

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

Helena, Montana
April 27, 2021

Senate Chambers
State Capitol

Senate convened at 10:00 a.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):

4/27/2021

Correctly printed: **SJ 33, SJ 35, SR 47, HB 72, HB 191, HB 279, HB 303, HB 340, HB 397, HB 629, HB 651, HB 660, HB 661, HB 686, HB 705, HJ 30, HJ 31, HJ 34, HJ 36, HJ 40.**

Correctly engrossed: **HB 303, HB 340, HB 530, HB 656, HB 661.**

Correctly enrolled: **SB 213, SB 219, SB 237, SB 287, SB 308, SB 344, SB 363, SB 367, SB 370, SJ 3, SJ 13, SR 96.**

Examined by the sponsor and found to be correct: **SB 213, SB 219, SB 237, SB 287, SB 308, SB 344, SB 367, SB 370, SJ 3, SJ 13.**

Transmitted to the House: **SJ 33, SJ 35, HB 72, HB 191, HB 279, HB 303, HB 340, HB 397, HB 530, HB 629, HB 651, HB 660, HB 661, HB 705, HJ 30, HJ 31, HJ 34, HJ 36, HJ 40.**

Signed by the Secretary of the Senate at 7:30 a.m., April 7, 2021: **SB 91.**

Signed by the Secretary of the Senate at 11:00 a.m., April 21, 2021: **SB 234.**

Signed by the Secretary of the Senate at 12:45 p.m., April 26, 2021: **SB 233, SB 249.**

Signed by the President at 8:00 a.m., April 27, 2021: **SB 91, SB 93, SB 233, SB 234, SB 249.**

Signed by the Speaker at 12:40 p.m., April 27, 2021: **SB 91, SB 93, SB 233, SB 234, SB 249.**

Delivered to the Governor for signature at 2:25 p.m., April 27, 2021: **SB 91, SB 93, SB 233, SB 234, SB 249.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair):

4/27/2021

HJ 31, be concurred in.

HJ 34, be concurred in.

HJ 40, be concurred in.

TAXATION (Hoven, Chair):

4/27/2021

HJ 36, be concurred in.

Without objection, committee reports were adopted.

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 316**
Report No. 002, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 316** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 316** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "FUNDS FOR"

Strike: "CONSTRUCTION REPAIRS AND"

2. Title, line 6.

Strike: "REVISING THE MONTANA CONTAMINATED PROPERTY AND RESTORATION ACT;"

Insert: "REVISING THE LIABILITY STANDARD USED IN REMEDIAL ACTIONS IN THE COMPREHENSIVE ENVIRONMENTAL CLEANUP AND RESPONSIBILITY ACT;"

3. Title, line 7.

Following: "FUNDS FOR"

Strike: "CONSTRUCTION REPAIRS AND"

4. Title, line 11.

Strike: "A DEFINITION"

Insert: "DEFINITIONS"

5. Title, line 11.

Following: "DEFINITION;"

Insert: "AMENDING SECTION 75-10-711, MCA;"

6. Title, line 11 through line 12.

Following: "EFFECTIVE DATE"

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

7. Page 1, line 16 through page 4, line 1.

Strike: sections 1 through 3 in their entirety

Renumber: subsequent sections

8. Page 5.

Following: line 20

Insert: "**Section 2.** Section 75-10-711, MCA, is amended to read:

"**75-10-711. Remedial action -- orders -- penalties -- judicial proceedings.** (1) The department may take remedial action whenever:

(a) there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment; and

(b) none of the persons who are liable or potentially liable under 75-10-715(1) and who have been given the opportunity by letter to properly and expeditiously perform the appropriate remedial action will properly and expeditiously perform the appropriate remedial action. Any person liable under 75-10-715(1) shall take immediate action to contain, remove, and abate the release.

(2) Whenever the department is authorized to act pursuant to subsection (1) or has reason to believe that a release has occurred or is about to occur, the department may undertake remedial action in the form of any investigation, monitoring, survey, testing, or other information gathering as authorized by 75-10-707 that is necessary and appropriate to identify the existence, nature, origin, and extent of the release or the threat of release and the extent and imminence of the danger to the public health, safety, or welfare or to the environment.

(3) Except as provided in 75-10-712, the department is authorized to draw on the fund to take action under subsection (1) if it has made diligent good faith efforts to determine the identity of the person or persons liable for the release or threatened release and:

(a) is unable to determine the identity of the liable person or persons in a manner consistent with the need to take timely remedial action; or

(b) a person or persons determined by the department to be liable or potentially liable under 75-10-715(1) have been informed in writing of the department's determination and have been requested by the department to take appropriate remedial action but are unable or unwilling to take action in a timely manner; and

(c) the written notice informs the person that if subsequently found liable pursuant to 75-10-715(1), the person may be required to reimburse the fund for the state's remedial action costs and may be subject to penalties pursuant to this part.

(4) Whenever the department is authorized to act pursuant to subsection (1), it may issue to any person liable under 75-10-715(1) cease and desist, remedial, or other orders as may be necessary or appropriate to protect the public health, safety, or welfare or the environment.

(5) (a) A person who violates or fails to comply with or refuses to comply with an order issued under 75-10-707 or this section may, in an action brought to enforce the order, be assessed a civil penalty of not more than \$10,000 for each day in which a violation occurs or a failure or refusal to comply continues. In determining the amount of any penalty assessed, the court may take into account:

(i) the nature, circumstances, extent, and gravity of the noncompliance;

(ii) with respect to the person liable under 75-10-715(1):

(A) the person's ability to pay;

(B) any prior history of violations;

(C) the degree of culpability; and

(D) the economic benefit or savings, if any, resulting from the noncompliance; and

(iii) any other matters as justice may require.

(b) Civil penalties collected under subsection (5)(a) must be deposited into the environmental quality protection fund established in 75-10-704.

(6) A court has jurisdiction to review an order issued under 75-10-707 or this section only in the following actions:

(a) an action under 75-10-715 to recover remedial action costs or penalties or for contribution;

(b) an action to enforce an order issued under 75-10-707 or this section;

(c) an action to recover a civil penalty for violation of or failure or refusal to comply with an order issued under 75-10-707 or this section; or

(d) an action by a person to whom an order has been issued to determine the validity of the order, only if the person has been in compliance and continues in compliance with the order

pending a decision of the court.

(7) In considering objections raised in a judicial action regarding orders issued under this part, the court shall uphold and enforce an order issued by the department unless the objecting party can demonstrate, on the administrative record, that the department's decision to issue the order was arbitrary and capricious or otherwise not in accordance with law.

(8) Instead of issuing a notification or an order under this section, the department may bring an action for legal or equitable relief in the district court of the county where the release or threatened release occurred or in the first judicial district as may be necessary to abate any imminent and substantial endangerment to the public health, safety, or welfare or to the environment resulting from the release or threatened release.

(9) A person who is not subject to an administrative or judicial order may not conduct any remedial action at any facility that is subject to an administrative or judicial order issued pursuant to this part without the written permission of the department. If a state or federal administrative or judicial order is issued relative to a facility, the order and any remedial activity conducted pursuant to the order may be admissible in a civil action pertaining to the facility or property adjacent to or allegedly impacted by the facility provided that the reviewing court in its discretion determines the order to be relevant and ~~more probative than prejudicial~~ the probative value is not substantially outweighed by the danger of unfair prejudice. Admission of this evidence does not make the department a necessary party to the action. Remedial action performed in accordance with this part is intended to provide for the protection of the environmental life support system from degradation and to prevent unreasonable depletion and degradation of natural resources.

(10) The department may take remedial action pursuant to subsection (1) at a site that is regulated under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, if the department determines that remedial action is necessary to carry out the purposes of this part.

(11) The department may take remedial action as provided for in 75-10-743(12).""

Renumber: subsequent sections

9. Page 5, line 21 through line 22.

Strike: "(1)" on line 21 through "3]." on line 22

10. Page 5, line 23.

Strike: "(2)"

Following: "[SECTION]"

Strike: "4"

Insert: "1"

11. Page 5, line 24.

Following: "[SECTION]"

Strike: "4"

Insert: "1"

12. Page 5, line 26 through line 27.

Strike: "RIGHTS" on line 26 through "OR" on line 27

13. Page 6, line 4 through line 5.

Strike: section 8 in its entirety

For the Senate:

Fitzpatrick, Chair
Boland
Gauthier

For the House:

Buttrey, Vice Chair
Farris-Olsen
Stromswold

MESSAGES FROM THE OTHER HOUSE

House joint resolutions passed and transmitted to the Senate for concurrence: 4/26/2021

HJ 29, introduced by N. Duram
HJ 35, introduced by J. Carlson
HJ 37, introduced by S. Gunderson
HJ 39, introduced by D. Tenenbaum
HJ 42, introduced by T. France
HJ 44, introduced by D. Lenz
HJ 45, introduced by D. Lenz
HJ 47, introduced by K. Seekins-Crowe
HJ 48, introduced by K. Sullivan
HJ 49, introduced by J. Gillette
HJ 54, introduced by R. Whiteman Pena

Senate amendments to House bills concurred in: 4/26/2021

HB 8, introduced by M. Hopkins
HB 158, introduced by C. Hinkle
HB 231, introduced by M. Regier
HB 249, introduced by M. Regier
HB 325, introduced by B. Usher
HB 357, introduced by J. Hamilton
HB 472, introduced by M. Regier
HB 593, introduced by K. Seekins-Crowe
HB 625, introduced by D. Lenz
HB 655, introduced by E. Buttrey
HB 671, introduced by D. Bedey
HB 691, introduced by D. Lenz
HB 702, introduced by J. Carlson

Senate amendments to House joint resolution concurred in: 4/26/2021

HJ 14, introduced by F. Garner

SB 51 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to

confer on House amendments to **SB 51**:

4/26/2021

Representative C. Knudsen, Vice Chair
Representative Beard
Representative Sullivan

HB 188 - The House failed to concur in Senate amendments to **HB 188**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 188**:

4/26/2021

Representative Loge, Vice Chair
Representative Fern
Representative Holmlund

Conference Committee Report No.1 adopted:

4/26/2021

HB 63, introduced by J. Dooling
HB 276, introduced by M. Caferro

Free Conference Committee Report No.1 adopted:

4/26/2021

SB 354, introduced by S. Hinebauch
HB 502, introduced by L. Sheldon-Galloway
HB 525, introduced by E. Buttrey

FIRST READING AND COMMITMENT OF BILLS

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

HJ 29, introduced by N. Duram, referred to Judiciary.

HJ 35, introduced by J. Carlson, referred to Public Health, Welfare and Safety.

HJ 37, introduced by S. Gunderson, referred to Natural Resources.

HJ 39, introduced by D. Tenenbaum, referred to Public Health, Welfare and Safety.

HJ 42, introduced by T. France, J. Hamilton, D. Harvey, C. Keogh, S. Gist, referred to Highways and Transportation.

HJ 44, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

HJ 45, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

HJ 47, introduced by K. Seekins-Crowe, B. Tschida, B. Mercer, A. Regier, referred to Judiciary.

HJ 48, introduced by K. Sullivan, D. Skees, B. Bennett, B. Usher, E. Kerr-Carpenter, K. Bogner, J. Kassmier, P. Flowers, J. Carlson, K. Zolnikov, referred to Judiciary.

HJ 49, introduced by J. Gillette, referred to Public Health, Welfare and Safety.

HJ 54, introduced by R. Whiteman Pena, F. Smith, J. Windy Boy, S. Stewart Peregoy, M. Dunwell, S. Webber, D. Fern, T. Running Wolf, M. Marler, E. Stafman, D. Hawk, T. France, K. Whitman, referred to Highways and Transportation.

**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 Regier in the chair.

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

SB 159 - House Amendments - Senator Hertz moved House amendments to **SB 159** be concurred in. Motion carried as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303 - House Amendments - Senator McGillvray moved House amendments to **SB 303** 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 385 - House Amendments - Senator Hertz moved House amendments to **SB 385** be concurred in. Motion carried as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 399 - House Amendments - Senator Hertz moved House amendments to **SB 399** 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, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 400 - House Amendments - Senator Manzella moved House amendments to **SB 400** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 403 - House Amendments - Senator Keenan moved House amendments to **SB 403** be concurred in. Motion carried as follows:

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

Total 48

Nays: Ankney, Welborn.

Total 2

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

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope,

Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Bennett, Boland, Cohenour, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 663**. Without objection, so ordered. President Blasdel appointed Senator Salomon, Chair, and Senators Bogner and McClafferty.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 689**. Without objection, so ordered. President Blasdel appointed Senator Kary, Chair, and Senators Bennett and Howard.

Senator Hoven moved that **HB 397** be taken from the Finance and Claims Committee and placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 26

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Fitzpatrick moved that **HB 285** be taken from the Judiciary Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Jacobson, Kary, Lang, Manzella, Molnar, Osmundson, Regier K, Small, Smith C, Mr. President.
Total 24

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Howard, Keenan, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Vance, Webber, Welborn.
Total 26

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee chairs announced committee and conference committee meetings.

Senator Smith moved the Senate recess until 1:00 p.m. this date. Senate recessed at 11:10 a.m.

Senate reconvened at 1:03 p.m., President Blasdel presiding.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE on House Bill 483 Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 483** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 483** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "LEGISLATURE;"

Insert: "PROVIDING FOR A SPECIAL COUNSEL THAT SERVES AT THE PLEASURE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT OF THE SENATE;"

Following: "PROVIDING"

Strike: "AN"

2. Title, line 10.

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

3. Page 1, line 26.

Following: "senate,"

Strike: "and"

4. Page 1, line 27.

Strike: " _"

Insert: "; and"

(e) one personal staff that serves at the pleasure of the speaker of the house of representatives and the president of the senate for the purposes provided in [section 2]."

5. Page 1.

Following: line 27

Insert: "NEW SECTION. Section 2. Special counsel -- powers -- appointment -- reporting.

- (1) The speaker of the house of representatives and president of the senate may hire, at any time, one personal staff under 2-18-104 for the purposes of serving as a special counsel. The speaker of the house of representatives and president of the senate must consent in writing to the appointment of the special counsel.
- (2) The special counsel serves at the pleasure of the speaker of the house of representatives and the president of the senate. The special counsel must be licensed to practice law in Montana. The special counsel may:
 - (a) be appointed to investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana. A governmental agency must assist the special counsel in any activity conducted by the special counsel as provided in this section.
 - (b) exercise the investigatory powers under chapter 5, part 1, of this title on behalf of a standing committee, select committee, or interim committee and any subcommittees of those committees;
 - (c) if assigned to a legislative committee, hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in district court;
 - (d) report to the speaker of the house of representatives and the president of the senate or any committee designated by the speaker of the house of representatives and the president of the senate, including but not limited to standing committees, select committees, or interim committees and any subcommittees of those committees. A special counsel that reports to a legislative committee must serve at the direction of the speaker of the house of representatives and president of the senate and not the assigned committee.
 - (e) make recommendations for revisions of laws or rules for consideration by the legislature.
- (3) The speaker of the house of representatives and president of the senate may designate the attorney general or an employee of the attorney general to serve as the special counsel.
- (4) Costs for the special counsel must be paid:
 - (a) by the department of justice if the special counsel is the attorney general or an employee of the attorney general as provided in subsection (3);
 - (b) as directed by the speaker of the house of representatives or president of the senate,

including but not limited to using funding from interim committee operating funds. "

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 5, chapter 5, and the provisions of Title 5, chapter 5, apply to [section 2]."

Renumber: subsequent sections

6. Page 2, line 7.

Following: "senate;"

Strike: "and"

7. Page 2, line 8.

Following: "senate"

Insert: "; and

(e) one personal staff that serves at the pleasure of the speaker of the house or representatives and the president of the senate for the purposes provided in [section 2]"

8. Page 2, line 10.

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

9. Page 2.

Following: line 10

Insert: "(2) [Sections 1(4)(e) and 2] are effective on passage and approval."

10. Page 2.

Following: line 11

Insert: "NEW SECTION. Section 6. Termination. [Sections 1(4)(e) and 2] terminate June 1, 2023."

For the Senate:

Vance, Chair
Bennett
C. Smith

For the House:

C. Knudsen, Vice Chair
Garner
Harvey

FREE CONFERENCE COMMITTEE
on **House Bill 506**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 506** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 506** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "LAWS;"

Insert: "ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS;"

2. Title, line 8.

Following: "SECTIONS"

Insert: "5-1-115,"

Following: "13-2-205"

Insert: ", "

Following: "MCA;"

Strike: "AND"

3. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING EFFECTIVE DATES"

4. Page 1.

Following: line 12

Insert: "Section 1. Section 5-1-115, MCA, is amended to read:

"5-1-115. Redistricting criteria. (1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

(a) addresses of incumbent legislators or members of congress;

(b) political affiliations of registered voters;

(c) partisan political voter lists; or

(d) previous election results, unless required as a remedy by a court.

(4) In the development of congressional districts and under the authority granted to the legislature by Article I, section 4, of the United States constitution, a congressional districting plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that a district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act."

Renumber: subsequent sections

5. Page 2.

Following: line 10

Insert: "NEW SECTION. **Section 5. {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 6. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2021.

(2) [Sections 1 and 5] are effective on passage and approval."

For the Senate:

Hertz, Chair
Bennett
Fitzpatrick

For the House:

Fielder, Vice Chair
R. Knudsen
Running Wolf

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in:

4/27/2021

HB 4, introduced by D. Bartel

HB 6, introduced by M. Hopkins

HB 10, introduced by K. Holmlund

HB 11, introduced by W. McKamey

HB 12, introduced by M. Hopkins

HB 14, introduced by M. Hopkins

HB 522, introduced by E. Buttrey
HB 681, introduced by J. Kassmier
HB 701, introduced by M. Hopkins

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

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.

4/27/2021

SB 297, introduced by J. Ellsworth

Conference Committee Report No.1 adopted:

4/27/2021

HB 230, introduced by M. Regier

SJ 1 - 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 **SJ 1**:

4/27/2021

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

SB 402 - 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 402**:

4/27/2021

Representative Ler, Vice Chair
Representative Berglee
Representative Bishop

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

4/27/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative M. Regier

HB 637 - The House failed to concur in Senate amendments to **HB 637**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 637**:

4/27/2021

Representative Berglee, Vice Chair
Representative Loge
Representative Running Wolf

**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 Regier in the chair.

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

HB 303 - Senator Hoven moved **HB 303** be concurred in. Motion carried as follows:

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

Total 41

Nays: Bennett, Boland, Cohenour, Ellis, Gross, Pomnichowski, Pope, Sands, Webber.

Total 9

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 340 - Senator Hertz moved **HB 340** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gross, Hertz, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, Osmundson, Pomnichowski, Pope, Salomon, Small, Sweeney, Webber, Mr. President.

Total 27

Nays: Ankney, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Regier K, Sales, Sands, Smith C, Tempel, Vance, Welborn.

Total 23

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 656 - Senator Hertz moved **HB 656** be concurred in.

HB 656 - Senator Hertz moved **HB 656**, second reading copy, be amended as follows:

1. Page 1, line 22.

Following: "annually"

Insert: "to the extent funds are appropriated by the legislature"

Amendment **adopted** as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 - As amended, **HB 656** 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, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 - Senator Ankney moved **HB 661** be concurred in. Motion carried as follows:

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

Total 37

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

Total 13

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 31 - Senator Gross moved **HJ 31** 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

HJ 34 - Senator Sands moved **HJ 34** 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

HJ 36 - Senator Hoven moved **HJ 36** 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

HJ 40 - Senator Manzella moved **HJ 40** be concurred in. Motion carried as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 354 - Free Conference Committee Report No. 1 - Senator Hinebauch moved the Free Conference Committee report to **SB 354** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Bennett, Boldman, Jacobson, Lynch, Molnar, Morigeau.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 316 - Free Conference Committee Report No. 1 - Senator Fitzpatrick moved the Free Conference Committee report to **SB 316** 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, McGillvray, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

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

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

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, 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, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Boldman, Cohenour, Fox, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

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

SB 159, as amended by the House, passed as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303, 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.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 385, 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

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

SB 399, 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, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

SB 400, 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, 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

SB 403, 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.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 397 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 26

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved to dissolve the Conference Committee on **HB 351** and move the bill to second reading this date. Without objection, so ordered.

Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **HB 637** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Brown, Chair, and Senators Hinebauch and Flowers.

Majority Leader Smith moved the Senate appoint a Conference Committee on **HB 188** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Glimm, Chair, and Senators Morigeau and Vance.

Majority Leader Smith moved the Senate appoint a Conference Committee on **HB 640** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Vance, Chair, and Senators Boldman and Brown.

Senator Glimm moved the Senate reconsider its third reading action on **HB 686** and that it be placed on third reading this day. Motion carried as follows:

Yeas: 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, Mr. President.

Total 26

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

Total 24

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee chairs announced committee meetings.

Majority Leader Smith moved the Senate recess until 4:00 p.m. this date. Senate recessed at 2:14 p.m.

Senate reconvened at 4:08 p.m., President Blasdel presiding.

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 316 passed as follows:

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

President.

Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 354 passed as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boldman, Fox, Gross, Jacobson, Lynch, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Sweeney, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 303 concurred in as follows:

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

Nays: Bennett, Boland, Cohenour, Ellis, Gross, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

HB 340 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Flowers, Fox, Gauthier, Gross, Hertz, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Small, Sweeney, Webber, Welborn, Mr. President.

Total 31

Nays: Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hinebauch, Hoven, Howard, Keenan, Manzella, McGillvray, Molnar, Regier K, Sales, Sands, Smith C, Tempel, Vance.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

HB 656 failed as follows:

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

Total 25

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

Total 25

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 661 concurred in as follows:

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

Total 37

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

Total 13

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 686 failed as follows:

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

Total 21

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

Total 29

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 31 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

HJ 34 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

HJ 36 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

HJ 40 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

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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE on Senate Amendments to **House Bill 648** Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 648** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 648** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "PROGRAMS;"

Insert: "PROVIDING FOR A STUDY OF ECONOMIC IMPACTS OF COST DISALLOWANCES; EXEMPTING CERTAIN CHANGES FROM THE MAJOR FACILITY SITING ACT;"

2. Title, line 6.

Following: "APPROPRIATION;"

Insert: "AMENDING SECTIONS 75-20-213 AND 75-20-219, MCA;"

Following: "DATE"

Insert: ", A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"

3. Page 3.

Following: line 13

Insert: "NEW SECTION. **Section 4. Study of economic impacts of cost disallowances.** (1)

The Montana bureau of business and economic research at the university of Montana shall study the economic impact of disallowances for replacement power costs made by the public service commission with respect to any coal-fired electric generation facilities located in the state.

(2) The study shall:

- (a) determine the economic impact of the disallowances for replacement power costs on consumers;
 - (b) examine both the short- and long-term impacts on customers including any potential impacts that may occur in the future as a result of decision made by the public service commission;
 - (c) analyze whether the cost disallowances have resulted in any changes to a bond rating of any public utilities and whether those changes have resulted in any impacts to consumers; and
 - (d) evaluate if cost disallowances have occurred in other jurisdictions and whether there have been any measurable impacts on consumers.
- (3) The bureau of business and economic research shall complete the study by December 31, 2022.
- (4) The public service commission may not limit the scope of the study and shall cooperate and provide any information and materials necessary to complete the study.
- (5) Upon completion of the study, the bureau of business and economic research:
- (a) shall present the study to the public service commission;
 - (b) may present the study to the energy and telecommunications interim committee, if scheduling permits; and
 - (c) upon request, may present the study to the house energy, technology, and federal relations committee and the senate energy and telecommunications committee during the 68th legislative session.
- (6) If the bureau of business and economic research is unable to present the study to the energy and telecommunications interim committee, the bureau shall mail a copy to each member of the committee."

Insert: "NEW SECTION. Section 5. Electric generating facility fuel source change -- notice requirements. (1) (a) An amendment to a certificate is not required for an electric generating facility designed to generate 250 megawatts of electricity or more if a change is made at the facility to alter fuel sources necessary to maintain operations at the facility, if the certificate holder obtains necessary air and water quality permits under chapter 2 and chapter 5 of this title.

- (b) Changes covered by subsection (1)(a) may include both the use of a new fuel source as well as any construction or modification made to the facility for the purpose of allowing the facility to accept and utilize a new fuel source. This includes but is not limited to the construction of unloading facilities, storage facilities, and conveyance systems, including conveyors, roads, and rail spurs.
- (c) The department shall waive compliance with this chapter as it relates to a change made in accordance with subsection (1)(a).

(2) (a) A certificate holder making a change in a facility in accordance with subsection (1) shall file notice of the change with the department at least 60 days prior to making the change.

- (b) The department may provide notice to all active parties to the original certification proceeding, but a hearing is not required.

(3) (a) A change under subsection (1) is neither a material increase in the environmental impact of the facility nor a change or addition considered to affect compliance with a condition of the certificate.

- (b) A change made in accordance with this section and notice of a change required in this section may not be used as the basis of an appeal of a final decision on a certificate by the department."

Insert: "Section 6. Section 75-20-213, MCA, is amended to read:

"75-20-213. Supplemental material -- amendments. (1) ~~An~~ Except as provided in [section 5], an application for an amendment of an application or a certificate must be in the form and contain the information that the department by rule or by order prescribes. Notice of an application must be given as set forth in 75-20-211(3) and (4).

(2) An application may be amended by an applicant any time prior to the department's recommendation. If the proposed amendment is such that it prevents the department or the agencies listed in 75-20-216(6) from carrying out their duties and responsibilities under this chapter, the department may require additional filing fees and additional amendment application review time. The total review time may not exceed 9 months from the date the department accepts a completed application for amendment.

(3) The applicant shall submit supplemental material in a timely manner as requested by the department or as offered by the applicant to explain, support, or provide the detail with respect to an item described in the original application, without filing an application for an amendment. The department's determination as to whether information is supplemental or whether an application for amendment is required is conclusive." "

Insert: "Section 7. Section 75-20-219, MCA, is amended to read:

"75-20-219. Amendments to certificate. (1) (a) ~~Within~~ Except as provided in [section 5], within 30 days after notice of an amendment to a certificate is given as set forth in 75-20-213(1), including notice to all active parties to the original proceeding, the department shall determine whether the proposed change in the facility would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility as set forth in the certificate.

(b) ~~If~~ Except as provided in [section 5], if the department determines that the proposed change would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility, the department shall grant, deny, or modify the amendment with conditions as it considers appropriate.

(c) ~~If~~ Except as provided in [section 5], if the department determines that a modification of the proposed amendment to the certificate is needed, it shall consult with the applicant.

(2) ~~In~~ Except as provided in [section 5], if those cases in which the department determines that the proposed change in the facility would not result in a material increase in any environmental impact or would not be a substantial change in the location of all or a portion of the facility, the department shall automatically grant the amendment either as applied for or upon terms or conditions that the department considers appropriate.

(3) ~~If~~ Except as provided in [section 5], if a hearing is requested under 75-20-223(2), the party requesting the hearing has the burden of showing by clear and convincing evidence that the department's determination is not reasonable.

(4) ~~If~~ Except as provided in [section 5], if an amendment is required to a certificate that would affect, amend, alter, or modify a decision, opinion, order, certification, or air or water quality permit issued by the department ~~or board,~~ the amendment must be processed under the applicable statutes administered by the department ~~or board.~~"

Renumber: subsequent sections

4. Page 3, line 16.

Strike: "\$20,000"

Insert: "\$125,000"

5. Page 3.

Following: line 23

Insert: "(3) [Section 4] is intended to be codified as an integral part of Title 75, and the provisions of Title 75 apply to [section 4].

(4) [Section 5] is intended to be codified as an integral part of Title 75, chapter 20, part 2, and the provisions of Title 75, chapter 20, part 2, apply to [section 5]."

6. Page 3.

Following: line 26

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."

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If both House Bill No. 5 and [this act] are passed and approved, and at least \$2 million is appropriated in House Bill No. 5 to the department of environmental quality for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable, then \$125,000 of that appropriation is transferred to the bureau of mines and geology for the purposes of [section 1]."

Insert: "NEW SECTION. Section 13. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to certificates issued on or after January 1, 1976."

Insert: "NEW SECTION. Section 14. Termination. [Section 4] terminates April 30, 2023."

For the Senate:

Ankney, Chair
Lynch
Welborn

For the House:

Kassmier, Vice Chair
Fitzgerald
Keane

MESSAGES FROM THE OTHER HOUSE

HB 640 - The House dissolved the Conference Committee on Senate amendments to **HB 640**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 640**:

4/27/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative M. Regier

**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 Regier in the chair.

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

SB 51 - House Amendments - Senator Ellsworth moved House amendments to **SB 51** be concurred in. Motion carried as follows:

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

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: Welborn.
Total 1

SB 297 - House Amendments - Senator Ellsworth moved House amendments to **SB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Fox, Gross, Lynch, Sands.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 388 - House Amendments - Senator Hertz moved House amendments to **SB 388** be **not** 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, Lynch, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 34

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

Total 16

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 483 - Free Conference Committee Report No. 1 - Senator Vance moved the Free Conference Committee report to **HB 483** 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, 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 506 - Free Conference Committee Report No. 1 - Senator Fitzpatrick moved the Free Conference Committee report to **HB 506** 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, 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

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

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

Yeas: Ankney, Bogner, 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 33

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

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 388** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Kary and Pope.

Majority Leader Smith moved the Senate dissolve the Conference Committee on **HB 640** and appoint a Free Conference Committee on **HB 640**. Without objection, so ordered. President Blasdel appointed Senator Vance, Chair, and Senators Boldman and Brown.

Majority Leader Smith moved that **SB 51**, **SB 297**, **HB 483**, and **HB 506** be moved to third reading this day. Without objection, so ordered.

Senator Fitzpatrick moved to change his third reading vote on **HB 340** from Yes to No. Without objection, so ordered.

Senator Boldman moved to change her third reading vote on **HB 303** from No to Yes. Without objection, so ordered.

Senator Jacobson moved to change his third reading vote on **SB 385** from Yes to No. Without objection, so ordered.

Senator Molnar moved to change his third reading vote on **SB 399** from Yes to No. 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 51, 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 297, 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, 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 48

Nays: Gross, Lynch.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 483 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

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 506 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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE on **House Bill 555**

Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

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

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

1. Page 1, line 13.

Strike: "\$6,000"

Insert: "\$7,000"

2. Page 1, line 14.

Strike: "\$1,000"

Insert: "\$1,250"

3. Page 1, line 17.

Strike: "\$3,500"

Insert: "\$4,000"

4. Page 1, line 18.

Strike: "\$4,000"

Insert: "\$4,500"

For the Senate:

Fitzpatrick, Chair
Friedel
Webber

For the House:

M. Regier, Vice Chair
Farris-Olsen
Mercer

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

Mr. President and Mr. Speaker:

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

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

1. Title, line 8.

Following: "DONATIONS;"

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

2. Title, line 9.

Following: "15-65-112,"

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

Following: "87-1-601,"

Strike: "AND"

Following: "87-2-202,"

Insert: "AND 90-1-205,"

3. Page 4, line 8.

Following: "employees"

Insert: "who are"

Following: "development"

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

4. Page 9, line 11.

Following: "2.7%"

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

Following: "to"

Insert: "the"

5. Page 10.

Following: line 3

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

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

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

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

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

- (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; ~~22-3-1004~~; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.
- (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

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

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

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

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

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

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

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

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

Renumber: subsequent sections

6. Page 13.

Following: line 13

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

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

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

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

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

Renumber: subsequent sections

7. Page 13, line 22 through line 23.

Following: "IN" on line 22

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

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

8. Page 13, line 23.

Following: "July 1, 2021"

Insert: "July 1, 2021.

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

8. Page 13, line 24.

Strike: "(2)"

Insert: "(3)"

9. Page 14, line 1.

Strike: "[SECTION 4] TERMINATES"

Insert: "[Sections 4 through 6] terminate"

For the Senate:

Osmundson, Chair
Kary
Lynch

For the House:

Bartel, Vice Chair
Ricci
Stewart Peregoy

ANNOUNCEMENTS

Committee chairs announced committee and conference committee meetings.

Majority Leader Smith moved the Senate adjourn until 10:00 a.m., Wednesday, April 28, 2021, the seventy-ninth legislative day. Motion carried.

Senate adjourned at 4:42 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate