

**SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
April 21, 2021

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

4/21/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-first through the sixty-eighth legislative days, find the same to be correct.

Correctly printed: **SJ 23, SJ 26, SJ 29, SJ 30, SJ 31, SJ 32, SR 76, SR 82, SR 85, SR 86, SR 93, SR 96, SR 99, HB 5, HB 6, HB 7, HB 9, HB 10, HB 11, HB 12, HB 14, HB 181, HB 235, HB 247, HB 267, HB 367, HB 397, HB 464, HB 495, HB 602, HB 606, HB 610, HB 644, HB 647, HB 660, HB 688, HB 705, HJ 9.**

Correctly engrossed: **HB 8, HB 330, HB 629, HB 661, HB 694, HB 702, HB 703.**

Correctly enrolled: **SB 301, SB 314, SB 337, SB 338, SB 360, SB 372, SJ 8, SJ 10, SR 98.**

Examined by the sponsor and found to be correct: **SB 247, SB 253, SB 301, SB 314, SB 337, SB 338, SB 350, SB 360, SJ 8, SR 98.**

Transmitted to the House: **SJ 23, HB 5, HB 6, HB 7, HB 9, HB 10, HB 11, HB 12, HB 14, HB 46, HB 92, HB 115, HB 181, HB 249, HB 267, HB 277, HB 495, HB 497, HB 553, HB 578, HB 602, HB 610, HB 640, HB 644, HB 688, HJ 9.**

SPECIAL ORDERS OF THE DAY

Senator Kary introduced an additional Page for this week:

Reece Pitcher from Philipsburg, Montana, sponsored by Senator Sweeney

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):

4/20/2021

HB 4, be amended as follows:

1. Page 1.

Following: line 20

Insert: "Supreme Court Operations

Supporting Foster Youth and Families Through the Pandemic FY 2021

\$100,469 Federal

All remaining fiscal year 2021 federal budget amendment authority for the district court

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workload assessment is authorized to continue into state fiscal year 2022.

All remaining fiscal year 2021 federal budget amendment authority for the state court improvement data program and for the state court improvement training program and for supporting foster youth and families through the pandemic is authorized to continue into federal fiscal year 2022."

2. Page 1, line 27.

Following: "program"

Insert: "and for the Yellowstone County family drug court expansion and for the 13th judicial district veterans treatment court expansion"

3. Page 2.

Following: line 6

Insert: "All remaining fiscal year 2021 federal budget amendment authority for an innovative partnership to prepare rural school-based mental health services providers and for the troops-to-teachers program is authorized to continue into state fiscal year 2022."

4. Page 2, line 10 through line 11.

Strike: line 10 through line 11 in their entirety

5. Page 2.

Following: line 16

Insert: "Legal Services Division

All remaining fiscal year 2021 federal budget amendment authority for prescription drug prevention is authorized to continue into federal fiscal year 2023."

6. Page 2.

Following: line 20

Insert: "High Intensity Drug Trafficking Areas Program FY 2021 \$62,780 Federal"

7. Page 2, line 21.

Following: "project"

Insert: "and for the criminal interdiction program"

8. Page 2, line 24.

Following: "program"

Insert: "and for the high intensity drug trafficking areas program"

9. Page 2.

Following: line 25

Insert: "Criminal Interdiction Program	FY 2021	\$42,750	Federal
High Intensity Drug Trafficking Areas Program	FY 2021	\$82,500	Federal
Organized Crime Drug Enforcement Task Force	FY 2021	\$13,500	Federal
Drug Enforcement Administration Grants	FY 2021	\$96,860	Federal

All remaining fiscal year 2021 federal budget amendment authority for drug enforcement administration grants and for the criminal interdiction program and for the organized crime drug

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enforcement task force is authorized to continue into state fiscal year 2022."

10. Page 3, line 1.

Following: "program"

Insert: "and for the high intensity drug trafficking areas program"

11. Page 3.

Following: line 2

Insert: "National Center on Forensics Award FY 2021 \$85,346 Federal"

12. Page 3, line 3.

Following: "the"

Insert: "fiscal year 2019"

13. Page 3, line 4.

Following: "program"

Insert: "and for the fiscal year 2018 DNA capacity enhancement and backlog reduction program and for the national center on forensics award"

14. Page 3.

Following: line 4

Insert: "All remaining fiscal year 2021 federal budget amendment authority for the fiscal year 2020 DNA backlog reduction program is authorized to continue into federal fiscal year 2022."

15. Page 3.

Following: line 21

Insert: "Merchandise Authority FY 2021 \$32,000 Proprietary"

16. Page 3.

Following: line 24

Insert: "Newspaper Repository Authority FY 2021 \$40,000 Proprietary
 Board Programming Grant FY 2021 \$11,996 Federal"

17. Page 3, line 26.

Following: "trip"

Insert: "and for the board programming grant"

18. Page 3.

Following: line 28

Insert: "Publications
 Publications Authority FY 2021 \$40,000 Proprietary"

19. Page 4.

Following: line 1

Insert: "Historic State Preservation Office Authority FY 2021 \$20,000 Proprietary
 All remaining fiscal year 2021 federal budget amendment authority for documenting and

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sharing Montana's statewide African American heritage is authorized to continue into state fiscal year 2022."

20. Page 4, line 3.
Strike: "program"
Insert: "programs"

21. Page 4.
Following: line 11
Insert: "Pronghorn Movement and Population Ecology FY 2021 \$100,000 Federal"

22. Page 4, line 15.
Following: "grant"
Insert: "and for the wildlife restoration grant program and for acoustic monitoring to assess impacts of white-nose syndrome"

23. Page 4, line 20.
Following: "access"
Insert: "and for assessing habitat conservation, enhancement, and restoration impacts"

24. Page 4, line 25.
Following: "study"
Insert: "and for the dusky grouse monitoring study"

25. Page 4.
Following: line 27
Insert: "Geological Survey of Headwaters State Park FY 2021 \$6,800 Federal
Council Grove Sign FY 2021 \$5000 Federal"

26. Page 5, line 1.
Following: "management"
Insert: "and for the geological survey of Headwaters State Park"

27. Page 5.
Following: line 1
Insert: "All remaining fiscal year 2021 federal budget amendment authority for the council grove sign is authorized to continue into federal fiscal year 2023."

28. Page 5, line 23.
Following: "grant"
Insert: "and for the section 106 monitoring initiative grant"

29. Page 6.
Following: line 8
Insert: "Bridge Replacement and Rehabilitation FY 2021 \$30,577,957 Federal"

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30. Page 6, line 13.

Following: "program"

Insert: "and for bridge replacement and rehabilitation"

31. Page 6.

Following: line 25

Insert: "Department of Livestock

Animal Health Division

Animal Disease Traceability FY 2021 \$34,804 Federal

All remaining fiscal year 2021 federal budget amendment authority for captive bolt euthanasia training is authorized to continue into state fiscal year 2022."

32. Page 7.

Following: line 3

Insert: "All remaining fiscal year 2021 federal budget amendment authority for characterizing septic leachate pollution in the Flathead basin is authorized to continue into federal fiscal year 2022.

All remaining fiscal year 2021 federal budget amendment authority for the water pollution control capitalization grant and for the drinking water state revolving capitalization grant is authorized to continue into state fiscal year 2023.

All remaining fiscal year 2021 federal budget amendment authority to improve range health is authorized to continue into federal fiscal year 2023."

33. Page 7.

Following: line 4

Insert: "Water Rights Administrative Support Within the Yellowstone Controlled Groundwater Area

FY 2021 \$23,000 Federal

Drought Adaptation and Response Plan FY 2021 \$200,000 Federal"

34. Page 7, line 6.

Following: the second "awards"

Insert: "and for the 2020 aquifer data project"

35. Page 7, line 10.

Following: "area"

Insert: "and for the drought adaptation and response plan"

36. Page 7.

Following: line 12

Insert: "2019 Hazardous Fuel Reduction FY 2021 \$12,000 Federal"

37. Page 7, line 15.

Following: "assistance"

Insert: "and for shared stewardship and for fuel reduction activities initiated by the Helena-Lewis and Clark National Forest"

38. Page 7, line 26.

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Following: "building"

Insert: "and the good neighbor agreement for forest restoration services"

39. Page 8, line 1.

Following: "grant"

Insert: "and for 2021 hazardous fuel reduction and for the conservation reserve program"

40. Page 8.

Following: line 13

Insert: "Agricultural Mediation Grant FY 2021 \$3,104 Federal"

41. Page 8.

Following: line 23

Insert: "All remaining fiscal year 2021 federal budget amendment authority for the state victim liaison project and for developing high-risk teams to reduce intimate partner violence and homicides and for the delinquency prevention program and for project safe neighborhoods is authorized to continue into federal fiscal year 2023."

42. Page 8.

Following: line 28

Insert: "Community Development Block Grant FY 2021 \$10,174,175 Federal"

43. Page 9, line 4.

Following: "fund"

Insert: "and for the community development block grant"

44. Page 9.

Following: line 5

Insert: "All remaining fiscal year 2021 federal budget amendment authority for the housing choice voucher supplemental program and for the mainstream administrative fees program and for the moderate rehabilitation program is authorized to continue into state fiscal year 2022."

45. Page 9.

Following: line 11

Insert: "Unemployment Insurance Division

Pandemic Unemployment Fraud Investigation FY 2021 \$1,215,000 Federal

All remaining fiscal year 2021 federal budget amendment authority for the pandemic unemployment fraud investigation and for the covid-19 special administrative grant funds and for pandemic unemployment assistance operations and for federal pandemic unemployment compensation operations and for federal pandemic emergency unemployment compensation operations is authorized to continue into state fiscal year 2022.

Office of Community Services

All remaining fiscal year 2021 federal budget amendment authority for training and technical assistance is authorized to continue into state fiscal year 2022."

46. Page 9.

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Following: line 13

Insert: "Emergency Solutions Grant Program	FY 2021	\$6,742,481	Federal
Second allocation of the Community Services Block Grant			
	FY 2021	3,327,308	Federal
Increase to Supplemental Nutrition Assistance Program	FY 2021	\$17,777,309	Federal
Emergency Food Assistance Program	FY 2021	\$236,229	Federal
Food Distribution Program on Indian Reservations	FY 2021	\$103,685	Federal
Supplemental Nutrition Assistance Program	FY 2021	\$33,335,403	Federal
Pandemic Electronic Benefit Transfer Administrative Funding Grants			
	FY 2021	\$763,251	Federal

All remaining fiscal year 2021 federal budget amendment authority for the emergency food assistance program and for the pandemic electronic benefit transfer administrative funding grants is authorized to continue into state fiscal year 2022."

47. Page 9, line 14 through line 15.

Strike: lines 14 through 15 in their entirety

48. Page 9, line 17.

Following: "grant"

Insert: "and for the emergency solutions grant program and for the food distribution program on Indian reservations"

49. Page 9, line 21.

Following: "reservations"

Insert: "and for the second allocation of the community services block grant"

50. Page 9.

Following: line 22

Insert: "John H. Chafee Foster Care Program for Successful Transition to Adulthood			
	FY 2021	\$2,978,840	Federal
Chafee Education and Training Vouchers Program	FY 2021	\$432,971	Federal
Federal Medical Assistance Percentage	FY 2021	\$230,461	Federal
Child Welfare Services	FY 2021	\$108,741	Federal

All remaining fiscal year 2021 federal budget amendment authority for child welfare services is authorized to continue into state fiscal year 2022."

51. Page 9, line 24.

Strike: "and for promoting safe and stable families"

Insert: "and for the John H. Chafee foster care program for successful transition to adulthood and for the Chafee education and training vouchers program"

52. Page 9.

Following: line 25

Insert: "All remaining fiscal year 2021 federal budget amendment authority for promoting safe and stable families is authorized to continue into federal fiscal year 2023."

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53. Page 9.

Following: line 26

Insert: "Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases
FY 2021 \$846,000 Federal
Environmental Health Education and Assessment Program
FY 2021 \$340,124 Federal"

54. Page 9, line 28.

Following: "diseases"

Insert: "and for the public health crisis response and for HIV care formula grants and for the environmental health education and assessment program"

55. Page 10.

Following: line 4

Insert: "All remaining fiscal year 2021 budget amendment authority for covid-19 vaccination planning and implementation is authorized to continue into federal fiscal year 2023."

56. Page 10.

Following: line 5

Insert: "Supplemental Nursing Home Survey and Certification Activities
FY 2021 \$205,580 Federal
All remaining fiscal year 2021 federal budget amendment authority for the supplemental nursing home survey and certification activities is authorized to continue into state fiscal year 2022."

57. Page 10.

Following: line 7

Insert: "Developmental Services Division
Federal Medical Assistance Percentage FY 2021 \$1,119,327 Federal
Health Resources Division
Expanding Early Identification and Access to Perinatal Mental Health
FY 2021 \$93,851 Federal
Federal Medical Assistance Percentage FY 2021 \$2,777,342 Federal
All remaining fiscal year 2021 federal budget amendment authority for expanding early identification and access to perinatal mental health is authorized to continue into state fiscal year 2022."

58. Page 10.

Following: line 8

Insert: "Consolidated Appropriations Act FY 2021 \$840,000 Federal
Enhance Adult Protective Services FY 2021 \$704,100 Federal
Aging Ombudsman Program FY 2021 \$20,000 Federal
All remaining fiscal year 2021 federal budget amendment authority for the enhancement of adult protective services system is authorized to continue into state fiscal year 2022."

59. Page 10, line 12.

Following: "misuse"

Insert: "and for the consolidated appropriations act and to enhance adult protective services and

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for the aging ombudsman program"

60. Page 10.

Following: line 13

Insert: "Sexual Risk Avoidance Education	FY 2021	\$159,264	Federal
Pediatric Mental Health Care Access Program	FY 2021	\$508,329	Federal
Maternal Health Innovation Program	FY 2021	\$2,253,794	Federal

All remaining fiscal year 2021 federal budget amendment authority for the pediatric mental health care access program and for the maternal health innovation program is authorized to continue into state fiscal year 2022.

All remaining fiscal year 2021 federal budget amendment authority for the maternal, infant, and childhood home visiting program and for sexual risk avoidance education is authorized to continue into federal fiscal year 2022."

61. Page 10.

Following: line 15

Insert: "Addictive & Mental Disorders			
Emergency COVID-19 Project	FY 2021	\$2,859,649	Federal
Block Grants for Community Mental Health Services	FY 2021	\$2,531,162	Federal
Substance Abuse Prevention and Treatment Block Grant	FY 2021	\$6,530,972	Federal
Federal Medical Assistance Percentage	FY 2021	\$449,974	Federal

All remaining fiscal year 2021 federal budget amendment authority for the zero suicide initiative and for the partnership for success grant is authorized to continue into state fiscal year 2022.

All remaining fiscal year 2021 federal budget amendment authority for the emergency COVID-19 project and for block grants for community mental health services and for the substance abuse prevention and treatment block grant is authorized to continue into state fiscal year 2023."

And, as amended, be concurred in.

HB 188, be concurred in.

HB 330, be amended as follows:

1. Title, line 9.

Following: "EFFICIENCY"

Insert: "AND A STUDY ON DYNAMIC FISCAL NOTES"

2. Page 2, line 12.

Following: "2021,"

Insert: "in consultation with the speaker of the house,"

3. Page 6.

Following: line 20

Insert: "NEW SECTION. **Section 5. Dynamic fiscal note study.** (1) The legislative finance committee shall direct a study of the use of dynamic fiscal notes in other states and their potential

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use in Montana.

(2) The study will be conducted subject to direction from the legislative finance committee.

(3) The legislative fiscal division will make the report of the study and any recommendations of the legislative finance committee available to the 2023 legislative session."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 357, be amended as follows:

1. Page 1.

Following: line 10

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 15-6-301, MCA, is amended to read:

"15-6-301. Definitions. As used in this part, the following definitions apply:

(1) "Annual verification" means the use of a process to:

(a) verify an applicant's income;

(b) approve, renew, or deny benefits for the current year based upon the applicant's eligibility; and

(c) terminate participation based upon death or loss of status as a qualified veteran or veteran's spouse.

(2) "PCE" means the implicit price deflator (price index) for personal consumption expenditures as published ~~quarterly in the survey of current business~~ in the national income and product accounts by the bureau of economic analysis of the U.S. department of commerce.

(3) "PCE inflation factor" for a tax year means the PCE price index value for ~~April~~ the first quarter of the prior tax year before the tax year divided by the PCE price index value for ~~April~~ the first quarter of 2015.

(4) (a) "Primary residence" is, subject to the provisions of subsection (4)(b), a dwelling:

(i) in which a taxpayer can demonstrate the taxpayer lived for at least 7 months of the year for which benefits are claimed;

(ii) that is the only residence for which property tax assistance is claimed; and

(iii) determined using the indicators provided for in the rules authorized by 15-6-302(2).

(b) A primary residence may include more than one dwelling when the taxpayer's combined residence in the dwellings is at least 7 months of the tax year.

(5) "Qualified veteran" means a veteran:

(a) who was killed while on active duty or died as a result of a service-connected disability; or

(b) if living:

(i) was honorably discharged from active service in any branch of the armed services; and

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs.

(6) "Qualifying income" means:

(a) the federal adjusted gross income excluding capital and income losses of an applicant and the applicant's spouse as calculated on the Montana income tax return for the prior year;

(b) for assistance under 15-6-311, the federal adjusted gross income excluding capital and income losses of an applicant as calculated on the Montana income tax return for the prior tax year;

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or

(c) for an applicant who is not required to file a Montana income tax return, the income determined using available income information.

(7) "Qualifying property" means a primary residence that a qualified applicant owned and occupied for at least 7 months during the tax year.

(8) "Residential real property" means the land and improvements of a taxpayer's primary residence.""

Insert: "**Section 2.** Section 15-6-305, MCA, is amended to read:

"15-6-305. Property tax assistance program -- fixed or limited income. (1) There is a property tax assistance program that provides graduated levels of tax assistance for the purpose of assisting citizens with limited or fixed incomes. To be eligible for the program, applicants must meet the requirements of 15-6-302.

(2) The first \$200,000 in appraisal value of residential real property qualifying for the property tax assistance program is taxed at the rates established by 15-6-134 multiplied by a percentage figure based on the applicant's qualifying income determined from the following table:

Income	Income	Percentage	
	Single Person	Married Couple	Multiplier
		Head of Household	
\$0 - \$8,413	\$0 - \$11,217	20%	
\$8,414 - \$12,900	\$11,218 - \$19,630	50%	
\$12,901 - \$21,032	\$19,631 - \$28,043	70%	

(3) The qualifying income levels contained in subsection (2) must be adjusted annually using the PCE inflation factor defined in 15-6-301, rounded to the nearest whole dollar amount. If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year."

Insert: "**Section 3.** Section 15-6-311, MCA, is amended to read:

"15-6-311. Disabled veteran program. (1) The residential real property of a qualified veteran or a qualified veteran's spouse is eligible to receive a tax rate reduction as provided in 15-6-302 and this section.

(2) Property qualifying under subsection (1) and owned by a qualified veteran is taxed at the rate provided in 15-6-134 multiplied by a percentage figure based on the applicant's qualifying income determined from the following table:

Income	Income	Percentage	
	Single Person	Married Couple	Multiplier
		Head of Household	
\$0 - \$37,404	\$0 - \$44,885	0%	

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\$37,405 - \$41,145	\$44,886 - \$48,626	20%
\$41,146 - \$44,885	\$48,627 - \$52,366	30%
\$44,886 - \$48,626	\$52,367 - \$56,107	50%

(3) For a surviving spouse who owns property qualifying under subsection (4), the property is taxed at the rate established by 15-6-134 multiplied by a percentage figure based on the spouse's qualifying income determined from the following table:

Income	Percentage
Surviving Spouse	Multiplier
\$0 - \$31,170	0%
\$31,171 - \$34,911	20%
\$34,912 - \$38,651	30%
\$38,652 - \$42,392	50%

(4) The property tax exemption under this section remains in effect as long as the qualifying income requirements are met and the property is the primary residence owned and occupied by the veteran or, if the veteran is deceased, by the veteran's spouse and the spouse:

- (a) is the owner and occupant of the house;
- (b) is unmarried; and
- (c) has obtained from the U.S. department of veterans affairs a letter indicating that the veteran was rated 100% disabled or was paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability at the time of death or that the veteran died while on active duty or as a result of a service-connected disability.

(5) The qualifying income levels contained in subsections (2) and (3) must be adjusted annually by using the PCE inflation factor defined in 15-6-301, rounded to the nearest whole dollar amount. If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year."

Insert: "**NEW SECTION. Section 4.** {standard} **Effective date.** [This act] is effective on passage and approval."

Insert: "**NEW SECTION. Section 5. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2020."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):
HB 703, be amended as follows:

4/20/2021

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1. Page 1, line 25.

Following: "**purpose**"

Insert: "-- **exceptions**"

2. Page 1, line 27.

Strike: "must be free from coercion"

Insert: "may not be mandated"

3. Page 2, line 7.

Strike: "card"

Insert: "identification document"

4. Page 2, line 10.

Following: "acquire"

Strike: "common life-sustaining"

5. Page 2, line 11.

Following: the second "to"

Insert: "common life-sustaining goods such as"

6. Page 2, line 16.

Strike: "(2)"

Insert: "(3)"

7. Page 2, line 17.

Following: "individual"

Insert: "who is not an employee"

8. Page 2, line 17.

Strike: "an identification card"

Insert: "a government-issued identification document"

9. Page 2.

Following: line 22

Insert: "(4) A hospital or health care facility as defined in 50-5-101 is not in violation of this section if the hospital or facility requests visitors to provide vaccination status or immunity passport for entrance during a declared emergency based on an outbreak or epidemic of communicable disease and provides an alternative reasonable accommodation for visitors who do not wish to provide their vaccination status or immunity passport."

10. Page 2, line 23.

Strike: "(3)"

Insert: "(5)"

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11. Page 2, line 23.

Following: the first "to"

Insert: ":"

(a)"

12. Page 2, line 24.

Following: "order"

Insert: "; or

(b) a privately or publicly operated long-term care facility providing skilled nursing care as defined in 50-5-101 that has received notification of a deficiency from the centers for medicare and medicaid services for noncompliance with a federal law, regulation, or enforceable guidance that requires the facility to base an operational policy or procedure on a person's vaccination status if the deficiency will result in a federal enforcement action. This exception applies only to the extent specifically required by the federal law, regulation, or enforceable guidance and identified in the notification of the deficiency"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 112**
Report No. 001, April 20, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 112** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 112** (reference copy -- salmon) be amended as follows:

1. Page 4, line 17 through line 19.

Strike: "ON" on line 17 through "ACTION" on line 19

Insert: "21 days after the date the United States secretary of education files a written report with the proper committees of the United States house of representatives and the United States senate as required by 34 CFR 100.8(c)"

For the Senate:

K. Regier, Chair
Bennett
Howard

For the House:

Fuller, Vice Chair
France
A. Regier

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 354**
Report No. 001, April 20, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 354** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 354** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "SIGNAGE;"

Insert: "DEFINING PRESCRIPTIVE EASEMENTS AND PUBLIC ACCESS PRESCRIPTIVE EASEMENTS; PROHIBITING ATTORNEY FEES FOR PLAINTIFFS IN PUBLIC ACCESS PRESCRIPTIVE EASEMENTS;"

2. Page 1, line 12.

Following: "signage."

Insert: "(1)"

3. Page 1, line 13.

Strike: "ensure"

Insert: "notify"

4. Page 1, line 14.

Strike: "understand"

Insert: "of"

5. Page 1.

Following: line 14

Insert: "(2) A public access prescriptive easement may not be asserted if a government agency posts signage for more than 5 years that identifies land beyond the sign as private property."

6. Page 1.

Following: line 15

Insert: "NEW SECTION. Section 2. Prescriptive easements -- declaration -- definitions. (1) Mindful of Article IX, section 7, of the Montana constitution and consistent with 23-2-322(2), the legislature declares that where a dispute exists, the exercise of eminent domain is the preferred constitutional manner in which the recreating public acquires public access easements, rather than confiscation of private property rights in the name of the public by surrogates and nonprofit organizations.

(2) As used in Title 70, unless the context clearly indicates otherwise, the following definitions apply:

(a) "Prescriptive easement" means a right to use the property of another that is acquired by open, exclusive, notorious, hostile, adverse, continuous, and uninterrupted use for a

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period of 5 years. For the purposes of this definition, the interests of a lessee in an alleged servient tenement are the same as those of the lessor of that alleged servient tenement.

(b) "Public access prescriptive easement" means a prescriptive easement based on public use of private land for the purpose of accessing public land for recreational uses, including but not limited to hunting, fishing, hiking, walking, traveling by horseback, bicycle, or motorized vehicle, and other outdoor-related pleasure activities. The term applies to any type of easement based on public use of private land, including easements claimed under section 2477 of Revised Statutes of the United States and section 32-103, Revised Codes of Montana (1947), that was repealed in 1959."

Insert: "NEW SECTION. Section 3. Public access prescriptive easements -- private attorney general doctrine. The private attorney general doctrine, as adopted by the Montana supreme court, does not apply to a cause of action brought by a party alleging a public access prescriptive easement. Plaintiffs who allege a public access prescriptive easement are not entitled to attorney fees."

Renumber: subsequent sections

7. Page 1, line 17 through line 20.

Following: "waters."

Strike: "(1)" on line 17 through "(2)" on line 20

8. Page 1, line 20.

Following: "easement"

Insert: ", as defined in [section 2],"

9. Page 1, line 21.

Strike: "(a)"

Insert: "(1)"

10. Page 1, line 22.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

11. Page 1, line 24.

Following: "or"

Insert: "or"

12. Page 1, line 25.

Strike: "(b)"

Insert: "(2)"

13. Page 1, line 25 through line 26.

Strike: "i" on line 25 through "(j)" on line 26

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14. Page 1, line 26 through page 2, line 14.

Following: "waters" on line 26

Insert: "."

Strike: remainder of line 26 through "property." on page 2, line 14

15. Page 2, line 17.

Following: "in"

Strike: "23-2-312, 23-2-322, and"

16. Page 2, line 20.

Strike: "granted, either by the terms of the grant or by the nature of the enjoyment, to"

Insert: "acquired by"

17. Page 2, line 21.

Following: "purposes"

Insert: ":"

(a)"

18. Page 2, line 22.

Following: "grant"

Insert: "; and

(b) may not be used to grant additional rights and privileges to a successor or assignee unless the successor or assignee is specifically provided for in writing in the grant"

19. Page 2, line 26.

Strike: "Section"

Insert: "Sections"

20. Page 2, line 26.

Following: "1"

Insert: "through 3"

21. Page 2, line 26.

Strike: "is"

Insert: "are"

22. Page 2, line 27.

Strike: "section"

Insert: "sections"

23. Page 2, line 27.

Following: the third "1"

Insert: "through 3"

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For the Senate:

Hinebauch, Chair
Fitzpatrick
McClafferty

For the House:

Usher, Vice Chair
Berglee
Bishop

SELECT COMMITTEE ON MARIJUANA LAW (Ellsworth, Chair):
HB 655, be amended as follows:

4/20/2021

1. Title, line 6 through line 7.

Strike: "REVISING" on line 6 through "MARIJUANA;" on line 7

2. Title, line 12.

Following: "SECTIONS"

Strike: "39-2-209, 39-2-210,"

3. Page 1, line 17 through page 2, line 8.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

4. Page 2, line 20.

Strike: "stated"

Insert: "written"

5. Page 13.

Following: line 16

Insert: "COORDINATION SECTION. **Section 4. Coordination instruction.** If House Bill No. 701 is passed and approved and if it repeals Title 50, chapter 46, part 3, then the reference to "Title 50, chapter 46, part 3" in [section 3 of this act] must be replaced by a reference to [sections 9 through 23 of House Bill No. 701]."

Renumber: subsequent sections

And, as amended, be concurred in.

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MESSAGES FROM THE GOVERNOR

April 21, 2021

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

Dear President Blasdel:

On Tuesday, April 20th, I signed the following bills:

Senate Bill 33 - McNally
Senate Bill 43 - Sands
Senate Bill 49 - Blasdel
Senate Bill 55 - Cohenour
Senate Bill 57 - Pomnichowski
Senate Bill 101 - Smith
Senate Bill 135 - Fitzpatrick
Senate Bill 156 - Bennett

The bills have been delivered to the Secretary of State.

Sincerely,

Greg Gianforte
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/20/2021

SB 134, introduced by J. Small
SB 155, introduced by T. Jacobson
SB 213, introduced by K. Regier
SB 219, introduced by D. Howard
SB 237, introduced by D. Kary
SB 243, introduced by B. Bennett
SB 254, introduced by M. McNally
SB 344, introduced by K. Bogner
SB 365, introduced by K. Regier

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

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4/20/2021

SB 87, introduced by D. Ankney
SB 142, introduced by K. Bogner
SB 149, introduced by T. McGillvray
SB 183, introduced by G. Hertz
SB 220, introduced by J. Cohenour
SB 224, introduced by S. Fitzpatrick
SB 231, introduced by M. Blasdel
SB 272, introduced by G. Vance
SB 284, introduced by R. Tempel
SB 316, introduced by S. Fitzpatrick
SB 357, introduced by J. Gross

HB 276 - The House failed to concur in Senate amendments to **HB 276**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 276**:

4/20/2021

Representative Lenz, Vice Chair
Representative Caferro
Representative Gillette

HB 502 - The House failed to concur in Senate amendments to **HB 502**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 502**:

4/20/2021

Representative Sheldon-Galloway, Vice Chair
Representative Bishop
Representative Lenz

HB 525 - The House failed to concur in Senate amendments to **HB 525**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 525**:

4/20/2021

Representative Buttrey, Vice Chair
Representative Galt
Representative Sullivan

SB 306 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 306**:

4/20/2021

Representative C. Knudsen, Vice Chair
Representative Farris-Olsen
Representative Phalen

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Senate bills not concurred in and returned to the Senate:

4/20/2021

SB 29, introduced by Gillespie

SB 332, introduced by T. Manzella

FIRST READING AND COMMITMENT OF BILLS

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

SJ 33, introduced by C. Pope, referred to Energy and Telecommunications.

SJ 34, introduced by S. O'Brien, referred to Judiciary.

**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 Esp in the chair.

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

SB 319 - Majority Leader Smith moved consideration of **SB 319** be passed for the day. Without objection, so ordered.

HB 367- Majority Leader Smith moved consideration of **HB 367** be passed for the day. Without objection, so ordered.

SR 93 - Senator Hinebauch moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 93**. 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: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 99 - Senator Hinebauch moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 99**. Motion carried as follows:

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

Total 48

Nays: Flowers, Pomnichowski.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 647 - Senator Hertz moved **HB 647** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, O'Brien, Osmundson, Regier K, Smith C, Sweeney, Tempel, Vance, Mr. President.

Total 31

Nays: Ankney, Boldman, Cohenour, Ellis, Fox, Hoven, Jacobson, Lynch, McClafferty, Molnar, Morigeau, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Webber, Welborn.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 247 - Senator Sands moved **HB 247** 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, 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: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 464 - Senator McGillvray moved **HB 464** be concurred in.

HB 464 - Senator O'Brien moved **HB 464**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "AN"

Insert: "A DELAYED"

2. Page 1, line 18.

Strike: "2021"

Insert: "2022"

Amendment **not** adopted as follows:

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

Total 20

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, Small, Smith C, Tempel, Vance, Mr. President.

Total 29

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 464 - Thereupon, the Senate reverted to the original motion of Senator McGillvray which passed as follows:

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

Total 33

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

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 26 - Senator Sands moved **SJ 26** do pass. Motion carried as follows:

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

Total 41

Nays: Esp, Glimm, Hinebauch, Howard, Keenan, Lang, Osmundson, Tempel, Vance.

Total 9

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SJ 28 - President Blasdel moved **SJ 28** do pass. Motion carried as follows:

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

Total 43

Nays: Hoven, Lang, Molnar, Small, Tempel, Vance, Webber.

Total 7

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 624 - Senator Sales moved **HB 624** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.

Total 31

Nays: Brown, Ellsworth, Esp, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 704 - Senator Bogner moved **HB 704** be concurred in. Motion carried as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 37

Nays: Esp, Friedel, Glimm, Hinebauch, Howard, Keenan, Lang, McGillvray, O'Brien, Osmundson, Sales, Smith C, Tempel.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 39 - Conference Committee Report No. 1 - Senator K. Regier moved the Conference Committee report to **SB 39** be adopted. 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 641 - Senator Brown moved **HB 641** 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, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

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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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 665 - Senator Hinebauch moved **HB 665** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Cohenour, Flowers, Fox, Gross, O'Brien, Pomnichowski, Pope.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 696 - Senator K. Regier moved **HB 696** 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, 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.

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Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 522 - Senator Fox moved **HB 522** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.

Total 39

Nays: Esp, Hinebauch, Howard, Keenan, Manzella, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.

Total 11

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 689 - Senator Fitzpatrick moved **HB 689** be concurred in. 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, Tempel, Vance, Welborn, Mr. President.

Total 31

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: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 235 - Senator Salomon moved **HB 235** be concurred in. Motion carried as follows:

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

Total 26

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

Total 24

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 184 - House Amendments - President Blasdel moved House amendments to **SB 184** be concurred in. Motion carried as follows:

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

Total 33

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

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 278 - House Amendments - Senator Hertz moved House amendments to **SB 278** be not 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, 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 287 - House Amendments - Senator Sales moved House amendments to **SB 287** 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, 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 367 - House Amendments - Senator Morigeau moved House amendments to **SB 367** be concurred in. 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, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Howard, Smith C, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 - House Amendments - Senator Ellis moved House amendments to **SB 40** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 40

Nays: Brown, Esp, Hinebauch, Howard, Lang, Manzella, McGillvray, Regier K, Smith C, Vance.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - House Amendments - Senator Kary moved House amendments to **SB 108** be concurred in. 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,

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Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 - House Amendments - Senator Fitzpatrick moved House amendments to **SB 363** 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, 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 16 - House Amendments - Senator Hinebauch moved House amendments to **SJ 16** be concurred in. 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, 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 - House Amendments - Senator Blasdel moved House amendments to **SB 231** be **not** 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, 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Chair Esp moved the Committee of the Whole report be adopted. Report adopted 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, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

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Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):
HB 663, be amended as follows:

4/21/2021

1. Page 2, line 21.

Strike: "The"

Insert: "For fiscal year 2024 and subsequent fiscal years, the"

2. Page 2, line 22.

Following: "(5)(a)"

Strike: "for fiscal years 2024 and subsequent fiscal years"

3. Page 2.

Following: line 22

Insert: "(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least \$1 million more than the revenue transferred in the fiscal year 2 years prior, then:"

4. Page 2, line 23.

Strike: "(j)"

Insert: "(A)"

5. Page 2, line 23.

Strike: "divide 25% of the"

Insert: "multiply the amount of increased"

6. Page 2, line 24.

Following: "year"

Insert: "above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product"

Following: "\$500,000"

Insert: ", "

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7. Page 2, line 25.

Strike: "(ii)"

Insert: "(B)"

8. Page 2, line 25.

Strike: "in this subsection (5)(a)"

Insert: "for the prior fiscal year"

9. Page 2, line 25.

Following: "(5)(a)(i)"

Insert: "(A) as a percentage point increase;

(ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than \$1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to the multiplier used for the prior fiscal year; and

(iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031"

10. Page 4, line 7.

Following: "(5) (a)"

Insert: "Except as provided in subsection (6),"

11. Page 4, line 12.

Strike: "The"

Insert: "For fiscal year 2024 and subsequent fiscal years, the"

12. Page 4, line 13 through line 14.

Strike: "for" on line 13 through "years" on line 14

13. Page 4.

Following: line 14

Insert: "(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least \$1 million more than the revenue transferred in the fiscal year 2 years prior, then:"

14. Page 4, line 14.

Strike: "(i) divide 25% of the"

Insert: "(A) multiply the amount of increased"

15. Page 4, line 16.

Following: "year"

Insert: "above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product"

Following: "\$500,000"

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Insert: ",,"

16. Page 4, line 17.

Strike: "(ii) increase the multiplier in this subsection (5)(a) by"

Insert: "(B) add"

17. Page 4, line 17.

Following: "(5)(a)(i)"

Insert: "(A) as a percentage point increase to:

- (I) if the prior year was not affected by a contingency under subsection (6), the multiplier used for the prior fiscal year; or
- (II) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6);
- (ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than \$1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to:
 - (A) if the prior year was not affected by a contingency under subsection (6), the multiplier used for the prior fiscal year; or
 - (B) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6); and
- (iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031"

18. Page 4.

Following: line 22

Insert: "(6) The guaranteed tax base multiplier under subsection (5)(a) must be reduced by 2 percentage points following certification by the budget director of a contingency pursuant to [House Bill No. 303]:

- (a) for fiscal year 2023 if the certification is made during calendar year 2021;
- (b) for fiscal year 2024 if the certification is made during calendar year 2022;
- (c) for fiscal year 2025 if the certification is made during calendar year 2023; and
- (d) for fiscal year 2026 if the certification is made during calendar year 2024."

And, as amended, be concurred in.

HB 671, be amended as follows:

1. Title, line 5.

Following: "MATTERS;"

Insert: "REQUIRING THE OFFICE OF PUBLIC INSTRUCTION AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO COLLABORATE IN SUPPORTING SCHOOL DISTRICTS IN SEEKING REIMBURSEMENT FOR SCHOOL-BASED ELIGIBLE SERVICES UNDER MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM;"

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2. Page 1, line 20.

Following: "preservation;"

Strike: "and"

3. Page 1, line 21.

Following: "academy"

Insert: "; and

(c) funding for K-12 enrollment increases"

4. Page 2.

Following: line 4

Insert: "NEW SECTION. **Section 2. Funding for school-based medical services -- duties of office of public instruction and department of public health and human services -- school-based services account.** (1) The legislature intends that the office of public instruction and department of public health and human services collaborate to facilitate school districts in securing federal reimbursements when a district provides services eligible for reimbursement under medicaid or the children's health insurance program. The legislature further intends that this collaboration minimizes to the greatest extent possible the administrative burden on school districts.

(2) The department of public health and human services shall provide necessary facilitation and technical support to the office of public instruction regarding school-based mental health services and other school-based services that may be eligible for reimbursement under medicaid or the children's health insurance program. The technical support must include:

(a) training to explain the requirements to be eligible for reimbursement under medicaid or the children's health insurance program;

(b) the establishment of provider rates for relevant services that will permit successful service delivery while adhering to the standards of the centers for medicare and medicaid services;

(c) coordination with the centers for medicare and medicaid services to ensure federal reimbursement for eligible services; and

(d) any other facilitation or support required in order to offer successful delivery of school-based mental health services and other school-based services that may be eligible for reimbursement under medicaid or the children's health insurance program while adhering to the standards of the centers for medicare and medicaid services.

(3) The office of public instruction shall provide necessary facilitation and technical support to school districts to secure reimbursement under medicaid or the children's health insurance program for school-based services, including but not limited to school mental health services. The technical support must include:

(a) training to explain the requirements to be eligible for reimbursement under medicaid or the children's health insurance program;

(b) accounting guidance and necessary support to enable districts to track the costs associated with services eligible for reimbursement under medicaid or the children's health insurance program, including any documentation required by the department of public health and human services for audit purposes; and

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(c) collaboration with the department of public health and human services in communicating with school districts.

(4) There is school-based services account in the state special revenue fund provided for in 17-2-102. The account may be used by the office of public instruction in coordination with the department of public health and human services to:

(a) receive necessary matching funds from school districts seeking reimbursement under medicaid or the children's health insurance program for school-based services; and

(b) fulfill financial requirements of the centers for medicare and medicaid services for reimbursement."

Renumber: subsequent sections

5. Page 4.

Following: line 17

Insert: "NEW SECTION. Section 6. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 20, chapter 9, part 2, and the provisions of Title 20, chapter 9, part 2, apply to [section 2]."

Renumber: subsequent sections

6. Page 4, line 19.

Strike: "4"

Insert: "5"

And, as amended, be concurred in.

HB 678, be amended as follows:

1. Title, line 8.

Following: "DONATIONS;"

Insert: "REVISING DISTRIBUTIONS OF LODGING FACILITY USE TAX PROCEEDS;"

Following: "10-3-801,"

Insert: "15-65-112,"

2. Page 7.

Following: line 25

Insert: "**Section 4.** Section 15-65-121, MCA, is amended to read:

"**15-65-121. Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through ~~(2)(h)~~ (2)(i) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was

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paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. ~~The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.~~

- (2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:
- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
 - (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
 - (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
 - (d) 1.4% to the invasive species state special revenue account established in 80-7-1004;
 - (e) ~~63%~~ 60.3% to be used directly by the department of commerce;
 - (f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and
(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;
 - (g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; ~~and~~
 - (h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; ~~and~~
 - (i) 2.7% to Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of funds received pursuant to this subsection (2)(i) to the legislative finance committee on a semiannual basis, in accordance with 5-11-210.
- (3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

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- (4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.
- (5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.
- (6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), and to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h), and to the Montana heritage preservation and development account pursuant to subsection (2)(i) are subject to appropriation by the legislature. ""

Renumber: subsequent sections

3. Page 11, line 12.
Following: "SECTION"
Strike: "4"
Insert: "5"

4. Page 11.
Following: line 22
Insert: "NEW SECTION. Section 9. Termination. [Section 4] terminates June 30, 2027."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 178**
Report No. 001, April 21, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 178** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 178** (reference copy -- salmon) be amended as follows:

1. Title, line 6.
Following: line 5
Insert: "AMENDING SECTION 6, CHAPTER 462, LAWS OF 2009;"

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2. Page 3.

Following: line 13

Insert: "**Section 2.** Section 6, Chapter 462, Laws of 2019, is amended to read:

"**Section 6. Termination.** [~~This act Section 2~~] terminates June 30, 2023."

Renumber: subsequent sections

For the Senate:

Kary, Chair
Bennett
Cuffe

For the House:

Bedey, Vice Chair
Bertoglio
Running Wolf

MOTIONS

Majority Leader Smith moved that **HB 235**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 522**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 704**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 191** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 278** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Boland and Fitzpatrick.

Majority Leader Smith moved the Senate appoint a Conference Committee on **SB 40** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Welborn, Chair, and Senators Cuffe and Ellis.

Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 231** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed President Blasdel, Chair, and Senators Boldman and Fitzpatrick.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 276**. Without objection, so ordered. President Blasdel appointed Senator McGillvray, Chair, and Senators Glimm and Gross.

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Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 525**. Without objection, so ordered. President Blasdel appointed Senator Fitzpatrick, Chair, and Senators Jacobson and Small.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 502**. Without objection, so ordered. President Blasdel appointed Senator Howard, Chair, and Senators Gross and McGillvray.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, April 22, 2021, the seventy-fifth legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate