352" [General Fund FY22 FY23]

105. Page E-7, line 24:

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Strike: "328,100 328,139" [State Special Fund FY22 FY23]

Insert: "329,563 329,604" [State Special Fund FY22 FY23]

106. Page E-7: .

Following: line 24

Insert: "a. Grow Your Own Teacher Grant Program (Restricted/Biennial/OTO)"

Insert: "250,000 250,000" [General Fund FY22 FY23]

107. Page E-8:

Following: line 14

Insert: "c. Teacher Education Programs (Restricted/Biennial/OTO)"

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

Insert: "d. Workforce Recovery COVID-19 (Restricted/Biennial/OTO)"

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

Insert: "e. Accelerate Montana (Restricted/Biennial/OTO)"

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

Insert: "f. Cyber Hub (Restricted/Biennial/OTO)"

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

Insert: "g. Center for Translational Medicine (Restricted/Biennial/OTO)"

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

108. Page E-9, line 2:

Strike: "2,339,605 2,339,814" [Federal Special Fund FY22 FY23]

Insert: "2,354,425 2,354,659" [Federal Special Fund FY22 FY23]

109. Page E-10:

Strike: Lines 7 through 8 in their entirety

Strike: Lines 13 through 15 in their entirety

110. Page E-10: .

Following: line 18

Insert: "If HB 403 is not passed and approved, the appropriation for the Grow Your Own Teacher Grant Program is void."

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair):

4/1/2021

SB 323, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PROPOSALS"

Insert: "BE PREPARED BY A QUALIFIED ENTITY IDENTIFIED BY THE BUDGET DIRECTOR"

2. Title, line 8.

Following: "ANALYSES;"

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Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

3. Page 1, line 20.

Strike: "An agency"

Insert: "An entity qualified to give economic impact analyses that is selected by the budget director on or before [the effective date of this act],"

4. Page 1, line 21.

Following: "proposed."

Insert: "The selected entity shall provide the economic impact to the relevant agency."

5. Page 2, line 20.

Strike: "an"

Insert: "the"

6. Page 2, line 21.

Following: "committee"

Insert: "by the agency"

7. Page 2, line 28.

Strike: "agency or other person who"

Insert: "entity that"

8. Page 4.

Following: line 3

Insert: "NEW SECTION. Section 5. Contingent voidness. (1) If the budget director is unable to identify and secure an entity that meets the qualifications in this section on or before [the effective date of this act] to fulfill the duties of an economic impact provider in [this act], then [this act] is void. The entity must be:

(a) capable and qualified to give economic impact analyses for each rule proposed by each agency after [the effective date of this act] in perpetuity, such as the economics department of a college or university;

(b) located in Montana; and

(c) willing to provide economic impact statements for each proposed rule at no cost to the state.

(2) The budget director shall notify the code commissioner if the contingency in this section occurs."

Renumber: subsequent sections

And, as amended, do pass.

JUDICIARY (Regier, Chair):

4/1/2021

HB 479, be amended as follows:

1. Page 2, line 28 through page 3, line 2.

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Strike: "(2) A law" on page 2, line 28 through "warrant" on page 3, line 2

2. Page 3, line 4.

Following: "subsection (2)(a)"

Strike: " "

3. Page 3, line 11.

Strike: "(3)"

Insert: "(2)"

4. Page 3, line 11.

Strike: "46-5-602"

Insert: "this section"

5. Page 3, line 14.

Strike: "(4)"

Insert: "(3)"

And, as amended, be concurred in.

HB 539, be amended as follows:

1. Title, line 5.

Following: "ATTORNEYS;"

Insert: "REVISING WHEN SPECIAL COUNSEL MAY BE EMPLOYED;"

2. Title, line 7 through line 9.

Following: "ATTORNEY;"

Strike: "REVISING" on line 7 through "GENERAL;" on line 9

3. Title, line 9.

Strike: "CONTENTS"

Insert: "TIMING"

4. Title, line 9.

Strike: "A REPORT"

Insert: "REPORTING TO"

5. Title, line 9 through line 10.

Strike: "SUBMITS" on line 9 through "LEGISLATURE" on line 10

6. Title, line 10.

Following: "SECTIONS"

Insert: "7-4-2705,"

Following: "41-3-202"

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Insert: ", "

7. Page 1.

Following: line 13

Insert: "**Section 1.** Section 7-4-2705, MCA, is amended to read:

~~7-4-2705. Employment of special counsel in certain counties.~~ Except in counties having a taxable valuation of \$50 million or more, the ~~The~~ board of county commissioners may employ or authorize the county attorney to employ special counsel to assist in the prosecution of any criminal case pending in the county or to represent the county in any civil action in which the county is a party." "

Renumber: subsequent sections

8. Page 4, line 27.

Strike: "the total cases reported"

Insert: ", for each report"

9. Page 4, line 28 through page 5, line 1.

Following: "enforcement" on line 28

Strike: remainder of line 28 through "reported" on page 5, line 1

10. Page 5, line 1.

Following: "reported:"

Insert: ":"

12. Page 5, line 6.

Following: "case"

Insert: "(a) a unique case identifier;

(b) the date that the initial report or allegation was received by the county attorney;

(c) the date of any decision to prosecute based on a report or investigation;

(d) the date of any decision to decline to prosecute based on a report or investigation; and

(e) if charges are filed against a defendant, any known outcomes of the case"

11. Page 5, line 9.

Strike: "number of"

Insert: "status of the"

12. Page 5, line 9.

Following: "reported"

Strike: "to and charged"

13. Page 5, line 10.

Following: "charged"

Insert: ", including data on the total number of cases reported, the number of cases declined for prosecution, and the number of cases charged"

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And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 1, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Wednesday, March 31, 2021, I signed the following bills:

Senate Bill 82 - Fitzpatrick
Senate Bill 129 - Hertz
Senate Bill 133 - Hertz

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

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/1/2021

SB 215, introduced by C. Glimm
SB 226, introduced by S. Fitzpatrick
SB 247, introduced by E. Boldman
SB 277, introduced by T. McGillvray

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/1/2021

SB 106, introduced by W. Sales
SB 163, introduced by C. Glimm
SB 225, introduced by S. Fitzpatrick
SB 251, introduced by C. Smith

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House bills passed and transmitted to the Senate for concurrence:

4/1/2021

HB 403, introduced by T. Running Wolf

HB 522, introduced by E. Buttrey

HB 632, introduced by F. Garner

HB 640, introduced by M. Hopkins

HB 655, introduced by E. Buttrey

HB 660, introduced by J. Kassmier

HB 669, introduced by E. Buttrey

HB 635, introduced by D. Skees, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/1/2021

Yeas - 63 Nays - 32

FIRST READING AND COMMITMENT OF BILLS

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

HB 403, introduced by T. Running Wolf, J. Windy Boy, K. Abbott, J. Small, J. Fuller, D. Harvey, M. Weatherwax, M. Marler, R. Whiteman Pena, D. Hawk, S. Novak, referred to Education and Cultural Resources.

HB 522, introduced by E. Buttrey, S. Berglee, F. Garner, D. Bedey, A. Buckley, referred to State Administration.

HB 632, introduced by F. Garner, E. Buttrey, referred to Finance and Claims.

HB 635, introduced by D. Skees, referred to State Administration.

HB 640, introduced by M. Hopkins, referred to Business, Labor, and Economic Affairs.

HB 655, introduced by E. Buttrey, C. Smith, M. Blasdel, J. Hinkle, M. Noland, V. Ricci, F. Anderson, J. Ellsworth, K. Zolnikov, S. Galloway, S. Gist, referred to Business, Labor, and Economic Affairs.

HB 660, introduced by J. Kassmier, R. Osmundson, referred to Agriculture, Livestock and Irrigation.

HB 669, introduced by E. Buttrey, S. Fitzpatrick, F. Garner, R. Fitzgerald, referred to Business, Labor, and Economic Affairs.

**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. Senator McGillvray in the chair.

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

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SB 377 - Majority Leader Smith moved consideration of **SB 377** be passed for the day. Without objection, so ordered.

HB 170 - Senator Small moved **HB 170** be concurred in. 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, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Howard, O'Brien, Tempel.
Total 3

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator O'Brien under Motions.

SB 392 - Senator Vance moved **SB 392** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 41

Nays: Boland, Cohenour, Ellis, Gross, McNally, O'Brien, Pomnichowski, Tempel, Webber.
Total 9

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 384 - Senator Esp moved **SB 384** do pass. Motion carried as follows:

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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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: Welborn.
Total 1

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 403 - Senator Keenan moved **SB 403** 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator Hertz moved **SB 399** do pass.

SB 399 - Senator Cohenour moved **SB 399**, second reading copy, be amended as follows:

1. Page 17, line 6.

Strike: "any"

Insert: "the next \$59,000 of"

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2. Page 17, line 6.

Following: "taxable income"

Strike: "in excess of \$41,000"

Following: "6.5%"

Insert: ";

(iii) on any Montana taxable income in excess of \$100,000 or any part of that income, 6.9%"

3. Page 17, line 9.

Strike: "any"

Insert: "the next \$44,250 of"

4. Page 17, line 9.

Following: "taxable income"

Strike: "in excess of \$30,750"

Following: "6.5%"

Insert: ";

(iii) on any Montana taxable income in excess of \$75,000 or any part of that income, 6.9%"

5. Page 17, line 13.

Strike: "any"

Insert: "the next \$29,500 of"

6. Page 17, line 13.

Following: "taxable income"

Strike: "in excess of \$20,500"

Following: "6.5%"

Insert: ";

(iii) on any Montana taxable income in excess of \$50,000 or any part of that income, 6.9%"

7. Page 17, line 17.

Strike: "any"

Insert: "the next \$29,500 of"

8. Page 17, line 17.

Following: "taxable income"

Strike: "in excess of \$20,500"

Following: "6.5%"

Insert: ";

(iii) on any Montana taxable income in excess of \$50,000 or any part of that income, 6.9%"

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 19

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Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 31

Voted absentee: McClafferty, Aye.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 399 - Senator O'Brien moved **SB 399**, second reading copy, be amended as follows:

1. Title, line 18.

Following: "15-31-1007,"

Strike: "15-32-104, 15-32-106,"

2. Title, line 24.

Following: "15-30-2301,"

Strike: "15-30-2319,"

3. Title, line 26.

Following: "15-31-171,"

Strike: "15-32-109,"

4. Page 20, line 27.

Following: "15-31-127;"

Strike: "and"

5. Page 21, line 2.

Following: "(d)"

Insert: "the credit for energy-conserving expenditures provided for in 15-30-2319 and 15-32-109; and

(e)"

6. Page 45, line 25 through page 46, line 11.

Strike: sections 30 and 31 in their entirety

Renumber: subsequent sections

7. Page 93, line 26.

Strike: line 26 in its entirety

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8. Page 94.

Strike: line 17 in its entirety

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator O'Brien moved **SB 399**, second reading copy, be amended as follows:

1. Title, line 26.

Following: "15-32-115,"

Strike: "15-32-201, 15-32-202, 15-32-203,"

2. Page 20, line 27.

Following: "15-31-127;"

Strike: "and"

3. Page 21, line 2.

Following: "(d)"

Insert: "the credit for installing an alternative energy system provided for in 15-32-201 through 15-32-203; and
(e)"

4. Page 94, line 19 through line 21.

Strike: lines 19 through 21 in their entirety

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson,

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Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator Cohenour moved **SB 399**, second reading copy, be amended as follows:

1. Title, line 24 through line 25.

Strike: "15-30-" on line 24 through "2364," on line 25

2. Page 22, line 16.

Following: "(a)"

Insert: "the adoption tax credit provided for in 15-30-2364;
(b)"

Renumber: subsequent subsections

3. Page 94, line 4.

Strike: line 4 in its entirety

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 23

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Voted absentee: McClafferty, Aye.

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Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 399 - Senator Pomnichowski moved **SB 399**, second reading copy, be amended as follows:

1. Page 3, line 12.

Strike: "(3)(m)"

Insert: "(3)(p)"

2. Page 5, line 1.

Following: "income;"

Strike: "and"

3. Page 5, line 3.

Following: "15-31-163"

Insert: ";

(n) the amount of unemployment compensation included in federal gross income under the provisions of section 85 of the Internal Revenue Code, 26 U.S.C. 85, as amended;

(o) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by a person for services rendered to patrons of premises licensed to provide food, beverage, or lodging; and

(p) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law"

4. Page 26, line 3.

Following: "(i)"

Insert: "tips and gratuities exempt from taxation under [section 1];

(ii) health insurance premiums attributed as income to an employee under federal law that are exempt from taxation under [section 1];

(iii) unemployment compensation, including supplemental unemployment compensation treated as wages under section 3402 of the Internal Revenue Code, 26 U.S.C. 3402, that is excluded from gross income as provided in 15-30-2101;

(iv)"

Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.

Total 22

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Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 28

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Thereupon, the Senate reverted to the original motion of Senator Hertz which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 396 - Senator Hoven moved **SB 396** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Glimm.

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Total 1

Voted absentee: McClafferty, Aye.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 385 - Majority Leader Smith moved consideration of **SB 385** be moved to the second agenda this date. Without objection, so ordered.

SB 388 - Senator Hertz moved **SB 388** do pass. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Mr. President.

Total 28

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber, Welborn.

Total 22

Voted absentee: McClafferty, No.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 398 - Senator Ellsworth moved **SB 398** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Osmundson, Small, Smith C, Vance, Mr. President.

Total 21

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.

Total 29

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Voted absentee: McClafferty, No.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 398 - Majority Leader Smith moved **SB 398** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Boland, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, McGillvray, McNally, Molnar, O'Brien, Pomnichowski, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.

Total 31

Nays: Bennett, Bogner, Boldman, Brown, Ellsworth, Fitzpatrick, Glimm, Hertz, Hinebauch, Kary, Lynch, Manzella, Morigeau, Osmundson, Pope, Smith C, Vance, Mr. President.

Total 18

Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 86 - Senator Ankney moved **SB 86** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 16

Voted absentee: McClafferty, No.

Excused: McClafferty.

Total 1

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Absent or not voting: None.

Total 0

Vote totals include a change of vote from No to Yes, made by Senator Hertz under Motions.

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

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

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

Total 40

Nays: Bennett, Boland, Cohenour, Gross, Jacobson, Morigeau, Pomnichowski, Pope, Sands.

Total 9

Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

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

SB 232 passed 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

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Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 285 passed 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 336 passed 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: McClafferty.

Total 1

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Absent or not voting: None.

Total 0

SB 374 passed 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 378 passed as follows:

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

Total 40

Nays: Cuffe, Esp, Hinebauch, Howard, Keenan, McGillvray, Sales, Smith C, Tempel.

Total 9

Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SJ 22 passed as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox,

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Gauthier, Glimm, Gross, Hoven, Jacobson, Lynch, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 28

Nays: Bogner, Brown, Cuffe, Ellsworth, Friedel, Gillespie, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 21

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HB 155 concurred in 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HB 451 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 41

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Nays: Cuffe, Glimm, Kary, Keenan, Smith C, Vance, Welborn, Mr. President.
Total 8

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HB 463 concurred in 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, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty, Molnar.
Total 2

Absent or not voting: None.
Total 0

HB 480 concurred in 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

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Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

HB 574 concurred in 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

HJ 19 concurred in 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, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

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REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/6/2021
SB 376, do pass.

JUDICIARY (Regier, Chair): 3/31/2021
HB 257, be amended as follows:

1. Page 14.

Following: line 6

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-116, then the sections amending 50-2-116 are void and 50-2-116 must be amended as follows:

"50-2-116. Powers and duties of local boards of health. (1) Except as provided in subsection (5), in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) ~~appoint and fix the salary~~ recommend to the governing body the appointment of a local health officer who is:

(i) a physician;

(ii) a person with a master's degree in public health; or

(iii) a person with equivalent education and experience, as determined by the

department;

(b) elect a presiding officer and other necessary officers;

~~(c) employ qualified staff;~~

~~(d)~~(c) adopt bylaws to govern meetings;

~~(e)~~(d) hold regular meetings at least quarterly and hold special meetings as necessary;

~~(f)~~(e) identify, assess, prevent, and ameliorate conditions of public health importance

through:

(i) epidemiological tracking and investigation;

(ii) screening and testing;

(iii) isolation and quarantine measures;

(iv) diagnosis, treatment, and case management;

(v) abatement of public health nuisances;

(vi) inspections;

(vii) collecting and maintaining health information;

(viii) education and training of health professionals; or

(ix) other public health measures as allowed by law;

~~(g)~~(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

~~(h)~~(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;

~~(i)~~(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

~~(j)~~(i) identify to the department an administrative liaison for public health. The liaison

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must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.

~~(k)~~(j) subject to the provisions of 50-2-130, adopt propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of environmental review and must provide for appeal of variance decisions to the department as required by 75-5-305. If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

(2) Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

~~(b) adopt propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;~~

~~(c) adopt propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:~~

~~(i) for the control of communicable diseases;~~

~~(ii) for the removal of filth that might cause disease or adversely affect public health;~~

~~(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;~~

~~(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;~~

~~(v) for the establishment of institutional controls that have been selected or approved by the:~~

~~(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or~~

~~(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and~~

~~(vi) to implement the public health laws;~~

~~(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and~~

~~(d)~~(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public

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health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation, including but not limited to a regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi), adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (4)(a) and (4)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-118, then the sections amending 50-2-118 are void and 50-2-118 must be amended as follows:

"50-2-118. Powers and duties of local health officers. (1) Except as provided in subsection (3), in order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

(1)(a) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;

(2)(b) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;

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~~(3)(c)~~ report communicable diseases to the department as required by rule;
~~(4)(d)~~ establish and maintain quarantine and isolation measures as adopted by the local board of health; and

~~(5)(e)~~ pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

(2) A directive, mandate, or order issued by a local health officer in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(3) A local health officer may not enforce a regulation, directive, mandate, or order or issue an order that is in violation of 50-2-116(5)."

Insert: "COORDINATION SECTION. Section 14. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-124, then the sections amending 50-2-124 are void and 50-2-124 must be amended as follows:

"50-2-124. Penalties for violations. (1) (a) A person who does not comply with rules adopted by a local board that are not in conflict with 50-2-116(5) or 50-2-118(3) is guilty of a misdemeanor. On conviction, the person shall be fined subject to a civil penalty of not less than \$10 or more than \$200.

(b) A business entity that does not comply with rules adopted by a local board is subject to a civil penalty of not more than \$250.

(2) Except as provided in 50-2-123 and subsection (1) of this section, a person who violates the provisions of this chapter or rules adopted by the department under the provisions of this chapter is guilty of a misdemeanor. On conviction, the person shall be fined not less than \$10 or more than \$500 or be imprisoned for not more than 90 days, or both.

(3) Each day of violation constitutes a separate offense.

(4) The local board or the county attorney of the county in which a violation allowed in subsection (1) occurred may petition a court of limited jurisdiction to impose the civil penalties allowed in subsection (1). Venue for an action to collect a civil penalty pursuant to subsection (1) is in the county in which the violation occurred or in a court of limited jurisdiction.

~~(4)(5)~~ Fines, except justice's court fines, must be paid to the county treasurer of the county in which the violation occurs.

(6) (a) As used in this section, "business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, sole proprietorship, or other legal entity recognized under state law.

(b) The term does not include an individual."

Insert: "COORDINATION SECTION. Section 15. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved, then the section amending 50-2-123 in [this act] is void and 50-2-123 must be amended as follows:

"50-2-123. Compliance order authorized. (1) If a person refuses or neglects to

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comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the city or county.

(2) An order of compliance or action allowed pursuant to subsection (1) may not be initiated for an order that violates 50-2-116(5) or 50-2-118(3)."

Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair):
SB 400, do pass.

4/1/2021

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Smith moved that **SB 388**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 86**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 399**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 384**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator O'Brien moved to change her second-reading vote on **HB 170** from Yes to No. Without objection, so ordered.

Senator Hertz moved to change his second-reading vote on **SB 86** from No to Yes. Without objection, so ordered.

Senator Esp arose on a point of order and informed Senators that the second amendment distributed for **SB 385** is the correct amendment.

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SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the week:

Ashton Anderson from Billings, Montana, sponsored by Senator Esp
Taylor Sprenger from Billings, Montana, sponsored by Senator Esp
Addy Meredith from Helena, Montana, sponsored by Senator Osmundson
Rachel Visser from Manhattan, Montana, sponsored by Senator Sales
Bronte Bennion from Sidney, Montana, sponsored by Senator Hinebauch

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 4:30 p.m. Without objection, so ordered.
Senate recessed at 3:25 p.m.

Senate reconvened at 4:35 p.m., President Blasdel presiding. Senators McClafferty and Lang excused.

FIRST READING AND COMMITMENT OF BILLS

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

SJ 23, introduced by T. Jacobson, referred to State Administration.

SJ 24, introduced by S. O'Brien, referred to Highways and Transportation.

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

HB 637, introduced by S. Berglee, referred to Fish and Game.

HB 641, introduced by S. Gist, J. Read, S. Berglee, W. Curdy, M. Noland, B. Tschida, D. Fern, F. Anderson, D. Bartel, C. Knudsen, B. Usher, T. Welch, N. Duram, J. Kassmier, B. Ler, B. Phalen, L. Brewster, K. Zolnikov, B. Mitchell, S. Kerns, S. Galloway, E. Hill, J. Schillinger, C. Hinkle, M. Binkley, R. Marshall, T. France, K. Whitman, M. Thane, referred to Judiciary.

HB 647, introduced by S. Galloway, M. Cuffe, J. Read, E. McClafferty, T. McGillvray, C. Smith, G. Hertz, M. Lang, W. Galt, B. Brown, G. Custer, F. Garner, M. Noland, V. Ricci, S. Hinebauch, S. Gunderson, D. Loge, R. Fitzgerald, L. Sheldon-Galloway, J. Trebas, B. Usher, J. Patelis, T. Welch, M. Hopkins, F. Fleming, N. Duram, J. Fuller, D. Harvey, J. Kassmier, M. Sweeney, D. Bedey, B. Ler, B. Phalen, F. Nave, L. Brewster, K. Zolnikov, A. Regier, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Malone, C. Hinkle, M. Bertoglio, D. Hawk, G. Frazer, M. Binkley, R. Marshall, T. France, C. Friedel, S. O'Brien, referred to Fish and Game.

HB 665, introduced by B. Ler, D. Tenenbaum, referred to Judiciary.

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HB 667, introduced by R. Marshall, D. Salomon, B. Keenan, S. Berglee, M. Noland, C. Knudsen, B. Usher, N. Duram, J. Kassmier, B. Ler, B. Phalen, L. Brewster, P. Fielder, S. Gist, J. Schillinger, referred to Taxation.

HB 688, introduced by J. Kassmier, G. Hertz, K. Holmlund, B. Usher, J. Ellsworth, J. Dooling, K. Bogner, D. Bedey, R. Marshall, referred to Business, Labor, and Economic Affairs.

HB 692, introduced by K. Holmlund, L. Jones, referred to Finance and Claims.

The following House bill was introduced and read first time:

HB 702, introduced by J. Carlson, D. Skees, J. Read, D. Lenz, W. Galt, S. Berglee, J. Hinkle, M. Noland, V. Ricci, B. Tschida, S. Gunderson, M. Regier, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, M. Hopkins, F. Fleming, J. Fuller, R. Knudsen, J. Kassmier, T. Moore, B. Ler, B. Phalen, F. Nave, L. Brewster, B. Mitchell, A. Regier, S. Kerns, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, M. Binkley, R. Marshall.

**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. Senator McGillvray in the chair.

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

SB 395 - Majority Leader Smith moved consideration of **SB 395** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 323 - Senator Friedel moved **SB 323** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 32

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 17

Voted absentee: McClafferty, No.

Excused: McClafferty.

Total 1

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Absent or not voting: Lang.

Total 1

Senator Lang present at this time.

SB 402 - Majority Leader Smith moved **SB 402** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 176 - Senator Molnar moved **SB 176** do pass.

SB 176 - Senator Molnar moved **SB 176**, second reading copy, be amended as follows:

1. Title, line 11.

Following: "UNIT;"

Insert: "PROVIDING FOR THE RATE BASING OF CERTAIN MAINTENANCE COSTS AND TRANSMISSION CAPACITY IN THE CASE OF ABANDONMENT AND UNDER SPECIFIC CIRCUMSTANCES;"

2. Page 14, line 1.

Strike: "If"

Insert: "Except as provided in subsections (1)(c) through (1)(e), if"

3. Page 14.

Following: line 6

Insert: "(c) Subject to subsection (1)(e), if an owner ceases to maintain its ownership interest in a coal-fired generating unit and abandons its ownership interest or ceases to maintain its ownership interest and ceases to operate the coal-fired generating unit while other owners have a continued need to utilize power generated by the coal-fired generating unit, a utility regulated

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by the public service commission in accordance with Title 69, chapter 3, may fund maintenance and repair costs for a single maintenance cycle in accordance with subsection (1)(d) to continue operation of the unit.

(d) Costs incurred to provide maintenance and repair costs and for the procurement of transmission capacity and services for a single maintenance cycle in the event of an owner ceasing to maintain its ownership interest in accordance with subsection (1)(c) and transmission capacity required in subsection (1)(e), may be included in the regulated utility's rate base in accordance with a public service commission order providing for the inclusion.

(e) A transfer of maintenance and repair costs in accordance with subsection (1)(d) also must include an agreement to maintain sufficient operational transmission capacity to serve the new acquisition of generation. The value of the capacity must be determined based on transmission agreements as originally signed by the owners."

4. Page 14, line 7.

Strike: "Montana"

Insert: "Except as provided in subsections (1)(c) through (1)(e),"

5. Page 14.

Following: line 8

Insert: "(3) The commission may not allow a facility acquired in accordance with this section to be rate-based at a value higher than that of newly constructed natural gas generation located within a utility's Montana service territory."

Renumber: subsequent subsection

Amendment **adopted** as follows:

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

Total 44

Nays: Cohenour, McClafferty, O'Brien, Pomnichowski, Sands, Webber.

Total 6

Voted absentee: McClafferty, No.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 176 - As amended, **SB 176** passed as follows:

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Yeas: Ankney, Bogner, Boldman, Brown, Flowers, Friedel, Gauthier, Glimm, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 29

Nays: Bennett, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Gillespie, Hertz, Kary, McClafferty, Morigeau, O'Brien, Pomnichowski, Sales, Sands, Sweeney, Webber, Mr. President.
Total 21

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 379 - Senator Fitzpatrick moved **SB 379** do pass.

SB 379 - Senator Fitzpatrick moved **SB 379**, second reading copy, be amended as follows:

1. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS 69-3-105 AND"

2. Page 3.

Following: line 16

Insert: "**Section 4.** Section 69-3-105, MCA, is amended to read:

"69-3-105. Access to commission records and reports -- protective order. (1) Except as provided in subsection (2) and subsection (3), the reports, records, accounts, files, papers, and memoranda of every nature in the possession of the commission are open to the public during regular business hours, as defined in 2-16-117.

(2) The commission may issue a protective order when necessary to preserve trade secrets, as defined in 30-14-402, or other information that must be protected under law, as required to carry out its regulatory functions.

(3) The commission may consider staff memoranda a confidential work product not subject to disclosure.""

Renumber: subsequent sections

Amendment **not adopted** as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Salomon, Small, Smith C, Vance, Welborn, Mr. President.

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Total 25

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Webber.

Total 25

Voted absentee: McClafferty, No.

Excused: McClafferty.

Total 1

Absent or not voting: None.

Total 0

SB 379 - Senator K. Regier moved **SB 379**, second reading copy, be amended as follows:

1. Page 2, line 3 through line 4.

Strike: "regulated" on line 3 through "unit" on line 4

2. Page 2, line 4.

Following: "an"

Strike: "additional"

3. Page 2, line 7.

Following: "an"

Strike: "additional"

4. Page 2, line 15.

Following: "an"

Strike: "additional"

5. Page 2.

Following: line 27

Insert: "(c) Until the utility's ownership interest is fully depreciated, only the existing owner of an existing ownership interest may file an application for closure of the unit."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.

Total 31

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Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 379 - As amended, **SB 379** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 385 - Senator Hertz moved **SB 385** do pass.

SB 385 - Senator Esp moved **SB 385**, second reading copy, be amended as follows:

1. Title, line 6.

Following: the second "LAWS;"

Insert: "PROVIDING FUNDING LIMITATIONS FOR SPECIAL DISTRICTS THAT ENCOMPASS THE ENTIRE JURISDICTION OF A LOCAL GOVERNMENT;"

2. Title, line 6.

Strike: "A"

Insert: "CERTAIN"

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3. Title, line 6.

Strike: the second "DISTRICT"

Insert: "DISTRICTS"

4. Title, line 7 through line 8.

Following: line 6

Insert: "ALLOWING A REFERENDUM TO EXTEND THE DURATION OF A SPECIAL DISTRICT; REVISING THE PETITION THRESHOLD REQUIRED TO CREATE A SPECIAL DISTRICT;"

Strike: remainder of line 7 through "LEVIES;" on line 8

5. Title, line 10 through line 11.

Strike: "7-11-1004,"

6. Title, line 11.

Following: "7-11-1007,"

Insert: "AND"

Following: "7-11-1011,"

Strike: "7-11-1013, 7-11-1023, 7-11-1029, AND 15-10-425,"

7. Title, line 11 through line 12.

Strike: "AN" on line 11 through "AND" on line 12

8. Page 1, line 16 through page 10, line 2.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Provisions applicable to jurisdiction-wide special districts. (1) This section applies to a special district created under this part by resolution as allowed in 7-11-1007 and 7-11-1008 or by referendum as allowed in 7-11-1011 that encompasses the entire jurisdictional area of a local government as defined in 7-11-1002(2). (2) (a) If the governing body seeks to create a special district by resolution pursuant to 7-11-1007 and 7-11-1008, the governing body may not increase the total amount assessed by the district above the amount set forth in the resolution as required by 7-11-1007(2)(e) in a subsequent year by more than the lesser of the following calculated values: (i) the average of the total amount assessed by the district in each of the previous 5 years multiplied by the average rate of inflation since the inception of the district; or (ii) the total amount assessed by the governing body in the year the district was created multiplied by the average rate of inflation since the inception of the district. (b) The rate of inflation referenced in subsections (2)(a)(i) and (2)(a)(ii) must be calculated using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor. (3) (a) If the governing body seeks to create a special district by resolution and referendum pursuant to 7-11-1011, the resolution ordering the referendum must include, in addition to the items included in 7-11-1011, a detailed description of: (i) the estimated total cost of the programs, services, or improvements to be funded over the

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duration of the district;

(ii) whether the governing body anticipates bonding for improvements and the estimated principal amount of the bonds;

(iii) the estimated annual rate or amount of the proposed assessments or fees that would be imposed over the duration of the district; and

(iv) an estimate of the impact of the creation of the district on a property in the district, according to the method of assessment identified as required by 7-11-1011(2)(e).

(b) The governing body may not exceed the amounts provided in subsection (3)(a) over the duration of the district without subsequent approval of the voters.

(4) (a) Unless otherwise dissolved pursuant to this part or by the terms of the resolution creating the special district, a special district created by resolution pursuant to 7-11-1007 and 7-11-1008 and subject to the provisions of this section must dissolve 13 years after the inception of the district or when any bonded indebtedness has been paid in full, whichever is later. The provisions of 7-11-1029(5) through (8) apply to the dissolution of a special district as provided in this subsection (4)(a).

(b) Prior to the dissolution of a special district, the governing body may extend the duration of the district by following the same procedures set forth in this section and the applicable provisions of 7-11-1003, 7-11-1007, 7-11-1008, and 7-11-1011.

(5) As used in this section, "special district" means a special district created under this part that encompasses the entire jurisdictional area of a local government as defined in 7-11-1002(2)."

Insert: "Section 2. Section 7-11-1003, MCA, is amended to read:

"7-11-1003. Authorization to create special districts. (1) Whenever the public convenience and necessity may require:

(a) the governing body may:

(i) create a special district by resolution pursuant to 7-11-1007, 7-11-1008, and the provisions of [section 1], if applicable; or

(ii) order a referendum on the creation of a special district to serve the inhabitants of the special district as provided in 7-11-1011 and the provisions of [section 1], if applicable; or

(b) petitioners may initiate the creation of a special district to serve inhabitants of the special district as provided in subsection (2).

(2) (a) ~~(i) Upon receipt of a petition to institute the creation of a special district that is signed by at least 25% 40% of the registered voters or by the owners of at least 25% 40% of the real property within the boundary of the proposed special district and that is submitted to the clerk of the governing body, the governing body shall order a referendum on the creation of the special district pursuant to 7-11-1011 .~~

~~(ii) Upon receipt of a petition to institute the creation of a special district that is signed by more than 50% of the registered voters or by the owners of more than 50% of the real property within the boundary of the proposed special district, the governing body shall conduct a public hearing pursuant to 7-11-1007 . Following the hearing and if insufficient protests are made as provided in 7-11-1008, the governing body shall order the creation of the special district in accordance with 7-11-1013 .~~

~~(b) If a proposed special district would be financed by a mill levy, a petition to institute the creation of the special district must be signed by at least 40% of the registered voters or at least 40% of the property taxpayers within the boundary of the proposed district commence proceedings to create a special district as provided in subsection (1)(a).~~

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~~(e)~~(b) The form of the petition may be prescribed by the governing body, and the clerk of the governing body shall verify the signatures on the petition.

~~(d)~~(c) Subject to subsection (2)~~(e)~~(b), the petition must:

- (i) require the printed name of each signatory;
- (ii) specify whether the signatory is a property taxpayer or owner of real property within the proposed special district and either the street address or the legal description, whichever the signatory prefers, of that property;
- (iii) describe the type of special district being proposed and the general character of any proposed improvements and program to be administered within the special district;
- (iv) designate the method of financing any proposed improvements or maintenance program within the special district;
- (v) include a description of the areas to be included in the proposed special district; and
- (vi) specify whether the proposed special district would be administered by the local governing body or an appointed or elected board.

(3) Within 60 days of receipt of a petition to create a special district, the clerk of the governing body shall:

- (a) certify that the petition is sufficient under the provisions of subsection (2) and present it to the governing body at its next meeting; or
- (b) reject the petition if it is insufficient under the provisions of subsection (2).

(4) A defect in the contents of the petition or in its title, form of notice, or signatures may not invalidate the petition and subsequent proceedings as long as the petition has a sufficient number of qualified signatures attached."''

Insert: "Section 3. Section 7-11-1007, MCA, is amended to read:

"7-11-1007. Public hearing -- resolution of intention to create special district. (1) The governing body shall hold at least one public hearing concerning the creation of a proposed special district prior to the passage of a resolution of intention to create the special district. A resolution of intention to create a special district may be based upon a decision of the governing body as provided in 7-11-1003(1)(a) or upon a petition that contains the required number of signatures as provided in 7-11-1003(1)(b).

(2) The resolution must designate, consistent with the requirements of [section 1] and 7-11-1024:

- (a) the proposed name of the special district;
- (b) the necessity for the proposed special district;
- (c) a general description of the territory or lands to be included within the proposed special district, giving the boundaries of the proposed special district;
- (d) the general character of any proposed improvements and the proposed location for the proposed program or improvements;
- (e) the ~~estimated cost and~~ maximum rate or amount of the initial proposed assessments or fees that would be imposed;
- (f) the method of financing the proposed program or improvements;
- ~~(f)~~(g) any requirements specifically applicable to the type of special district;
- ~~(g)~~(h) whether the proposed special district would be administered by the governing body or an appointed or elected board; and
- ~~(h)~~(i) the duration of the proposed special district.

(3) (a) The governing body shall publish notice of passage of the resolution of intention to

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create a special district as provided in 7-1-2121 and 7-1-2122 or 7-1-4127 and 7-1-4129, as applicable. The notice must contain a notice of a hearing and the time and place where the hearing will be held.

(b) At the same time that notice is published pursuant to subsection (3)(a), the governing body shall provide a list of those properties subject to potential assessment, fees, or taxation under the creation of the proposed special district. The list may not be distributed or sold for use as a distribution list in accordance with 2-6-1017.

(c) A copy of the notice described in subsection (3)(a) must be mailed to each owner or purchaser under contract for deed of the property included on the list referred to in subsection (3)(b) as shown by the current property tax record maintained by the department of revenue for the county."

Insert: "Section 4. Section 7-11-1011, MCA, is amended to read:

"7-11-1011. Referendum -- conduct of election on creating special district. (1) The governing body may order a referendum on the creation of the proposed special district.

(2) The resolution ordering the referendum must state, consistent with the requirements of [section 1], 7-11-1007, and 7-11-1024:

(a) ~~the type and maximum rate or amount of the initial proposed assessments or fees that would be imposed, consistent with the requirements of 7-11-1007 (2)(e) and 7-11-1024;~~

(b) the type of activities proposed to be financed, including a general description of the program or improvements;

(c) a description of the areas included in the proposed special district; and

(d) whether the proposed special district would be administered by the governing body or an appointed or elected board;

(e) the method of financing the proposed program or improvements; and

(f) the duration of the proposed special district.

(3) The election must be conducted in accordance with Title 13, chapter 1, part 5.

(4) The proposition to be submitted to the electorate must read: "Shall the proposition to organize (name of proposed special district) be adopted?"

(5) An individual is entitled to vote on the proposition if the individual:

(a) is a registered elector of the state; and

(b) is a resident of or owner of taxable real property in the area subject to the proposed special district.

(6) If the proposition is approved, the election administrator of each county shall:

(a) immediately file with the secretary of state a certificate stating that the proposition was adopted;

(b) record the certificate in the office of the clerk and recorder of the county or counties in which the special district is situated; and

(c) notify any municipalities lying within the boundaries of the special district."

Insert: "NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 11, part 10, and the provisions of Title 7, chapter 11, part 10, apply to [section 1]."

Insert: "NEW SECTION. Section 6. Applicability. (1) [Section 1(1) through (3) and (5)] apply to any special district created on or after [the effective date of this act].

(2) [Section 1(4)] applies to all special districts created by resolution and protest pursuant to 7-11-1007 and 7-11-1008 on or after July 1, 2009."

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Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Cohenour, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Sands, Webber.
Total 10

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 385 - As amended, **SB 385** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 395 - Senator Hertz moved **SB 395** do pass.

SB 395 - Senator Hertz moved **SB 395**, second reading copy, be amended as follows:

1. Title, line 13.

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Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 21.

Following: "plans"

Insert: "and workers' compensation insurance carriers"

3. Page 2, line 18.4

Following: "33-35-103"

Insert: "and"

4. Page 2, line 19.

Strike: line 19 in its entirety

Renumber: subsequent subsection

5. Page 3, line 14.

Following: "to"

Insert: ":

(i)"

6. Page 3, line 15.

Following: "plans"

Insert: "; or

(ii) injured workers of workers' compensation insurance carriers"

7. Page 3, line 21.

Following: the first "carrier"

Insert: "or workers' compensation insurance carrier"

8. Page 3, line 22.

Following: "enrollees"

Insert: "or injured workers"

9. Page 4.

Following: line 2

Insert: "(16) "Workers' compensation insurance carrier" means:

(a) an insurance company transacting business under compensation plan No. 2; or

(b) the state fund compensation plan No. 3 under Title 39, chapter 71."

10. Page 4, line 21.

Following: "carrier"

Insert: ";

Strike: "and"

11. Page 4, line 21.

Following: "sponsor"

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Insert: ", and workers' compensation insurance carrier"

12. Page 4, line 22.

Following: "enrollees"

Insert: "and injured workers"

13. Page 4, line 23.

Following: the first "client"

Insert: ", "

Strike: "and"

14. Page 4, line 23.

Following: the second "client"

Insert: ", and workers' compensation insurance carrier client"

15. Page 5, line 5.

Strike: "insurance issuer"

Insert: "carrier or workers' compensation insurance carrier"

16. Page 5, line 6.

Strike: "insurance issuer"

Insert: "carrier or workers' compensation insurance carrier"

17. Page 6, line 8.

Following: "enrollee"

Insert: "or injured worker"

18. Page 7, line 4.

Following: "to"

Strike: "health"

19. Page 7, line 6.

Following: "carrier"

Insert: ", "

Strike: "or"

20. Page 7, line 6.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

21. Page 7, line 7.

Following: "carrier"

Insert: ", "

Strike: "or"

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22. Page 7, line 7.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

23. Page 7, line 8.

Following: "carrier"

Insert: ", "

Strike: "or"

24. Page 7, line 8.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

25. Page 7, line 12.

Following: "sponsor"

Insert: "or injured workers of the workers' compensation insurance carrier"

26. Page 7, line 14 through line 15.

Following: "drugs" on line 14

Strike: remainder of line 14 through "distributor." on line 15

Insert: ", "

27. Page 7, line 18.

Following: "sponsor"

Insert: "or injured workers of the workers' compensation carrier"

28. Page 7, line 20.

Following: "sponsor"

Insert: "or injured workers of the workers' compensation carrier"

29. Page 7, line 22.

Following: "enrollee"

Insert: "or injured worker"

30. Page 7, line 23.

Following: "enrollee"

Insert: "or injured worker"

31. Page 8, line 3.

Following: "carrier"

Insert: ", "

Strike: "or"

32. Page 8, line 4.

Following: "sponsor"

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Insert: ", or workers' compensation insurance carrier"

33. Page 8, line 9.

Following: "carrier"

Insert: ", "

Strike: "or"

34. Page 8, line 9.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

35. Page 8, line 12.

Strike: "under"

Insert: "for"

36. Page 8, line 12.

Following: "plan"

Insert: "or workers' compensation insurance carrier"

37. Page 8, line 14.

Following: "enrollees"

Insert: "or injured worker"

Following: "health"

Insert: "benefit"

Following: "plan"

Insert: "or workers' compensation insurance carrier"

38. Page 8, line 16.

Following: "carrier"

Insert: ", "

Strike: "or"39. Page 8, line 16.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

40. Page 8, line 21.

Following: the first "carrier"

Insert: ", "

Strike: "or"

41. Page 8, line 21.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

42. Page 8, line 21.

Following: the second "carrier"

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Insert: ", "
Strike: "or"

43. Page 8, line 22.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

44. Page 8, line 23.
Following: "carrier"
Insert: ", "
Strike: "or"

45. Page 8, line 23.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

46. Page 8, line 26.
Following: "carrier"
Insert: ", "
Strike: "or"

47. Page 8, line 26.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

48. Page 9, line 1.
Following: the first "carrier"
Insert: ", "
Strike: "or"

49. Page 9, line 1.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

50. Page 9, line 1.
Following: the second "carrier"
Insert: ", "
Strike: "or"

51. Page 9, line 2.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

52. Page 9, line 7.
Following: "sponsor"

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Insert: "and injured workers of workers' compensation insurance carriers"

53. Page 9, line 9.

Strike: "carriers"

Insert: "carrier,"

54. Page 9, line 10.

Strike: "and"

55. Page 9, line 10.

Following: "sponsor"

Insert: ", and workers' compensation insurance carrier"

56. Page 9, line 14.

Following: "carrier"

Insert: ", "

Strike: "and"

57. Page 9, line 14.

Following: "sponsor"

Insert: ", and workers' compensation insurance carrier"

Following: "state"

Strike: ". The amount must include any utilization discounts the pharmacy benefit manager received from a manufacturer or wholesale distributor."

Insert: ";

58. Page 9, line 17.

Following: "carrier"

Insert: ", "

Strike: "and"

59. Page 9, line 17.

Following: "sponsor"

Insert: ", and workers' compensation insurance carrier"

60. Page 9, line 21.

Following: "carrier"

Insert: ", "

Strike: "and"

61. Page 9, line 21.

Following: "sponsor"

Insert: ", and workers' compensation insurance carrier"

62. Page 9, line 24.

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Following: "carrier"

Insert: ","

Strike: "and"

63. Page 9, line 24.

Following: "sponsor"

Insert: ", and workers' compensation insurance carrier"

64. Page 10, line 6.

Following: "carrier"

Insert: ","

Strike: "or"

65. Page 10, line 6.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

66. Page 10, line 12.

Following: "enrollees"

Insert: "or injured workers"

Following: "plan"

Insert: "or workers' compensation insurance carrier"

67. Page 10, line 17.

Following: "carrier"

Insert: ","

Strike: "and"

68. Page 10, line 17.

Following: "sponsor"

Insert: ", and workers' compensation insurance carrier"

69. Page 10, line 19.

Following: the first "sponsor"

Insert: "and injured workers of a workers' compensation insurance carrier"

70. Page 10, line 19.

Following: the second "carrier"

Insert: ","

Strike: "or"

71. Page 10, line 19.

Following: the second "sponsor"

Insert: ", or workers' compensation insurance carrier"

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72. Page 10, line 21.

Following: "sponsor"

Insert: "and injured workers of a workers' compensation insurance carrier"

73. Page 10, line 24.

Following: "carrier"

Insert: ", "

Strike: "or"

74. Page 10, line 24.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

75. Page 10, line 28 through page 11, line 1.

Following: the first "is" on line 28

Strike: remainder of line 28 through "The" on page 11, line 1

Insert: "considered a response to an examination under Title 33, chapter 1, part 4, and is subject to the confidentiality provisions of 33-1-409. Any"

76. Page 11, line 1.

Strike: "are"

Insert: "is"

77. Page 11, line 2.

Strike: "are"

Insert: "is"

78. Page 11, line 6.

Strike: "a"

Insert: "an aggregated"

79. Page 11, line 10.

Following: "carrier"

Insert: ", "

Strike: "or"

80. Page 11, line 10.

Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

81. Page 12, line 6.

Following: "enrollees"

Insert: "and injured workers"

82. Page 25.

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Following: line 17

Insert: "NEW SECTION. **Section 26. Termination.** [Section 10(3)] terminates June 1, 2023.

Amendment **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, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Lynch.
Total 1

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 395 - As amended, **SB 395** passed 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

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.

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

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Bennett, Boland, Cohenour, Gross, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 10

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/6/2021
HB 273, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/6/2021
SB 86, do pass.
SB 384, do pass.
SB 388, do pass.
SB 399, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/6/2021
HB 300, be concurred in.
HB 462, be amended as follows:

1. Page 4, line 5.
Following: "adult"
Insert: "with knowledge of the person's driving experience"

2. Page 4, line 9.
Following: "adult"
Insert: "with knowledge of the person's legal history"

3. Page 4, line 12.

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Following: "adult"

Insert: "with knowledge of the person's legal history"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/6/2021

SB 184, introduced by M. Blasdel

SB 278, introduced by G. Hertz

SB 319, introduced by G. Hertz

House bills passed and transmitted to the Senate for concurrence:

4/6/2021

HB 637, introduced by S. Berglee

HB 641, introduced by S. Gist

HB 647, introduced by S. Galloway

HB 665, introduced by B. Ler

HB 667, introduced by R. Marshall

HB 688, introduced by J. Kassmier

HB 692, introduced by K. Holmlund

HB 702, introduced by J. Carlson

MOTIONS

Senator O'Brien moved that **SB 407** be taken from the Business, Labor, and Economic Affairs Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.

Total 23

Nays: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.

Total 26

Voted absentee: None.

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Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, April 7, 2021.
Motion carried.

Senate adjourned at 6:11 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate