

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

Helena, Montana
April 26, 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):

4/26/2021

Correctly engrossed: **HB 191, HB 660.**

Correctly enrolled: **SB 249.**

Examined by the sponsor and found to be correct: **SB 233, SB 249.**

Transmitted to the House: **HB 235, HB 522, HB 637, HB 681, HB 704.**

Signed by the President at 8:30 a.m., April 26, 2021: **SB 98.**

Signed by the Speaker at 9:40 a.m., April 26, 2021: **SB 98.**

Delivered to the Secretary of State at 10:00 a.m., April 26, 2021: **SJ 6, SJ 7, SJ 10, SJ 11, SJ 17.**

Delivered to the Governor for signature at 9:57 a.m., April 26, 2021: **SB 98.**

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Carlie Carman from Billings, Montana, sponsored by Senator Kary
Isaac Nehring from Helena, Montana, sponsored by Senator Bennett
Nayana Sah from Billings, Montana, sponsored by Senator McNally

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair):

4/26/2021

SJ 33, do pass.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 354**
Report No. 003, April 26, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 354** (reference copy --

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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 7 through line 8.

Strike: "SECTIONS" on line 7 through "AND" on line 8

Insert: "SECTION"

2. Page 1, line 16 through page 2, line 14.

Strike: section 2 in its entirety

Renumber: subsequent sections

For the Senate:

Hinebauch, Chair
Fitzpatrick
McClafferty

For the House:

Usher, Vice Chair
Berglee
Bishop

MESSAGES FROM THE OTHER HOUSE

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

4/23/2021

SB 51, introduced by J. Ellsworth

SB 212, introduced by R. Osmundson

Senate amendments to House bills concurred in:

4/23/2021

HB 92, introduced by K. Kelker

HB 358, introduced by B. Mercer

HB 365, introduced by J. Trebas

HB 444, introduced by E. Buttrey

HB 462, introduced by M. Stromswold

HB 501, introduced by J. Trebas

HB 559, introduced by B. Mercer

Conference Committee Report adopted:

4/23/2021

SB 39, introduced by K. Regier

HB 20, introduced by B. Beard

HB 112, introduced by J. Fuller

Free Conference Committee Report adopted:

4/23/2021

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

SB 300, introduced by C. Glimm

HB 5 - The House failed to concur in Senate amendments to **HB 5**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 5**:

4/23/2021

Representative Jones, Vice Chair
Representative Hamilton
Representative Hopkins

HB 506 - The House failed to concur in Senate amendments to **HB 506**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 506**:

4/23/2021

Representative Fielder, Vice Chair
Representative R. Knudsen
Representative Running Wolf

HB 640 - The House failed to concur in Senate amendments to **HB 640**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 640**:

4/23/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative Tschida

Senate bill concurred in and returned to the Senate:

4/26/2021

SB 384, introduced by J. Esp

Senate joint resolution concurred in and returned to the Senate:

4/26/2021

SJ 14, introduced by W. Sales

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

4/26/2021

SB 159, introduced by G. Hertz
SB 385, introduced by G. Hertz
SB 399, introduced by G. Hertz
SB 400, introduced by T. Manzella
SB 402, introduced by C. Smith
SB 403, introduced by B. Keenan

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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

4/26/2021

SB 303, introduced by T. McGillvray

This amended bill is being returned after the deadline for General Bills. Joint Rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

Senate amendments to House bills concurred in:

4/26/2021

HB 115, introduced by B. Mercer

HB 221, introduced by A. Buckley

HB 257, introduced by J. Hinkle

HB 267, introduced by N. Duram

HB 277, introduced by B. Mercer

HB 318, introduced by K. Holmlund

HB 382, introduced by W. Curdy

HB 430, introduced by K. Whitman

HB 439, introduced by S. Galloway

HB 447, introduced by B. Mercer

HB 481, introduced by S. Gunderson

HB 495, introduced by M. Caferro

HB 497, introduced by B. Mercer

HB 498, introduced by S. Gunderson

HB 504, introduced by C. Knudsen

HB 527, introduced by F. Nave

HB 537, introduced by B. Mercer

HB 541, introduced by S. Galloway

HB 553, introduced by J. Patelis

HB 554, introduced by J. Kassmier

HB 572, introduced by D. Skees

HB 576, introduced by J. Schillinger

HB 599, introduced by S. Gunderson

HB 614, introduced by M. Caferro

HB 630, introduced by D. Bedey

HB 688, introduced by J. Kassmier

Senate amendments to House joint resolution concurred in:

4/26/2021

HJ 16, introduced by N. Duram

House joint resolutions passed and transmitted to the Senate for concurrence:

4/26/2021

HJ 31, introduced by F. Fleming

HJ 34, introduced by B. Usher

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

HJ 40, introduced by B. Mercer

HJ 43, introduced by B. Mercer

Conference Committee Report adopted:

4/26/2021

SB 306, introduced by M. Lang

HB 178, introduced by D. Bedey

HB 689 - The House failed to concur in Senate amendments to **HB 689** and authorized the Speaker to appoint the following Conference Committee and requests the Senate appoint a like committee to confer on Senate amendments to **HB 689**:

4/26/2021

Representative Dooling, Vice Chair

Representative Hayman

Representative McKamey

SB 316 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 316**:

4/26/2021

Representative Buttrey, Vice Chair

Representative Farris-Olsen

Representative Stromswold

SB 319 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 319**:

4/26/2021

Representative C. Knudsen, Vice Chair

Representative Binkley

Representative Kortum

FIRST READING AND COMMITMENT OF BILLS

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

HJ 31, introduced by F. Fleming, referred to Judiciary.

HJ 34, introduced by B. Usher, D. Skees, D. Lenz, S. Berglee, J. Hinkle, K. Kelker, E. Kerr-Carpenter, B. Ler, B. Phalen, J. Carlson, A. Regier, M. Stromswold, A. Buckley, J. Gillette, D. Hawk, referred to Judiciary.

HJ 40, introduced by B. Mercer, B. Tschida, K. Seekins-Crowe, referred to Judiciary.

HJ 43, introduced by B. Mercer, referred to Judiciary.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

THIRD READING OF BILLS

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

HB 235 concurred in 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, Tempel, Webber, Welborn.
Total 27

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 522 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 41

Nays: Ellsworth, Esp, Hinebauch, Hoven, Howard, Keenan, Manzella, Regier K, Mr. President.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 concurred in as follows:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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.

Total 0

Absent or not voting: None.

Total 0

HB 681 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, 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, Webber, Welborn, Mr. President.

Total 48

Nays: Esp, Vance.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 704 concurred in 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, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Total 41

Nays: Esp, Hinebauch, Howard, Keenan, Lang, McGillvray, O'Brien, Smith C, Tempel.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**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:

SR 47 - Senator Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 47**. 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 695 - Majority Leader Smith moved consideration of **HB 695** be passed for the day. Without objection, so ordered.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

SB 51 - House Amendments - Senator Ellsworth moved House amendments to **SB 51** be **not** concurred in. Motion carried as follows:

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

Total 34

Nays: Bennett, Boland, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 16

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 1 - House Amendments - Majority Leader Smith moved House amendments to **SJ 1** 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 173 - House Amendments - Senator Howard moved House amendments to **SB 173** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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.
Total 0

Absent or not voting: None.
Total 0

SB 320 - House Amendments - Senator Boldman moved House amendments to **SB 320** be concurred in. Motion carried as follows:

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

Nays: Cuffe, Esp, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, O'Brien, Osmundson, Regier K, Smith C, Tempel.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395 - House Amendments - Senator Hertz moved House amendments to **SB 395** 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,

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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 212 - House Amendments - Senator Osmundson moved House amendments to **SB 212** 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 116 - House Amendments - Senator Ankney moved House amendments to **SB 116** 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, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 165 - House Amendments - Senator Glimm moved House amendments to **SB 165** be concurred in. Motion carried as follows:

Yeas: 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, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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, Bennett, Bogner, Boldman, Brown, 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, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Total 46

Nays: Boland, Cohenour, Pomnichowski, Webber.

Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 230**
Report No. 001, April 26, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 230** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 230** (reference copy -- salmon) be amended as follows:

1. Title, line 21.

Following: "AN"

Strike: "IMMEDIATE"

2. Page 13, line 9.

Strike: "on passage and approval"

Insert: "July 1, 2021"

For the Senate:

Howard, Chair
K. Regier
Sands

For the House:

A. Regier, Vice Chair
Funk
Whitman

MOTIONS

SB 51 - Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SB 51** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Ellsworth, Chair, and Senators Hertz and Jacobson.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

SJ 1 - Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SJ 1** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Smith, Chair, and Senators Bennett and Fitzpatrick.

Senator McGillvray moved to change both his second and third reading votes on **HB 693** from Yes to No. Without objection, so ordered.

Senator Molnar moved that his second and third reading votes on **HB 701**, if not already No, be changed to No. Without objection, so ordered.

FINANCE AND CLAIMS (Osmundson, Chair):

4/26/2021

HB 72, be concurred in.

HB 303, be amended as follows:

1. Title, line 10 through line 11.

Strike: "AN" on line 10 through "DATE" on line 11

Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

2. Page 4, line 22.

Strike: "15-1-123(6)"

Insert: "15-1-123(5)"

3. Page 6, line 16 through line 17.

Strike: "15-" on line 16 through "1-123(6)" on line 17

Insert: "15-1-123(5)"

4. Page 8, line 12.

Following: "provided"

Insert: "for"

5. Page 8, line 15.

Following: "15-6-138"

Strike: "(4)"

6. Page 8, line 15 through line 16.

Strike: "section" on line 15 through "2015," on line 16

Insert: "[this act]"

7. Page 8, line 16.

Following: "and"

Insert: "the property tax revenue that would have been collected under 15-6-138 if it had not been amended by"

8. Page 8, line 18.

Following: "(1)."

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Insert: "The department shall lower the reimbursement to compensate for an increase in property tax collections based on [section 14] during any tax year in which an increase in value occurs by the termination of an exemption due to the American Rescue Plan Act, Public Law 117-2, and [section 14]."

9. Page 9, line 9.

Strike: "(7)"

Insert: "(6)"

10. Page 9.

Following: line 11

Insert: "**Section 3.** Section 15-1-123, MCA, is amended to read:

"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations. (1) ~~For~~ Except as provided in subsection (2), for the tax rate reductions

in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference plus the amount calculated in subsection (2) is the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109.

(2) For the increased exemption amount in 15-6-138(4) provided for in [this act], the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections that would have been collected under 15-6-138 as amended by [this act] and the property tax revenue that would have been collected under 15-6-138 if it had not been amended by [this act]. The difference calculated in this subsection is added to the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109 calculated in subsection (1).

(3) The growth rate applied to the reimbursements is:

(a) for the reimbursement calculated pursuant to subsection (1), one-half of the average rate of inflation for the prior 3 years; and

(b) for the reimbursement calculated pursuant to subsection (2), 0%.

(2)(4) The department shall distribute the reimbursements calculated in ~~subsection~~ subsections (1) and (2) to local governments with the entitlement share payments under 15-1-121(7).

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

~~The growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.~~

~~(3)~~(5) The amount determined under ~~subsection~~ subsections (1) and (2) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.

~~(4)~~(6) (a) The amount determined under ~~subsection~~ subsections (1) and (2) for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-109.

(b) The department of administration shall transfer the amount determined under this subsection ~~(4)~~ (6) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-109."

Renumber: subsequent sections

11. Page 11, line 2.

Strike: "\$200,000"

Insert: "\$300,000"

12. Page 11.

Following: line 25

Insert: "**Section 5.** Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
 - (h) x-ray and medical and dental equipment;
 - (i) citizens band radios and mobile telephones;
 - (j) radio and television broadcasting and transmitting equipment;
 - (k) cable television systems;
 - (l) coal and ore haulers;
 - (m) theater projectors and sound equipment; and
 - (n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.
- (2) As used in this section, the following definitions apply:
- (a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
 - (b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
 - (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
- (3) Except as provided in 15-24-1402, class eight property is taxed at:
- (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
 - (b) for all taxable market value in excess of \$6 million, 3%.
- (4) The first ~~\$100,000~~ \$300,000 of market value of class eight property of a person or business entity is exempt from taxation.
- (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.""

Insert: "**Section 6.** Section 15-6-138, MCA, is amended to read:

- "15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:
- (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
 - (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;
 - (c) for oil and gas production, all:
 - (i) machinery;
 - (ii) fixtures;
 - (iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;
- (iv) tools that are not exempt under 15-6-219; and
 - (v) supplies except those included in class five;
 - (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;
 - (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);
 - (f) special mobile equipment as defined in 61-1-101;
 - (g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
 - (h) x-ray and medical and dental equipment;
 - (i) citizens band radios and mobile telephones;
 - (j) radio and television broadcasting and transmitting equipment;
 - (k) cable television systems;
 - (l) coal and ore haulers;
 - (m) theater projectors and sound equipment; and
 - (n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.
- (2) As used in this section, the following definitions apply:
- (a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
 - (b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
 - (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
- (3) Except as provided in 15-24-1402, class eight property is taxed at:
- (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
 - (b) for all taxable market value in excess of \$6 million, 3%.
- (4) The first ~~\$100,000~~ \$300,000 of market value of class eight property of a person or business entity is exempt from taxation.
- (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold."''

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Insert: "**Section 7.** Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

- (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
 - (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;
 - (c) for oil and gas production, all:
 - (i) machinery;
 - (ii) fixtures;
 - (iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;
 - (iv) tools that are not exempt under 15-6-219; and
 - (v) supplies except those included in class five;
 - (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;
 - (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);
 - (f) special mobile equipment as defined in 61-1-101;
 - (g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
 - (h) x-ray and medical and dental equipment;
 - (i) citizens band radios and mobile telephones;
 - (j) radio and television broadcasting and transmitting equipment;
 - (k) cable television systems;
 - (l) coal and ore haulers;
 - (m) theater projectors and sound equipment; and
 - (n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.
- (2) As used in this section, the following definitions apply:
- (a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
 - (b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
 - (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
- (3) Except as provided in 15-24-1402, class eight property is taxed at:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
- (b) for all taxable market value in excess of \$6 million, 3%.
- (4) The first ~~\$100,000~~ \$300,000 of market value of class eight property of a person or business entity is exempt from taxation.
- (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold."

Insert: "**Section 8.** Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

- (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
- (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;
- (c) for oil and gas production, all:
 - (i) machinery;
 - (ii) fixtures;
 - (iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;
 - (iv) tools that are not exempt under 15-6-219; and
 - (v) supplies except those included in class five;
- (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;
- (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);
- (f) special mobile equipment as defined in 61-1-101;
- (g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
- (h) x-ray and medical and dental equipment;
- (i) citizens band radios and mobile telephones;
- (j) radio and television broadcasting and transmitting equipment;
- (k) cable television systems;
- (l) coal and ore haulers;
- (m) theater projectors and sound equipment; and
- (n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (2) As used in this section, the following definitions apply:
- (a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
 - (b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
 - (c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
- (3) Except as provided in 15-24-1402, class eight property is taxed at:
- (a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
 - (b) for all taxable market value in excess of \$6 million, 3%.
- (4) The first ~~\$100,000~~ \$300,000 of market value of class eight property of a person or business entity is exempt from taxation.
- (5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold."

Insert: "**Section 9.** Section 15-10-420, MCA, is amended to read:

- "15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.
- (b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.
 - (c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by 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.
- (2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (3) (a) For purposes of this section, newly taxable property includes:
- (i) annexation of real property and improvements into a taxing unit;
 - (ii) construction, expansion, or remodeling of improvements;
 - (iii) transfer of property into a taxing unit;
 - (iv) subdivision of real property; and
 - (v) transfer of property from tax-exempt to taxable status.
- (b) Newly taxable property does not include an increase in value:
- (i) that arises because of an increase in the incremental value within a tax increment financing district; or
 - (ii) caused by the termination of an exemption that occurs due to the American Rescue Plan Act, Public Law 117-2, and [section 14].
- (4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:
- (i) a change in the boundary of a tax increment financing district;
 - (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
 - (iii) the termination of a tax increment financing district.
- (b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.
- (c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.
- (d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).
- (5) Subject to subsection (8), subsection (1)(a) does not apply to:
- (a) school district levies established in Title 20; or
 - (b) a mill levy imposed for a newly created regional resource authority.
- (6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.
- (7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:
- (a) may increase the number of mills to account for a decrease in reimbursements; and
 - (b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).
- (8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.
- (9) (a) The provisions of subsection (1) do not prevent or restrict:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
 - (ii) a levy to repay taxes paid under protest as provided in 15-1-402;
 - (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;
 - (iv) a levy for the support of a study commission under 7-3-184;
 - (v) a levy for the support of a newly established regional resource authority;
 - (vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;
 - (vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;
 - (viii) a levy used to fund the sheriffs' retirement system under 19-7-404(2)(b); or
 - (ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.
- (b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.
- (10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.
- (11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit."

Renumber: subsequent sections

13. Page 13, line 2.

Strike: "234%"

Insert: "236%"

14. Page 13, line 4.

Following: "districts."

Insert: "The 236% multiplier for fiscal year 2023 and each succeeding fiscal year must be reduced to 232% for any fiscal year impacted by the termination of an exemption due to the American Recovery Plan Act, Public Law 117-2, and [section 14]."

15. Page 13.

Following: line 13

Insert: "NEW SECTION. Section 11. {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Insert: "**NEW SECTION. Section 12. Effective dates -- applicability.** (1) Except as provided in subsections (2) through (7), [this act] is effective July 1, 2021.

(2) [Section 3] is effective January 1, 2026.

(3) [Section 4] is effective October 1, 2021, and applies to the tax year beginning after December 31, 2021.

(4) [Section 5] is effective October 1, 2022, and applies to the tax year beginning after December 31, 2022.

(5) [Section 6] is effective October 1, 2023, and applies to the tax year beginning after December 31, 2023.

(6) [Section 7] is effective October 1, 2024, and applies to the tax year beginning after December 31, 2024.

(7) [Section 8] is effective July 1, 2025, and applies to the tax years beginning after December 31, 2025."

Renumber: subsequent sections

16. Page 13, line 14 through line 15.

Strike: section 5 in its entirety

17. Page 13.

Following: line 15

Insert: "**NEW SECTION. Section 13. Termination.** (1) [Section 4] terminates December 31, 2022.

(2) [Section 5] terminates December 31, 2023.

(3) [Section 6] terminates December 31, 2024.

(4) [Section 14] terminates January 1, 2025.

(5) [Sections 2, 7, and 9] terminate December 31, 2025."

Insert: "**NEW SECTION. Section 14. Contingent termination -- legislative intent -- specific findings -- report to the legislative finance committee.** (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

(2) [Section 4] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.

(3) [Section 5] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.

(4) [Section 6] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (5) [Section 7] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
- (6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
- (i) result in a reduction of funds from the American Rescue Plan Act; or
 - (ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
- (b) The budget director shall consider guidance from:
- (i) the federal government about the American Rescue Plan Act;
 - (ii) court decisions about the American Rescue Plan Act;
 - (iii) amendments to the American Rescue Plan Act;
 - (iv) any information provided by the attorney general; and
 - (v) other relevant information about the American Rescue Plan Act.
- (c) If the budget director determines that the implementation of a section of this act may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.
- (7) If the budget director determines that the implementation of a section of this act would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 340, be amended as follows:

1. Title, line 5 through line 8.

Strike: "REVISING" on line 5 through "ACTIVITIES;" on line 8

2. Title, line 8 through line 9.

Strike: "PROVIDING" on line 8 through "AUTHORITY;" on line 9

3. Title, line 9.

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, line 9 through line 10.

Strike: "15-31-1003," on line 9 through "15-31-1009," on line 10

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

5. Title, line 10.

Following: "15-31-1010,"

Strike: "15-31-1011, AND 15-31-1012,"

6. Title, line 11.

Following: the first "DATES"

Insert: ","

Strike: "AND"

7. Title, line 11.

Following: the second "DATES"

Insert: ", AND TERMINATION DATES"

8. Page 1.

Following: line 14

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 15-31-1010, MCA, is amended to read:

"15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~\$10~~ \$12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.""

Insert: "**Section 2.** Section 15-31-1010, MCA, is amended to read:

"15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

- (c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.
- (2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~\$10~~ \$12 million per calendar year.
- (b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).
- (c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.
- (d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed. ""

Insert: "**Section 3.** Section 15-31-1010, MCA, is amended to read:

"15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

- (b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.
- (c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.
- (2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~\$10~~ \$12 million per calendar year.
- (b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).
- (c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.
- (d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed. ""

Insert: "**Section 4.** Section 15-31-1010, MCA, is amended to read:

"15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

- (b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.
- (2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~\$10~~ \$12 million per calendar year.
- (b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).
- (c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.
- (d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed."

Insert: "**Section 5.** Section 15-31-1010, MCA, is amended to read:

"15-31-1010. Limitation of tax credits. (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

- (b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.
- (c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.
- (2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~\$10~~ \$12 million per calendar year.
- (b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).
- (c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.
- (d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed."

Insert: "NEW SECTION. **Section 6.** {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 7. Effective dates -- applicability.** (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.

- (2) [Section 1] is effective January 1, 2022, and applies to the income tax year beginning after December 31, 2021.
- (3) [Section 2] is effective January 1, 2023, and applies to the income tax year beginning after December 31, 2022.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (4) [Section 3] is effective January 1, 2024, and applies to the income tax year beginning after December 31, 2023.
- (5) [Section 4] is effective January 1, 2025, and applies to the income tax year beginning after December 31, 2024.
- (6) [Section 5] is effective July 1, 2025, and applies to income tax years beginning after June 30, 2025."

Insert: "NEW SECTION. Section 8. Termination. (1) [Section 1] terminates December 31, 2022.

- (2) [Section 2] terminates December 31, 2023.
- (3) [Section 3] terminates December 31, 2024.
- (4) [Section 4] terminates December 31, 2025.
- (5) [Section 9] terminates January 1, 2025."

Insert: "NEW SECTION. Section 9. Contingent termination -- legislative intent -- specific findings -- report to legislative finance committee. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

- (2) [Section 1] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.
- (3) [Section 2] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.
- (4) [Section 3] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.
- (5) [Section 4] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
- (6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
 - (i) result in a reduction of funds from the American Rescue Plan Act; or
 - (ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
- (b) The budget director shall consider guidance from:
 - (i) the federal government about the American Rescue Plan Act;
 - (ii) court decisions about the American Rescue Plan Act;
 - (iii) amendments to the American Rescue Plan Act;
 - (iv) any information provided by the attorney general; and
 - (v) other relevant information about the American Rescue Plan Act.
- (c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.

- (7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5"

And, as amended, be concurred in.

HB 629, be concurred in.

HB 651, be concurred in.

HB 661, be amended as follows:

1. Title, line 7.

Strike: "AN EFFECTIVE DATE"

Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

2. Page 2, line 28.

Following: "(15)"

Insert: "(a)"

3. Page 3, line 2.

Following: "barrel of"

Strike: "west Texas intermediate"

Following: "oil"

Insert: "reported and received by the producer for Montana oil marketed"

4. Page 3, line 14.

Following: "(17)"

Insert: "(a)"

Following: "produces"

Insert: "more than 3 barrels a day but fewer than"

5. Page 3, line 15.

Following: "day"

Strike: "or less"

Following: "less."

Insert: "(b)"

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

6. Page 6.

Following: line 6

Insert: "**Section 2.** Section 15-36-303, MCA, is amended to read:

"15-36-303. Definitions. As used in this part, the following definitions apply:

- (1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
- (2) "Department" means the department of revenue provided for in 2-15-1301.
- (3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
- (4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.
- (5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.
- (6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.
- (7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.
- (8) "Horizontally completed well" means:
 - (a) a well with one or more horizontal drain holes; or
 - (b) any other well classified by the board as a horizontally completed well.
- (9) "Incremental production" means:
 - (a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:
 - (i) commencing the recompletion of a well as a horizontally completed well;
 - (ii) expanding the existing enhanced recovery project; or
 - (iii) commencing a new enhanced recovery project; or
 - (b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.
- (10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.
- (11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.
- (12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.
- (13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.

(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(24)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22)~~ (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

~~(b)~~ The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

~~(c)~~ Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).

~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

(i) miscible fluid displacement;

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (ii) steam drive injection;
- (iii) micellar/emulsion flooding;
- (iv) in situ combustion;
- (v) polymer augmented water flooding;
- (vi) cyclic steam injection;
- (vii) alkaline or caustic flooding;
- (viii) carbon dioxide water flooding;
- (ix) immiscible carbon dioxide displacement; and
- (x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells." "

Insert: "**Section 3.** Section 15-36-303, MCA, is amended to read:

"15-36-303. Definitions. As used in this part, the following definitions apply:

- (1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
- (2) "Department" means the department of revenue provided for in 2-15-1301.
- (3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
- (4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.
- (5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.
- (6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.
- (7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.
- (8) "Horizontally completed well" means:
 - (a) a well with one or more horizontal drain holes; or
 - (b) any other well classified by the board as a horizontally completed well.
- (9) "Incremental production" means:
 - (a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:
 - (i) commencing the recompletion of a well as a horizontally completed well;
 - (ii) expanding the existing enhanced recovery project; or
 - (iii) commencing a new enhanced recovery project; or

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.

(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(24)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22)~~ (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

(i) miscible fluid displacement;

(ii) steam drive injection;

(iii) micellar/emulsion flooding;

(iv) in situ combustion;

(v) polymer augmented water flooding;

(vi) cyclic steam injection;

(vii) alkaline or caustic flooding;

(viii) carbon dioxide water flooding;

(ix) immiscible carbon dioxide displacement; and

(x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells.""

Insert: "**Section 4.** Section 15-36-303, MCA, is amended to read:

"15-36-303. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

(2) "Department" means the department of revenue provided for in 2-15-1301.

(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.

(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.

(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) "Horizontally completed well" means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) "Incremental production" means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22)~~ (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

~~the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~

~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~

~~(23)(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection (22)(e) (15)(c).~~

~~(24)(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:~~

~~(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.~~

~~(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.~~

~~(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:~~

~~(i) miscible fluid displacement;~~

~~(ii) steam drive injection;~~

~~(iii) micellar/emulsion flooding;~~

~~(iv) in situ combustion;~~

~~(v) polymer augmented water flooding;~~

~~(vi) cyclic steam injection;~~

~~(vii) alkaline or caustic flooding;~~

~~(viii) carbon dioxide water flooding;~~

~~(ix) immiscible carbon dioxide displacement; and~~

~~(x) any other method approved by the board as a tertiary recovery method.~~

~~(25)(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.~~

~~(26)(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells."~~

Insert: "**Section 5.** Section 15-36-303, MCA, is amended to read:

"15-36-303. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

(2) "Department" means the department of revenue provided for in 2-15-1301.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
- (4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.
- (5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.
- (6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.
- (7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.
- (8) "Horizontally completed well" means:
- (a) a well with one or more horizontal drain holes; or
 - (b) any other well classified by the board as a horizontally completed well.
- (9) "Incremental production" means:
- (a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:
 - (i) commencing the recompletion of a well as a horizontally completed well;
 - (ii) expanding the existing enhanced recovery project; or
 - (iii) commencing a new enhanced recovery project; or
 - (b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.
- (10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.
- (11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.
- (12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.
- (13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.
- (14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.
- (15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.

(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(24)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22)~~ (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than \$30. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

~~(b)~~ The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.

~~(c)~~ Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).

~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

(i) miscible fluid displacement;

(ii) steam drive injection;

(iii) micellar/emulsion flooding;

(iv) in situ combustion;

(v) polymer augmented water flooding;

(vi) cyclic steam injection;

(vii) alkaline or caustic flooding;

(viii) carbon dioxide water flooding;

(ix) immiscible carbon dioxide displacement; and

(x) any other method approved by the board as a tertiary recovery method.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells."

Renumber: subsequent sections

7. Page 7, table following line 4.

Amended table to read:

	"Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) <u>(i) pre-1999 stripper oil production: wells</u>	<u>5% 9.2%</u>	<u>14.8%</u>
<u>(ii) (A) pre-1999 stripper well exemption production</u>	<u>0.5%</u>	<u>14.8%</u>
<u>(B) pre-1999 stripper well bonus production</u>	<u>5%</u>	<u>14.8%</u>
(c) <u>(i) post-1999 stripper wells:</u>		
(i) <u>(A)</u> first 1 through 10 barrels a day production	5.5%	14.8%
(ii) <u>(B)</u> more than 10 barrels a day production	9.0%	14.8%
(e) <u>(ii)</u> (i) <u>(A)</u> post-1999 stripper well exemption production	0.5%	14.8%
(ii) <u>(B)</u> post-1999 stripper well bonus production	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(e) incremental production:

(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%

(f) horizontally recompleted well:

(i) first 18 months	5.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%"

8. Page 8, line 20.

Following: "(5)(b)(ii)"

Insert: "(A)"

9. Page 8, line 23.

Following: "bonus"

Insert: "bonus"

10. Page 9.

Following: line 19

Insert: "**Section 7.** Section 15-36-304, MCA, is amended to read:

"15-36-304. Production tax rates imposed on oil and natural gas -- exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest

(a) (i) first 12 months of qualifying production
0.5%

14.8%

(ii) after 12 months:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(A) pre-1999 wells

14.8%

14.8%

(B) post-1999 wells

9%

14.8%

(b) stripper natural gas pre-1999 wells

11%

14.8%

(c) horizontally completed well production:

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months

9%

14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working

Nonworking

Interest

Interest

(a) primary recovery production:

(i) first 12 months of qualifying production

0.5%

14.8%

(ii) after 12 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

14.8%

(b) (i) pre-1999 stripper oil production: wells

~~5%~~ 9.2%

14.8%

(ii) (A) pre-1999 stripper well exemption production

(B) pre-1999 stripper well bonus production

(c) (i) post-1999 stripper wells:

(i)(A) first 1 through 10 barrels a day production

0.5%

5%

5.5%

14.8%

14.8%

14.8%

(ii)(B) more than 10 barrels a day production

9.0%

14.8%

(c)(ii)(i) (A) post-1999 stripper well exemption production

0.5%

14.8%

(ii)(B) post-1999 stripper well bonus production

6.0%

14.8%

(d) horizontally completed well production:

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(e) incremental production:

(i) new or expanded secondary recovery production

8.5%

14.8%

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(ii) new or expanded tertiary production

5.8%

14.8%

(f) horizontally recompleted well:

(i) first 18 months

5.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined in subsection (6)(e), then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) (i) ~~Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection (5)(e)(i) ~~(5)(b)(ii)(A)~~ only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.

(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.
- ~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
- (7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.
- (8) Any interest in production owned by the state or a local government is exempt from taxation under this section."

Insert: "Section 8. Section 15-36-304, MCA, is amended to read:

"15-36-304. Production tax rates imposed on oil and natural gas -- exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest

(a) (i) first 12 months of qualifying production

0.5%

14.8%

(ii) after 12 months:

(A) pre-1999 wells

14.8%

14.8%

(B) post-1999 wells

9%

14.8%

(b) stripper natural gas pre-1999 wells

11%

14.8%

(c) horizontally completed well production:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months

9%

14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working

Nonworking

Interest

Interest

(a) primary recovery production:

(i) first 12 months of qualifying production

0.5%

14.8%

(ii) after 12 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(b) (i) pre-1999 stripper oil production: wells

~~5%~~ 9.2%

14.8%

(ii) (A) pre-1999 stripper well exemption production

(B) pre-1999 stripper well bonus production

(c) (i) post-1999 stripper wells:

~~(A)~~ (A) first 1 through 10 barrels a day production

0.5%

5%

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

5.5%

14.8%

14.8%

14.8%

(ii)(B) more than 10 barrels a day production

9.0%

14.8%

(c)(ii)(i) (A) post-1999 stripper well exemption production

0.5%

14.8%

(ii)(B) post-1999 stripper well bonus production

6.0%

14.8%

(d) horizontally completed well production:

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(e) incremental production:

(i) new or expanded secondary recovery production

8.5%

14.8%

(ii) new or expanded tertiary production

5.8%

14.8%

(f) horizontally recompleted well:

(i) first 18 months

5.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

12.5%

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

14.8%

(B) post-1999 wells

9%

14.8%

- (6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.
- (b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.
- (ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.
- (c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined in subsection (6)(e), then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.
- (d) (i) ~~Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(i) ~~(5)(b)(ii)(A)~~ only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.
- (e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.
- (ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.
- ~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
- (7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section."

Insert: "Section 9. Section 15-36-304, MCA, is amended to read:

"15-36-304. Production tax rates imposed on oil and natural gas -- exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest

Interest

(a) (i) first 12 months of qualifying production

0.5%

14.8%

(ii) after 12 months:

(A) pre-1999 wells

14.8%

14.8%

(B) post-1999 wells

9%

14.8%

(b) stripper natural gas pre-1999 wells

11%

14.8%

(c) horizontally completed well production:

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months

9%

14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

- (5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest

(a) primary recovery production:

(i) first 12 months of qualifying production

0.5%

14.8%

(ii) after 12 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

~~(b) (i) pre-1999 stripper oil production: wells~~

~~5% 9.2%~~

~~14.8%~~

(ii) (A) pre-1999 stripper well exemption production

(B) pre-1999 stripper well bonus production

(c) (i) post-1999 stripper wells:

~~(i)(A) first 1 through 10 barrels a day production~~

~~0.5%~~

5%

5.5%

14.8%

14.8%

14.8%

~~(ii)(B) more than 10 barrels a day production~~

9.0%

14.8%

~~(c)(ii)(i) (A) post-1999 stripper well exemption production~~

0.5%

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

14.8%

(ii)(B) post-1999 stripper well bonus production

6.0%

14.8%

(d) horizontally completed well production:

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(e) incremental production:

(i) new or expanded secondary recovery production

8.5%

14.8%

(ii) new or expanded tertiary production

5.8%

14.8%

(f) horizontally recompleted well:

(i) first 18 months

5.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.
- (c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined in ~~subsection (6)(e)~~, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.
- (d) ~~(i) Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection ~~(5)(e)(i)~~ (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.
- (e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.
- (ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.
- ~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
- (7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.
- (8) Any interest in production owned by the state or a local government is exempt from taxation under this section."

Insert: "Section 10. Section 15-36-304, MCA, is amended to read:

"15-36-304. Production tax rates imposed on oil and natural gas -- exemption. (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Working
Nonworking

Interest
Interest

(a) (i) first 12 months of qualifying production

0.5%

14.8%

(ii) after 12 months:

(A) pre-1999 wells

14.8%

14.8%

(B) post-1999 wells

9%

14.8%

(b) stripper natural gas pre-1999 wells

11%

14.8%

(c) horizontally completed well production:

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months

9%

14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest

(a) primary recovery production:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

(i) first 12 months of qualifying production

0.5%

14.8%

(ii) after 12 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

~~(b) (i) pre-1999 stripper oil production: wells~~

~~5% 9.2%~~

~~14.8%~~

(ii) (A) pre-1999 stripper well exemption production

(B) pre-1999 stripper well bonus production

(c) (i) post-1999 stripper wells:

~~(i)(A) first 1 through 10 barrels a day production~~

~~0.5%~~

5%

5.5%

14.8%

14.8%

14.8%

~~(ii)(B) more than 10 barrels a day production~~

9.0%

14.8%

~~(c)(ii)(i) (A) post-1999 stripper well exemption production~~

0.5%

14.8%

~~(ii)(B) post-1999 stripper well bonus production~~

6.0%

14.8%

(d) horizontally completed well production:

(i) first 18 months of qualifying production

0.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(e) incremental production:

(i) new or expanded secondary recovery production

8.5%

14.8%

(ii) new or expanded tertiary production

5.8%

14.8%

(f) horizontally recompleted well:

(i) first 18 months

5.5%

14.8%

(ii) after 18 months:

(A) pre-1999 wells

12.5%

14.8%

(B) post-1999 wells

9%

14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price for a barrel of west Texas intermediate crude reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54. If the price of oil is equal to or greater than \$54 a barrel in a calendar quarter as determined in subsection (6)(e), then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) (i) ~~Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

~~(5)(e)(i)~~ (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.

- (e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than \$54 a barrel. If the price of oil is equal to or greater than \$54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.
- (ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.
- ~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
- (7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.
- (8) Any interest in production owned by the state or a local government is exempt from taxation under this section."

Insert: "NEW SECTION. Section 11. {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

11. Page 9, line 20.

Strike: "**date**"

Insert: "**dates -- applicability**"

12. Page 9, line 20.

Following: "**date.**"

Insert: "(1)"

Strike: "[This act]"

Insert: "Except as provided in subsections (2) through (6), [this act]"

13. Page 9, line 20.

Following: "2021."

Insert: "(2) [Sections 1 and 6] are effective January 1, 2022, and apply to the calendar year beginning after December 31, 2021.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (3) [Sections 2 and 7] are effective January 1, 2023, and apply to the calendar year beginning after December 31, 2022.
- (4) [Sections 3 and 8] are effective January 1, 2024, and apply to the income calendar year beginning after December 31, 2023.
- (5) [Sections 4 and 9] are effective January 1, 2025, and apply to the calendar year beginning after December 31, 2024.
- (6) [Sections 5 and 10] are effective January 1, 2026, and apply to calendar years beginning after December 31, 2025."

14. Page 9.

Following: line 20

Insert: "NEW SECTION. Section 13. Termination. (1) [Sections 1 and 6] terminate December 31, 2022.

- (2) [Sections 2 and 7] terminate December 31, 2023.
- (3) [Sections 3 and 8] terminate December 31, 2024.
- (4) [Sections 4 and 9] terminate December 31, 2025.
- (5) [Section 14] terminates January 1, 2025. "

Insert: "NEW SECTION. Section 14. Contingent termination -- legislative intent -- specific findings -- report to legislative finance committee. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

- (2) [Sections 1 and 6] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.
- (3) [Sections 2 and 7] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.
- (4) [Sections 3 and 8] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.
- (5) [Sections 4 and 9] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
- (6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
 - (i) result in a reduction of funds from the American Rescue Plan Act; or
 - (ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
- (b) The budget director shall consider guidance from:
 - (i) the federal government about the American Rescue Plan Act;
 - (ii) court decisions about the American Rescue Plan Act;

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

- (iii) amendments to the American Rescue Plan Act;
- (iv) any information provided by the attorney general; and
- (v) other relevant information about the American Rescue Plan Act.
- (c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.
- (7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 705, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

HB 648 - The House failed to concur in Senate amendments to **HB 648**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 648**:

4/26/2021

Representative Kassmier, Vice Chair
Representative Fitzgerald
Representative Keane

HB 663 - The House failed to concur in Senate amendments to **HB 663**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 663**:

4/26/2021

Representative Ler, Vice Chair
Representative Jones
Representative Novak

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

HB 678 - The House failed to concur in Senate amendments to **HB 678**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 678**:

4/26/2021

Representative Bartel, Vice Chair
Representative Ricci
Representative Stewart Peregoy

HB 693 - The House failed to concur in Senate amendments to **HB 693**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 693**:

4/26/2021

Representative Mercer, Vice Chair
Representative Kerr-Carpenter
Representative Patelis

HB 555 - The House dissolved the Conference Committee on Senate amendments to **HB 555**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 555**:

4/26/2021

Representative M. Regier, Vice Chair
Representative Farris-Olsen
Representative Mercer

**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:

SJ 35 - Senator Friedel moved **SJ 35** 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

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 63 - Conference Committee Report No. 1 - Senator Fitzpatrick moved the Conference Committee report to **HB 63** 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 276 - Conference Committee Report No. 1 - Senator Glimm moved the Conference Committee report to **HB 276** be adopted. Motion carried as follows:

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

Total 43

Nays: Brown, Esp, Glimm, Hinebauch, Keenan, Manzella, Mr. President.

Total 7

Voted absentee: None.

Excused: None.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Total 0

Absent or not voting: None.

Total 0

HB 279 - Senator Salomon moved **HB 279** 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, Smith C, Vance, Mr. President.

Total 28

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

Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 525 - Free Conference Committee Report No. 1 - Senator Fitzpatrick moved the Free Conference Committee report to **HB 525** be adopted. Motion carried as follows:

Yeas: Ankney, Brown, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Kary, Keenan, Manzella, McClafferty, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Tempel, Vance, Welborn, Mr. President.

Total 29

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fox, Gross, Hinebauch, Jacobson, Lang, Lynch, McGillvray, Morigeau, O'Brien, Pomnichowski, Sands, Smith C, Sweeney, Webber.

Total 21

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

HJ 30 - Senator Friedel moved **HJ 30** 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 660 - Senator Osmundson moved **HB 660** 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 191 - Senator Hoven moved **HB 191** 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,

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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

Nays: Tempel.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 686 - Senator Keenan moved **HB 686** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Sales, Small, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Salomon, Sands, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 - Majority Leader Smith moved consideration of **HB 530** be passed to the next second reading agenda this day. Without objection, so ordered.

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:

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, 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 35

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

Total 15

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Ankney, who is term limited, addressed the Senate with remembrances and final remarks.

ANNOUNCEMENTS

Committee meetings and conference committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 4:15 p.m. Without objection, so ordered. Senate recessed at 2:44 p.m.

Senate reconvened at 4:17 p.m., President Blasdel presiding.

**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:

HB 530 - Senator Fitzpatrick moved **HB 530** be concurred in.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

HB 530 - Senator Fitzpatrick moved **HB 530**, second reading copy, be amended as follows:

1. Title, line 14.

Following: "REQUIREMENTS;"

Insert: "DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT ACTIVITIES; PROVIDING PENALTIES;"

2. Page 1, line 20 through line 22.

Strike: "using" on line 20 through "commerce" on line 22

3. Page 2.

Following: line 2

Insert: "NEW SECTION. **Section 2. Direction to secretary of state -- penalty.** (1) On or before July 1, 2022, the secretary of state shall adopt an administrative rule in substantially the following form:

(a) For the purposes of enhancing election security, a person may not provide or offer to provide, and a person may not accept, a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots.

(b) "Person" does not include a government entity, a state agency as defined in 1-2-116, a local government as defined in 2-6-1002, an election administrator, an election judge, a person authorized by an election administrator to prepare or distribute ballots, or a public or private mail service or its employees acting in the course and scope of the mail service's duties to carry and deliver mail.

(2) A person violating the rule adopted by the secretary of state pursuant to subsection (1) is subject to a civil penalty. The civil penalty is a fine of \$100 for each ballot distributed, ordered, requested, collected, or delivered in violation of the rule."

Renumber: subsequent sections

4. Page 2, line 4.

Following: "instruction."

Insert: "(1)"

5. Page 2.

Following: line 5

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 13, and the provisions of Title 13 apply to [section 2]."

6. Page 2.

Following: line 6

Insert: "NEW SECTION. **Section 4. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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, Smith C, Sweeney, 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, Small, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 - As amended, **HB 530** was concurred in 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, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 33 - Senator Pope moved **SJ 33** do pass. Motion carried as follows:

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

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Total 38

Nays: Brown, Ellsworth, Esp, Glimm, Hertz, Hinebauch, Howard, Manzella, Osmundson, Smith C, Vance, Welborn.

Total 12

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 230 - Free Conference Committee Report No. 1 - Senator K. Regier moved the Free Conference Committee report to **HB 230** be adopted. Motion carried as follows:

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

Total 32

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

Total 18

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 402 - House Amendments - Majority Leader Smith moved House amendments to **SB 402** 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

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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

Yeas: Ankney, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 41

Nays: Bennett, Boland, Boldman, Gross, McClafferty, Morigeau, Pomnichowski, Sweeney, Webber.

Total 9

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SB 402** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Smith, Chair, and Senators Esp and Sands.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 693**. Without objection, so ordered. President Blasdel appointed Senator Osmundson, Chair, and Senators Howard and Lynch.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 555**. Without objection, so ordered. President Blasdel appointed Senator Fitzpatrick, Chair, and Senators Friedel and Webber.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 678**. Without objection, so ordered. President Blasdel appointed Senator Osmundson, Chair, and Senators Kary and Lynch.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 648**. Without objection, so ordered. President Blasdel appointed Senator Ankney, Chair, and Senators Lynch and Welborn.

Majority Leader Smith moved that **HB 530**, **SJ 33**, and **HB 230** be added to the final third reading this date. Without objection, so ordered.

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 116, as amended by the House, passed 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.

Total 0

Absent or not voting: None.

Total 0

SB 165, as amended by the House, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173, as amended by the House, passed 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.
Total 0

Absent or not voting: None.
Total 0

SB 212, as amended by the House, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Nays: Gross, McClafferty, Pomnichowski, Sands, Webber.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 320, as amended by the House, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.

Total 36

Nays: Brown, Cuffe, Esp, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, O'Brien, Regier K, Smith C, Tempel.

Total 14

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 395, as amended by the House, 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: None.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 35 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: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 191 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, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Tempel.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

HB 279 concurred in 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, Smith C, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 660 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, 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 686 failed as follows:

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

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Total 23

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

Total 27

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 30 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, 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 63 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, 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.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 276 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.

Total 39

Nays: Bogner, Cuffe, Esp, Glimm, Hertz, Hinebauch, Kary, Manzella, Regier K, Vance, Mr. President.

Total 11

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 525 concurred in as follows:

Yeas: Ankney, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.

Total 39

Nays: Bennett, Bogner, Cuffe, Esp, Jacobson, Keenan, Lang, McGillvray, O'Brien, Smith C, Tempel.

Total 11

Voted absentee: None.

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 72 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, 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 629 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Lynch, Manzella, McNally, Morigeau, O'Brien, Osmundson, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Mr. President.

Total 37

Nays: Bogner, Gross, Hinebauch, Keenan, Lang, McClafferty, McGillvray, Molnar, Pomnichowski, Regier K, Tempel, Webber, Welborn.

Total 13

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

HB 651 concurred in 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, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 705 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Mr. President.
Total 38

Nays: Bogner, Cuffe, Esp, Hinebauch, Howard, Keenan, Lang, McGillvray, O'Brien, Smith C, Tempel, Welborn.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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

SJ 33 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers,
Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty,
McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales,
Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 37

Nays: Brown, Ellsworth, Esp, Glimm, Hertz, Hinebauch, Howard, Keenan, Manzella,
Osmundson, Smith C, Vance, Welborn.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 230 concurred in 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

SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 26, 2021

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 10:00 a.m., Tuesday, April 27, 2021, the seventy-eighth legislative day. Motion carried.

Senate adjourned at 4:52 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate