

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

Helena, Montana
April 23, 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):

4/23/2021

Correctly printed: **SJ 27, SJ 30, SJ 31, SJ 35, SR 47, SR 50, HB 4, HB 72, HB 158, HB 235, HB 325, HB 330, HB 357, HB 367, HB 403, HB 522, HB 530, HB 593, HB 606, HB 620, HB 625, HB 629, HB 637, HB 648, HB 651, HB 655, HB 658, HB 660, HB 663, HB 667, HB 671, HB 678, HB 681, HB 691, HB 693, HB 704, HB 709, HJ 30.**

Correctly engrossed: **HB 279, HB 686, HB 693, HB 695, HB 701, HB 702, SJ 31, SJ 32.**

Correctly enrolled: **SB 233.**

Transmitted to the House: **SJ 31, HB 4, HB 158, HB 325, HB 330, HB 357, HB 403, HB 593, HB 606, HB 620, HB 625, HB 648, HB 655, HB 658, HB 663, HB 667, HB 671, HB 678, HB 691, HB 693, HB 701, HB 702, HB 709.**

Signed by the Secretary of the Senate at 11:00 a.m., April 21, 2021: **SB 47, SB 63, SB 99, SB 106, SB 121, SB 136, SB 157, SB 163, SB 166, SB 167, SB 190, SB 206, SB 223, SB 238, SB 239, SB 248, SB 258, SB 261, SB 265, SB 266, SB 270, SB 280, SB 283, SB 286, SB 302, SB 307, SB 309, SB 345, SB 348, SB 351, SB 364.**

Signed by the Secretary of the Senate at 2:00 p.m., April 22, 2021: **SB 201, SB 216, SB 251, SB 257, SB 372, SJ 6, SJ 7, SJ 10, SJ 17.**

Signed by the Secretary of the Senate at 2:55 p.m., April 22, 2021: **SB 174, SB 185, SB 199, SB 294, SB 328, SB 358, SJ 11.**

Signed by the President at 6:45 a.m., April 22, 2021: **SB 47, SB 63, SB 99, SB 106, SB 121, SB 136, SB 157, SB 163, SB 166, SB 167, SB 190, SB 206, SB 223, SB 238, SB 239, SB 258, SB 261, SB 265, SB 266, SB 270, SB 280, SB 283, SB 286, SB 302, SB 307, SB 309, SB 345, SB 348, SB 351, SB 364.**

Signed by the President at 10:30 a.m., April 22, 2021: **SB 248.**

Signed by the President at 6:00 a.m., April 23, 2021: **SB 174, SB 185, SB 199, SB 201, SB 216, SB 251, SB 257, SB 294, SB 328, SB 358, SB 372, SJ 6, SJ 7, SJ 10, SJ 11, SJ 17.**

Signed by the Speaker at 8:00 a.m., April 23, 2021: **SJ 5, SJ 8, SJ 19, SJ 21.**

Signed by the Speaker at 8:05 a.m., April 23, 2021: **SB 247, SB 253, SB 301, SB 314, SB 337, SB 338, SB 350, SB 360.**

Signed by the Speaker at 8:15 a.m., April 23, 2021: **SB 47, SB 63, SB 83, SB 99, SB 106, SB 121, SB 136, SB 157, SB 163, SB 166, SB 167, SB 190, SB 206, SB 223, SB 238, SB 239, SB 248, SB 258, SB 261, SB 265, SB 266, SB 270, SB 280, SB 283, SB 286, SB 302, SB 307, SB 309, SB 345, SB 348, SB 351, SB 364.**

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Signed by the Speaker at 12:30 p.m., April 23, 2021: **SB 174, SB 185, SB 199, SB 201, SB 216, SB 251, SB 257, SB 294, SB 328, SB 358, SB 372, SJ 6, SJ 7, SJ 10, SJ 11, SJ 17.**

Delivered to the Secretary of State at 8:54 a.m., April 23, 2021: **SR 74, SR 88, SR 95, SR 97, SR 98.**

Delivered to the Secretary of State at 11:43 a.m., April 23, 2021: **SJ 5, SJ 8, SJ 19, SJ 21.**

Delivered to the Governor for information April 23, 2021: **SR 74, SR 88, SR 95, SR 98.**

Delivered to the Governor for signature at 11:20 a.m., April 23, 2021: **SB 47, SB 63, SB 83, SB 99, SB 106, SB 121, SB 136, SB 157, SB 163, SB 166, SB 167, SB 190, SB 206, SB 223, SB 238, SB 239, SB 247, SB 248, SB 253, SB 258, SB 261, SB 265, SB 266, SB 270, SB 280, SB 283, SB 286, SB 301, SB 302, SB 307, SB 309, SB 314, SB 337, SB 338, SB 345, SB 348, SB 350, SB 351, SB 360, SB 364.**

Delivered to the Governor for signature at 4:20 p.m., April 23, 2021: **SB 174, SB 185, SB 199, SB 201, SB 216, SB 251, SB 257, SB 294, SB 328, SB 358, SB 372.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):

4/22/2021

HB 279, be amended as follows:

1. Title, line 13.

Following: "PROGRAM;"

Insert: "STREAMLINING THE DONATION PROCESS FOR THE INNOVATIVE EDUCATION PROGRAM;"

2. Title, line 15.

Following: "15-30-3110,"

Strike: "AND"

Following: "15-30-3111,"

Insert: "AND 15-30-3113,"

3. Title, line 16.

Following: "2015;"

Insert: "REPEALING SECTIONS 20-9-901, 20-9-902, 20-9-903, 20-9-904, 20-9-905, AND 20-9-906, MCA; REPEALING SECTIONS 24, 25, 26, AND 27, CHAPTER 457, LAWS OF 2015;"

4. Title, line 16 through line 17.

Strike: "AN" on line 16 through "TERMINATION DATE" on line 17

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

5. Page 1, line 24.

Strike: "contributions"

Insert: "donations"

6. Page 2.

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Following: line 2

Insert: "(2) "Donation" means a gift of cash."

7. Page 2, line 3.

Strike: "(2)"

Insert: "(3)"

8. Page 2, line 5 through line 6.

Strike: subsections (3) and (4) in their entirety

Insert: "(4) "Innovative educational program" includes any of the following:

(a) transformational learning as defined in 20-7-1602;

(b) advanced opportunity as defined in 20-7-1503;

(c) any program, service, instructional methodology, or adaptive equipment used to expand opportunity for a child with a disability as defined in 20-7-401;

(d) any courses provided through work-based learning partnerships or for postsecondary credit or career certification; and

(e) technology enhancements, including but not limited to any expenditure incurred for purposes specified in 20-9-533."

9. Page 2, line 28.

Strike: "contributions"

Insert: "donations"

10. Page 3, line 10.

Strike: "contributions"

Insert: "donations"

11. Page 3, line 13.

Strike: "contributions"

Insert: "donations"

12. Page 3, line 14.

Strike: "contributions"

Insert: "donations"

13. Page 3, line 15.

Strike: "contribution"

Insert: "donation"

14. Page 5, line 5 through line 6.

Strike: "the educational" on line 5 through "20-9-905" on line 6

Insert: "a school district"

15. Page 5, line 6.

Strike: "public schools"

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Insert: "the school district"

16. Page 5, line 7 through line 8.

Strike: "and technology" on line 7 through "20-9-904(2)(b)" on line 8

17. Page 5, line 9.

Strike: "\$200,000"

Insert: "\$150"

18. Page 5, line 9.

Following: "\$150."

Insert: "A district shall deposit a donation made for an innovative educational program into the district's miscellaneous programs fund and shall limit the expenditure of the donation to expenditures for innovative educational programs of the district."

19. Page 5, line 16 through line 18.

Strike: "but may" on line 16 through "succeeding tax year" on line 18

20. Page 5, line 18.

Following: "year."

Insert: "There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method."

21. Page 5, line 22.

Strike: "2021"

Insert: "2022"

22. Page 5, line 22.

Strike: "2022"

Insert: "2023"

23. Page 5, line 24.

Strike: "2022"

Insert: "2023"

24. Page 6, line 15 through line 17.

Strike: "After" on line 15 through "donation." on line 17

Insert: "(a) On receiving a donation under this part, a school district shall seek preapproval, in a manner prescribed by the department, that the amount of tax credit sought by the taxpayer is available under the aggregate limit under subsection (4).

(b) On preapproval by the department, a school district shall issue a receipt, in a form prescribed by the department, to each contributing taxpayer indicating the value of the donation received and preapproval of the tax credit.

(c) A taxpayer shall provide a copy of the receipt when claiming the tax credit."

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25. Page 6.

Following: line 18

Insert: "**Section 7.** Section 15-30-3110, MCA, is amended to read:

"15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program. (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop

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an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, 2023 ~~2029--sec. 33, Ch. 457, L. 2015.~~)"

Insert: "**Section 8.** Section 15-30-3110, MCA, is amended to read:

"15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program. (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

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~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ ~~2029--sec. 33, Ch. 457, L. 2015.~~)"

Insert: "**Section 9.** Section 15-30-3110, MCA, is amended to read:

"15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program. (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount

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for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ 2029--sec. 33, Ch. 457, L. 2015.)""

Insert: "**Section 10.** Section 15-30-3110, MCA, is amended to read:

"15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program. (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.
(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

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(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ ~~2029~~--sec. 33, Ch. 457, L. 2015.)""

Insert: "Section 11. Section 15-30-3110, MCA, is amended to read:

"15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program. (1) Subject to subsection ~~(5)~~(4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

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- (a) claiming a credit under this section instead of a deduction; or
- (b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ ~~2029~~~~sec. 33, Ch. 457, L. 2015.~~)""

Renumber: subsequent sections

26. Page 6, line 20.

Strike: "**contributions**"

Insert: "**donations**"

27. Page 6, line 23.

Strike: "contributions"

Insert: "donations"

28. Page 6, line 25.

Strike: "\$200,000"

Insert: "\$150"

29. Page 7, line 1.

Strike: "contribution"

Insert: "donation"

30. Page 7, line 4 through line 6.

Strike: "but" on line 4 through "succeeding tax year" on line 6

31. Page 7, line 6.

Following: "year."

Insert: "There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method."

32. Page 7, line 10.

Strike: "2021"

Insert: "2022"

33. Page 7, line 10.

Strike: "2022"

Insert: "2023"

34. Page 7, line 12.

Strike: "2022"

Insert: "2023"

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35. Page 8.

Following: line 13

Insert: "**Section 13.** Section 15-30-3111, MCA, is amended to read:

"15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.

- (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.
- (2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.
- (b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.
- (3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.
- ~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~
- ~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.
- (ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.
- (iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).
- (b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.
- ~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:
- (a) claiming a credit under this section instead of a deduction; or
- (b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.
- ~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution.

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(Terminates December 31, 2023 ~~2029--sec. 33, Ch. 457, L. 2015.~~)""

Insert: "**Section 14.** Section 15-30-3111, MCA, is amended to read:

"15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations. (1) Subject to subsection ~~(5)~~(4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~(4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution.

(Terminates December 31, 2023 ~~2029--sec. 33, Ch. 457, L. 2015.~~)""

Insert: "**Section 15.** Section 15-30-3111, MCA, is amended to read:

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- "15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.** (1) Subject to subsection ~~(5)~~(4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.
- (2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.
- (b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.
- (3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.
- ~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~
- ~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.
- (ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.
- (iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).
- (b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.
- ~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:
- (a) claiming a credit under this section instead of a deduction; or
- (b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.
- ~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution. (Terminates December 31, ~~2023~~ 2029--sec. 33, Ch. 457, L. 2015.)"
- Insert: "**Section 16.** Section 15-30-3111, MCA, is amended to read:
- "15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.** (1) Subject to subsection ~~(5)~~(4), a taxpayer or corporation is

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- allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.
- (2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.
- (b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.
- (3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.
- ~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~
- ~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.
- (ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.
- (iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).
- (b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.
- ~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:
- (a) claiming a credit under this section instead of a deduction; or
- (b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.
- ~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution. (Terminates December 31, ~~2023~~ 2029--~~sec. 33, Ch. 457, L. 2015.~~)"

Insert: "**Section 17.** Section 15-30-3111, MCA, is amended to read:

"15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations. (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to

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- a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~\$150~~ \$200,000.
- (2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.
- (b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.
- (3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.
- ~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~
- ~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is \$3 million beginning in tax year 2016.
- (ii) Beginning in 2017, by August 1 of each year, the department shall determine if \$3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.
- (iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).
- (b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.
- ~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:
- (a) claiming a credit under this section instead of a deduction; or
- (b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.
- ~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution. (Terminates December 31, ~~2023~~ 2029 ~~sec. 33, Ch. 457, L. 2015.~~)"
- Insert: "**Section 18.** Section 15-30-3113, MCA, is amended to read:
- "15-30-3113. (Temporary) Review determination -- termination -- confidentiality.** (1) Subject to subsection (7), the department is authorized to examine any books, papers, records, or memoranda relevant to determining whether a student scholarship organization is in compliance with 15-30-3102, 15-30-3103, and 15-30-3105.
- (2) If a student scholarship organization is not in compliance, the department shall provide to the organization written notice of the specific failures and the organization has 30 days from the

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- date of the notice to correct deficiencies. If the organization fails to correct all deficiencies, the department shall provide a final written notice of the failure to the organization. The organization may appeal the department's determination of failure to comply according to the uniform dispute review procedure in 15-1-211 within 30 days of the date of the notice.
- (3) (a) If a student scholarship organization does not seek review under 15-1-211 or if the dispute is not resolved, the department shall issue a final department decision.
- (b) The final department decision for a student scholarship organization must provide that the student scholarship organization:
- (i) will be removed from the list of eligible student scholarship organizations provided in 15-30-3106 and notified of the removal; and
- (ii) shall within 15 calendar days of receipt of notice from the department of removal from the eligible list cease all operations as a student scholarship organization and transfer all scholarship account funds to a properly operating student scholarship organization.
- (4) A student scholarship organization that receives a final department decision may seek review of the decision from the state tax appeal board pursuant to 15-2-302.
- (5) Either party aggrieved as a result of the decision of the state tax appeal board may seek judicial review pursuant to 15-2-303.
- (6) If a student scholarship organization files an appeal pursuant to this section, the organization may continue to operate until the decision of the court is final.
- (7) The identity of donors who make donations to ~~the educational improvement account provided for in 20-9-905~~ school districts to support innovative educational programs or donations to a student scholarship organization is confidential tax information that is subject to the provisions of 15-30-2618. (Terminates December 31, 2023 ~~2029~~--sec. 33, Ch. 457, L. 2015.)""

Insert: "**NEW SECTION. Section 19. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:

- 20-9-901. (Temporary) Purpose.
- 20-9-902. (Temporary) Definitions.
- 20-9-903. (Temporary) Establishment of geographic regions and large districts -- innovative educational program.
- 20-9-904. (Temporary) Distribution of supplemental revenue to public schools -- innovative educational program.
- 20-9-905. (Temporary) Educational improvement account -- revenue allocated -- appropriations from account.
- 20-9-906. (Temporary) Rulemaking."

Renumber: subsequent sections

36. Page 8.

Following: line 16

Insert: "**NEW SECTION. Section 21. {standard} Repealer.** Sections 24, 25, 26, and 27, Chapter 457, Laws of 2015, are repealed."

Insert: "**NEW SECTION. Section 22. {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."

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Renumber: subsequent sections

37. Page 8, line 17.

Following: "**date**"

Insert: "-- **applicability**"

38. Page 8, line 17.

Following: "**date.**"

Insert: "(1)"

Strike: "[This act]"

Insert: "Except as provided in subsections (2) through (7), [this act]"

39. Page 8, line 17.

Strike: "on passage and approval"

Insert: "July 1, 2021"

40. Page 8.

Following: line 17

Insert: "(2) [Sections 1 through 6, 12, 18, 19, and 21] are effective October 1, 2021, and apply to the income tax year beginning after December 31, 2021.

(3) [Sections 7 and 13] are effective January 1, 2022, and apply to the income tax year beginning after December 31, 2021.

(4) [Sections 8 and 14] are effective January 1, 2023, and apply to the income tax year beginning after December 31, 2022.

(5) [Sections 9 and 15] are effective January 1, 2024, and apply to the income tax year beginning after December 31, 2023.

(6) [Sections 10 and 16] are effective January 1, 2025, and apply to the income tax year beginning after December 31, 2024.

(7) [Sections 11 and 17] are effective July 1, 2025, and apply to income tax years beginning after June 30, 2025."

41. Page 8, line 19 through line 20.

Strike: section 10 in its entirety

Renumber: subsequent sections

42. Page 8, line 22.

Following: "**Termi**

Insert: "(1) [Sections 7 and 13] terminate December 31, 2022.

(2) [Sections 8 and 14] terminate December 31, 2023.

(3) [Sections 9 and 15] terminate December 31, 2024.

(4) [Sections 10 and 16] terminate December 31, 2025.

(5) [Section 25] terminates January 1, 2025.

(6)"

Strike: "[Sections 1 through 7]"

Insert: "[Sections 1 through 6 and 11, 12, 17, and 18]"

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43. Page 8.

Following: line 24

Insert: "NEW SECTION. **Section 25. 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 7 and 13] 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 8 and 14] 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 9 and 15] 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 10 and 16] 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;

(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),

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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 686, be amended as follows:

1. Title, line 6 through line 8.

Strike: "PROVIDING" on line 6 through "JUSTICE;" on line 8

Insert: "ESTABLISHING LIMITATIONS ON THE LENGTH OF MEDICAID COVERAGE FOR INDIVIDUALS ELIGIBLE UNDER THE HEALTH AND ECONOMIC LIVELIHOOD PARTNERSHIP ACT;"

Strike: "PROVIDING A CONTINGENT APPROPRIATION;" on line 8

2. Title, line 9.

Following: "ACCOUNT;"

Insert: "PROVIDING FOR A MAXIMUM FAMILY COPAYMENT; PROVIDING DIRECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PLACING RESTRICTIONS ON THE USE OF MEDICAID FUNDS FOR STAYS AT THE STATE HOSPITAL;"

3. Title, line 10.

Strike: the first "SECTION"

Insert: "SECTIONS"

4. Title, line 10.

Following: "50-46-345,"

Insert: "53-4-1008, 53-6-101, AND 53-6-1304,"

5. Title, line 11.

Following: "DATE"

Insert: ", A TERMINATION DATE, AND A CONTINGENT TERMINATION DATE"

6. Page 1, line 15 through page 2, line 3.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

7. Page 2.

Following: line 25

Insert: "NEW SECTION. Section 2. Legislative intent. If, during the 2023 biennium, expenditures in the disabilities and employment transition division, the developmental services division, the health resources division, the senior and long term care division, the addictive and mental disorders division, or the child and family services division are estimated to exceed appropriations, thereby requiring actions under 17-7-301, it is the intent of the legislature that the department of public health and human services may, with prior approval of the

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office of budget and program planning, transfer budget authority from any division in the department to any other division listed above to eliminate a potential deficit or supplemental request and eliminate the need for actions under 17-7-301. Total transfers to a division may not exceed 10% of the budget of the division receiving the transfer. Such transfers between divisions must be reported by the department to the legislative finance committee at its next regular meeting. For the 2023 biennium, this language supersedes language contained in House Bill No. 341 and House Bill No. 275, if passed and approved."

Insert: "**Section 3.** Section 53-4-1008, MCA, is amended to read:

"53-4-1008. (Temporary) Participant cost sharing. (1) The department of public health and human services may charge fees to participants in the program. The fees may include:

- (1)(a) monthly or yearly enrollment fees;
- (2)(b) minimum charges to be incurred or spent before benefits are paid;
- (3)(c) cost sharing for individual benefits; and
- (4)(d) other types of charges assessed as part of the program.

(2) Beginning January 1, 2022, the maximum family copayment for the benefit year must be set at \$500, (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999.)" "

Insert: "**NEW SECTION. Section 4. Direction to department of public health and human services -- notification to legislature.** If implementation of [section 3] would result in a reduction in the federal medical assistance percentages for the children's health insurance program or the medicaid program or otherwise result in a loss of funding for either or both programs, the legislature directs the department to delay the implementation of those provisions until implementation can occur without a reduction in a federal medical assistance percentage or other loss of federal funding."

Insert: "**Section 5.** Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program -- authorization of services. (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

- (a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;
- (b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and
- (c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

- (a) inpatient hospital services;
- (b) outpatient hospital services;
- (c) other laboratory and x-ray services, including minimum mammography examination as defined

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- in 33-22-132;
- (d) skilled nursing services in long-term care facilities;
 - (e) physicians' services;
 - (f) nurse specialist services;
 - (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);
 - (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
 - (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
 - (j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
 - (k) health services provided under a physician's orders by a public health department;
 - (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);
 - (m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;
 - (n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103; and
 - (o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.
- (4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:
- (a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;
 - (b) home health care services;
 - (c) private-duty nursing services;
 - (d) dental services;
 - (e) physical therapy services;
 - (f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;
 - (g) clinical social worker services;
 - (h) prescribed drugs, dentures, and prosthetic devices;
 - (i) prescribed eyeglasses;
 - (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
 - (k) inpatient psychiatric hospital services for persons under 21 years of age;
 - (l) services of professional counselors licensed under Title 37, chapter 23;
 - (m) hospice care, as defined in 42 U.S.C. 1396d(o);
 - (n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
 - (o) services of psychologists licensed under Title 37, chapter 17;
 - (p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;
 - (q) services of behavioral health peer support specialists certified under Title 37, chapter 38, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and
 - (r) any additional medical service or aid allowable under or provided by the federal Social Security

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Act.

- (5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.
- (6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(r) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.
- (7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.
- (8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.
- (b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:
 - (i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.
 - (ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.
- (9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.
- (10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.
- (b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

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(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department shall report the information to:

(i) the children, families, health, and human services interim committee; and

(ii) the legislative finance committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

~~(12)~~(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2023--sec. 7, Ch. 412, L. 2019.)"

Insert: "NEW SECTION. Section 6. Medicaid -- restriction on use of funds to pay for stays at state hospital. Medicaid funds appropriated in House Bill No. 2 to the department of public health and human services may not be used to reimburse the costs of a patient's stay at the Montana state hospital unless the person is under 21 years of age or 65 years of age or older, consistent with the institutions for mental disease exclusion in section 1905 of the Social Security Act. "

Insert: "**Section 7.** Section 53-6-1304, MCA, is amended to read:

"53-6-1304. (Temporary) Montana HELP Act program -- eligibility for coverage of health care services -- exceptions. (1) An individual is eligible for coverage of health care services provided pursuant to this part if the individual meets the requirements of 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).

(2) A program participant may not continue coverage under this part if, because of a permanent increase in income as described in 53-6-1314 or another change in the participant's circumstance, the participant no longer meets the requirement of 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).

~~(2)~~(3) The department may serve individuals who are eligible for medicaid-funded services pursuant to this part through the medical assistance program established in Title 53, chapter 6, part 1, if the individuals would be served more appropriately because the individuals:

(a) have exceptional health care needs, including but not limited to medical, mental health, or developmental conditions;

(b) live in a geographical area, including an Indian reservation, that would not be effectively or efficiently served through this part;

(c) need continuity of care that would not be available or cost-effective through this part;

(d) are exempt under the waiver implementing this part as of July 1, 2019; or

(e) are otherwise exempt under federal law. (Terminates June 30, 2025--secs. 38, 48, Ch. 415, L. 2019.)"

Renumber: subsequent sections

8. Page 3.

Following: line 1

Insert: "NEW SECTION. Section 9. Direction to department of public health and human services. (1) The legislature authorizes the department of public health and human

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services to revise, if necessary, the pending section 1115 medicaid demonstration amendment and extension application titled "Montana health and economic livelihood partnership (HELP) demonstration program" (project number 11-W-00300/8) to eliminate the request for approval of 12-month continuous eligibility for the medicaid expansion population.

- (2) If implementation of [section 7] would result in a reduction in the enhanced federal medical assistance percentage provided for the medicaid program under the Families First Coronavirus Response Act of 2020, the legislature directs the department to delay the implementation of those provisions until implementation can occur without a reduction in the enhanced federal medical assistance percentage."

Renumber: subsequent sections

9. Page 3, line 3.

Strike: "1"

Insert: "5(12) of this act"

10. Page 3, line 4.

Strike: "Section 1. Notification to legislative committees prior to action. (1)"

Insert: "(12) (a)"

11. Page 3, line 7.

Strike: "(a)"

Insert: "(i)"

12. Page 3, line 8.

Strike: "(b)"

Insert: "(ii)"

13. Page 3, line 9.

Strike: "(c)"

Insert: "(iii)"

14. Page 3, line 10.

Strike: "(2)"

Insert: "(b)"

15. Page 3.

Following: line 12

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If both Senate Bill No. 225 and [this act] are passed and approved and Senate Bill No. 225 contains a section amending 2-4-305, then the section of Senate Bill No. 225 amending 2-4-305 must be amended to read as follows:

"2-4-305. Requisites for validity -- authority and statement of reasons. (1) (a) The agency shall fully consider written and oral submissions respecting the proposed rule, including comments submitted by the primary sponsor of the legislation prior to the drafting of the

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- substantive content and wording of a proposed rule that initially implements legislation.
- (b) (i) Upon adoption of a rule, an agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement the reasons for overruling the considerations urged against its adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is published in the register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.
- (ii) If an adopted rule that initially implements legislation does not reflect the comments submitted by the primary sponsor, the agency shall provide a statement explaining why the sponsor's comments were not incorporated into the adopted rule.
- (2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language.
- (3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement. A substantive rule may not be proposed or adopted unless:
- (a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject matter of the rule as a subject upon which the agency shall or may adopt rules; or
- (b) the rule implements and relates to a subject matter or an agency function that is clearly and specifically included in a statute to which the grant of rulemaking authority extends.
- (4) Each rule that is proposed and adopted by an agency and that implements a policy of a governing board or commission must include a citation to and description of the policy implemented. Each agency rule implementing a policy and the policy itself must be based on legal authority and otherwise comply with the requisites for validity of rules established by this chapter.
- (5) ~~To~~ Except as provided in subsection (11) to be effective, each substantive rule adopted:
- (a) must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law; and
- (b) may not implement a policy or relate to a subject matter that is substantially similar to the last version of legislation that failed to pass in the previous regular session of the legislature. Legislation is considered to have failed if, following introduction and a hearing in at least one committee, the legislation is not enacted and was tabled in committee, failed a floor vote, or was vetoed. For the purposes of this subsection (5)(b), a determination of "substantially similar" must be based on:
- (i) the policy goals and legislative history of the failed legislation; and
- (ii) textual similarities between the rule and the failed legislation.
- (6) ~~Whenever~~ Except as provided in subsection (11), whenever by the express or implied terms of any statute a state agency has authority to adopt rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, an adoption, amendment, or repeal of a rule is not valid or effective unless it is:
- (a) consistent and not in conflict with the statute; ~~and~~
- (b) not substantially similar to the last version of legislation that failed to pass in the previous

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regular session of the legislature. Legislation is considered to have failed if, following introduction and a hearing in at least one committee, the legislation is not enacted and was tabled in committee, failed a floor vote, or was vetoed. For the purposes of this subsection (6)(b), a determination of "substantially similar" must be based on:

- (i) the policy goals and legislative history of the failed legislation; and
 - (ii) textual similarities between the rule and the failed legislation.
- ~~(b)~~(c) reasonably necessary to effectuate the purpose of the statute. A statute mandating that the agency adopt rules establishes the necessity for rules but does not, standing alone, constitute reasonable necessity for a rule. The agency shall also address the reasonableness component of the reasonable necessity requirement by, as indicated in 2-4-302(1) and subsection (1) of this section, stating the principal reasons and the rationale for its intended action and for the particular approach that it takes in complying with the mandate to adopt rules. Subject to the provisions of subsection (8), reasonable necessity must be clearly and thoroughly demonstrated for each adoption, amendment, or repeal of a rule in the agency's notice of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency and considered by the agency. A statement that merely explains what the rule provides is not a statement of the reasonable necessity for the rule.
- (7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section and unless notice of adoption of the rule is published within 6 months of the publishing of notice of the proposed rule. The measure of whether an agency has adopted a rule in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section is not whether the agency has provided notice of the proposed rule, standing alone, but rather must be based on an analysis of the agency's substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section. If an amended or supplemental notice of either proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be determined with reference to the latest notice in all cases.
- (8) (a) An agency may use an amended proposal notice or the adoption notice to correct deficiencies in citations of authority for rules and in citations of sections implemented by rules.
- (b) An agency may use an amended proposal notice but, except for clerical corrections, may not use the adoption notice to correct deficiencies in a statement of reasonable necessity.
- (c) If an agency uses an amended proposal notice to amend a statement of reasonable necessity for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under 2-4-302, and from any other person who offered comments or appeared at a hearing already held on the proposed rule.
- (9) If a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that those members object to all or a portion of a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to all or a portion of the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, all or a portion of the proposal notice that the committee objects to may not be adopted until publication of the

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last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.

(10) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704.

(11) This section does not apply to department of public health and human services rules establishing procedures for redetermining medicaid eligibility in accordance with 53-6-1304."

16. Page 3.

Following: line 14

Insert: "NEW SECTION. Section 13. Termination. [Section 7] terminates June 30, 2025."

Insert: "NEW SECTION. Section 14. Contingent termination. (1) [Section 3] terminates on the date that the director of the department of public health and human services certifies to the governor that the federal government has terminated the program or that federal funding for the program has been discontinued.

(2) The governor shall transmit a copy of the certification to the code commissioner."

And, as amended, be concurred in.

HB 693, be amended as follows:

1. Title, line 8.

Following: line 7

Insert: "PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR;"

Following: "THE"

Insert: "11TH AND THE"

2. Title, line 9.

Strike: "DISTRICT"

Insert: "DISTRICTS"

3. Title, line 9.

Following: "DISTRICT;"

Strike: "REVISING EXPUNGEMENT PROVISIONS IN TREATMENT COURTS;"

4. Title, line 10 through line 11.

Following: "BUREAU;" on line 10

Insert: "REQUIRING THE INVESTIGATION OF CERTAIN ORGANIZATIONS BY THE DEPARTMENT OF JUSTICE;"

Strike: "PROVIDING" on line 10 through "EVALUATION;" on line 11

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5. Title, line 11.

Following: "EVALUATION;"

Insert: "GRANTING CONSENT TO DISCONTINUE THE CONTRACT WITH THE GREAT FALLS REGIONAL PRISON; PROVIDING NOTIFICATION OF DISCHARGE ELIGIBILITY; ESTABLISHING AN EVIDENCE-BASED PROGRAM UNIT AT THE DEPARTMENT OF CORRECTIONS; PROVIDING FOR A TRANSFER OF FUNDS; ALLOWING A DRIVER TO RENEW A DRIVER'S LICENSE WHEN APPLYING FOR A REAL ID-COMPLIANT LICENSE; REDUCING FEES FOR A REAL ID-COMPLIANT DRIVER'S LICENSE OR IDENTIFICATION CARD REQUESTED PRIOR TO RENEWAL;"

6. Title, line 11.

Following: "3-5-102,"

Insert: "44-7-204,"

7. Title, line 11 through line 12.

Strike: "46-1-1104," on line 11 through "46-18-1108," on line 12

Insert: "46-23-1011, 53-1-211, 61-5-111, AND 61-5-129,"

8. Page 3, line 4.

Strike: "Corrections"

Insert: "Justice"

9. Page 3, line 5.

Strike: "Corrections"

Insert: "Justice"

10. Page 3, line 24.

Strike: "afterward"

Insert: "of the 2023 biennium"

11. Page 4, line 1.

Following: "expenditures;"

Insert: "and"

12. Page 4, line 2.

Strike: subsection (b) in its entirety

13. Page 4, line 3.

Strike: "(c)"

Insert: "(b)"

14. Page 4, line 7.

Strike: "afterward"

Insert: "of the 2023 biennium"

15. Page 4, line 11.

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Following: "sentencing;"
Strike: "and"

16. Page 4, line 13.

Following: "held"

Insert: "; and"

(c) for those defendants remaining in a county detention facility for more than 10 business days after sentencing, on the relevant facts leading to the delay in transfer out of the facility and whether the delay is attributable to untimely receipt of a judgment or other sentencing documents from the judicial branch"

17. Page 4, line 20 through line 22.

Strike: ":" on line 20 through "(ii)" on line 22

18. Page 6.

Following: line 25

Insert: "(5) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on how many offenders have had their convictions expunged since the passage of [this act] through a treatment court and what the underlying crime was for."

19. Page 6.

Following: line 26

Insert: "NEW SECTION. Section 4. Office of court administrator to report. Each quarter of the fiscal year, the office of court administrator shall report to the law and justice interim committee and the legislative finance committee on the number of civil cases that have been pending for more than 2 years by judicial district. The report must identify:

(1) the judicial district;

(2) the number of cases in that district that are pending for more than 2 years but less than 3 years;

(3) the number of cases in that district that are pending for more than 3 years but less than 4 years;

(4) the number of cases in that district that are pending for more than 4 years but less than 5 years;
and

(5) the number of cases in that district that are pending for more than 5 years."

20. Page 7, line 3 through line 23.

Strike: section 5 in its entirety

Insert: "NEW SECTION. Section 6. Investigation of environmental organization compliance.

(1) Using its consumer protection oversight and authority in accordance with Title 30, chapter 14, the department of justice shall investigate the electioneering and related political and lobbying activities of environmental organizations operating in Montana. The investigation must include but is not limited to:

(a) if organizations are meeting their exempt purpose as established in their tax-exempt status;

(b) the composition of environmental organizations operating in Montana and the number of Montana residents actively signing annual membership agreements;

(c) funding structures used to provide revenue to environmental organizations operating in

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- Montana and the percentage of funding provided by out-of-state sources, out-of-country sources, or both;
- (d) potential failure to register as a corporation or business entity with the Montana secretary of state's office while soliciting monetary or other support and potentially misleading Montana residents under consumer protection laws;
 - (e) engagement in political speech, lobbying, and other politically motivated activities, including how organizations spend money and provide for accountability and standard auditing practices for funding and staff employment; and
 - (f) interplay between environmental organizations and affiliated funding sources.
- (2) The department shall research, identify, and list all legal actions involving environmental organizations acting to block or otherwise influence permitting, licensing, and other governmental action or regulation since January 1, 2011.
 - (3) The department shall prepare a report outlining its findings based on the requirements of this section and provide the report to the legislative council and the legislature, in accordance with 5-11-210, no later than December 1, 2022."

Renumber: subsequent sections

21. Page 8, line 2.

Following: "8th,"

Strike: "and 11th"

22. Page 8, line 3.

Following: "4th"

Strike: "district"

Insert: "and 11th districts"

23. Page 8, line 7.

Following: "**judges.**"

Insert: "(1)"

24. Page 8.

Following: line 11

Insert: "(2) The additional judge for the 11th judicial district must be elected to take office January 2, 2023."

25. Page 8.

Following: line 12

Insert: "**NEW SECTION. Section 9. Authority to discontinue use.** The legislature provides consent for the department of corrections to discontinue the use of the Great Falls regional prison in accordance with 53-1-202(4)."

Insert: "**Section 10.** Section 44-7-204, MCA, is amended to read:

"44-7-204. Restriction on use of funds. Funds deposited in the domestic violence intervention account may be used only for the program authorized in 44-7-201 and the costs authorized under 44-7-203 and may not be used to pay the expenses of any other program or service administered in whole or in part by the Montana board of crime control or the department

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of ~~corrections~~ justice.""

Renumber: subsequent sections

26. Page 8, line 13 through page 13, line 22.

Strike: sections 8 through 10 in their entirety

Insert: "NEW SECTION. Section 11. Legislative intent. It is the intent of the legislature that the department of corrections establish an evidence-based program unit by moving three full-time equivalent positions from the existing quality assurance unit, including any management position, to the evidence-based program unit. It is also the intent of the legislature that the department of corrections disband the current quality assurance unit and assign the remaining duties and full-time equivalent positions to other appropriate work groups."

Insert: "**Section 12.** Section 46-23-1011, MCA, is amended to read:

"46-23-1011. Supervision on probation. (1) The department shall supervise probationers during their probation period, including supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), in accord with the conditions set by a sentencing judge. If the sentencing judge did not set conditions of probation at the time of sentencing, the court shall, at the request of the department, hold a hearing and set conditions of probation. The probationer must be present at the hearing. The probationer has the right to counsel as provided in chapter 8 of this title.

(2) If the probationer is being supervised for a sexual offense as defined in 46-23-502, the conditions of probation may require the probationer to refrain from direct or indirect contact with the victim of the offense or an immediate family member of the victim. If the victim or an immediate family member of the victim requests to the department that the probationer not contact the victim or immediate family member, the department shall request a hearing with a sentencing judge and recommend that the judge add the condition of probation. If the victim is a minor, a parent or guardian of the victim may make the request on the victim's behalf.

(3) A copy of the conditions of probation must be signed by the probationer. The department may require a probationer to waive extradition for the probationer's return to Montana.

(4) The probation and parole officer shall regularly advise and consult with the probationer using effective communication strategies and other evidence-based practices to encourage the probationer to improve the probationer's condition and conduct and shall inform the probationer of the restoration of rights on successful completion of the sentence.

(5) (a) The probation and parole officer may recommend and a judge may modify or add any condition of probation or suspension of sentence at any time.

(b) The probation and parole officer shall provide the county attorney in the sentencing jurisdiction with a report that identifies the conditions of probation and the reason why the officer believes that the judge should modify or add the conditions.

(c) The county attorney may file a petition requesting that the court modify or add conditions as requested by the probation and parole officer.

(d) The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court shall hold a hearing pursuant to the provisions of 46-18-203.

(e) Except as they apply to supervision after release from imprisonment imposed pursuant to 45-5-

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- 503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), the provisions of 46-18-203(7)(a)(ii) do not apply to this section.
- (f) The probationer shall sign a copy of new or modified conditions of probation. The court may waive or modify a condition of restitution only as provided in 46-18-246.
- (6) Based on the risk and needs of each individual as determined by the individual's most recent risk and needs assessment, the probation and parole officer shall ~~recommend~~ notify the probationer of eligibility for conditional discharge from supervision when a probationer is in compliance with the conditions of supervision when:
- ~~(a) a low-risk probationer has served 9 months;~~
~~(b) a moderate-risk probationer has served 12 months;~~
~~(c) a medium-risk probationer has served 18 months; and~~
~~(d) a high-risk probationer has served 24 months.~~
- (a) under the women's risks and needs assessment:
- (i) a low-risk probationer has served 9 months;
(ii) a moderate-risk probationer has served 12 months;
(iii) a medium-risk probationer has served 18 months; and
(iv) a high-risk probationer has served 24 months; and
- (b) under the Montana offender reentry and risk assessment:
- (i) a low-risk probationer has served 9 months;
(ii) a moderate-risk probationer has served 12 months;
(iii) a high-risk probationer has served 18 months; and
(iv) a very high-risk probationer has served 24 months.
- (7) The probationer, the probationer's attorney, or the prosecutor may file a motion recommending conditional discharge. The motion must set forth the following:
- (a) why the probationer meets the requirements of subsection (6); and
(b) whether the department of corrections supports or opposes the motion.
- (8) The motion must be served on the county attorney serving in the county of the presiding district court. The movant does not need to file an accompanying brief as otherwise required by Rule 2 of the Montana Uniform District Court Rules.
- (9) The department of corrections shall make reasonable efforts to notify the victim if required by 46-24-212, and the county attorney shall make reasonable efforts to notify the victim. The victim must be provided the following:
- (a) a copy of the motion;
(b) written notice that:
(i) the victim may provide written input regarding the motion or may ask the county attorney to state the victim's position on the motion;
(ii) if a hearing is set, the date, time, and place of the hearing; and
(iii) the victim may appear and testify at any hearing held on the motion.
- (10) (a) The court may hold a hearing on the motion. A judge may conditionally discharge a probationer from supervision before expiration of the probationer's sentence if:
- (i) the judge determines that a conditional discharge from supervision:
(A) is in the best interests of the probationer and society; and
(B) will not present unreasonable risk of danger to the victim of the offense; and
(ii) the offender has paid all restitution and court-ordered financial obligations in full.
- (b) Subsection (10)(a) does not prohibit a judge from revoking the order suspending execution or deferring imposition of sentence, as provided in 46-18-203, for a probationer who has been

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conditionally discharged from supervision.""

Insert: "**Section 13.** Section 53-1-211, MCA, is amended to read:

"53-1-211. ~~Quality assurance~~ Evidence-based program unit -- program standards -- evaluation -- ~~cooperation with department of public health and human services~~ -- report. (1) There is a ~~quality assurance~~ an evidence-based program unit in the department of corrections.

(2) In addition to duties assigned to it by the department director or otherwise required by law, the unit shall:

(a) adopt an evidence-based program evaluation tool that measures how closely correctional programs meet the known principles of effective intervention. The tool must measure program content and capacity to ensure the delivery of effective interventions for offenders.

(b) conduct evaluations of programs to reduce recidivism that are funded by the state; ~~and~~

(c) enforce standards to ensure that ~~department-run and contracted~~ programs are using best practices for reducing recidivism, including targeting highest-risk individuals, adhering to evidence-based or research-driven practices, and integrating opportunities for ongoing quality assurance and evaluation; ~~and~~

(d) work to enhance training opportunities for evidence-based programs for both department staff and contracted staff, to the extent that resources allow.

(3) Subject to the availability of funding, the department may contract with an independent contractor or academic institution to complete evaluations and training.

(4) The unit leader shall work jointly with the department of public health and human services report directly to the department director or deputy director and work with stakeholder and department clinical staff to develop standards for quality assurance in behavioral health programs or other clinical programs.

(5) The unit shall conduct regular evaluations of programs operated by the department or under a contract with the department.

(6) The department shall:

(a) develop and maintain a list of evidence-based treatment curriculums to be utilized in programs operated by or under contract with the department with priority being placed on adopting treatment curriculums that are in the public domain and evidence-based; and

(b) report the results of all initial and ongoing program evaluations to the law and justice interim committee each interim, including any identified program deficiencies and the department's plan to correct those deficiencies.

(7) ~~After May 19, 2017, the~~ The department shall ensure that contracts signed or renewed with providers contain:

(a) minimum program standards that adhere to the evidence-based program evaluation tool adopted as required in subsection (2);

(b) offender eligibility criteria for program entry with the contractor; and

(c) program dosage requirements that conform to evidence-based practices.""

Insert: "**Section 14.** Section 61-5-111, MCA, is amended to read:

"61-5-111. Contents of driver's license, renewal, license expirations, license replacements, grace period, and fees for licenses, permits, and endorsements -- notice of expiration. (1) (a) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's license receipts. In areas in which the department provides driver licensing services 3 days or more a week, the department is

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- responsible for sale of receipts and may appoint an agent to sell receipts.
- (b) The department may enter into an authorized agent agreement with the county treasurer of any county in which the department no longer maintains a driver examination station for the purpose of providing driver's license renewal services.
 - (2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:
 - (i) a full-face photograph of the licensee in the size and form prescribed by the department;
 - (ii) a distinguishing number issued to the licensee;
 - (iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant driver's license unless authorized by department rule;
 - (iv) a brief description of the licensee;
 - (v) either the licensee's customary manual signature or a reproduction of the licensee's customary manual signature; and
 - (vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.
 - (b) The department may not use the licensee's social security number as the distinguishing number. A license is not valid until it is signed by the licensee.
 - (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:
 - (i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and
 - (ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or
 - (iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.
 - (b) In the case of a commercial driver's license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.
 - (c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months after the expiration of the person's license, or if the person has applied for a REAL ID-compliant driver's license pursuant to 61-5-129. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.
 - (d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(vi), a person may renew a driver's license by mail or online.
 - (ii) An applicant who renews a driver's license by mail or online shall submit to the department an approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal.
 - (iii) If the department does not have a digitized photograph and signature record of the renewal

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- applicant from the expiring license, then the renewal applicant shall apply in person.
- (iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online is 8 years.
 - (v) The department may not renew a license by mail or online if:
 - (A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant;
 - (B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;
 - (C) the applicant seeks a change of address, a change of date of birth, or a name change; or
 - (D) the applicant's license:
 - (I) has been expired for 3 months or longer; or
 - (II) except as provided in subsection (3)(e), was renewed by mail or online at the time of the applicant's previous renewal.
 - (vi) If a license was issued to a foreign national whose presence in the United States is temporarily authorized under federal law, the license may not be renewed by mail or online.
 - (e) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active military duty may renew the applicant's license by mail or online for one additional consecutive term following a renewal by mail or online.
 - (f) The department shall send electronically or mail a driver's license renewal notice no earlier than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the licensee, provide the notice using an authorized method of electronic delivery, or both.
- (4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.
- (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.
 - (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.
 - (d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.
 - (ii) When a person obtains a Montana commercial driver's license with a hazardous materials endorsement after surrendering a comparable commercial driver's license with a hazardous materials endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday 4 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's license information system, a security threat assessment was performed on the person as a condition of issuance of the surrendered license.
 - (e) A license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law expires, as determined by the department, no later than the expiration date of the official document issued to the person by the bureau of citizenship and immigration services of the department of homeland security authorizing the person's presence in the United States.
- (5) When the department issues a driver's license to a person under 18 years of age, the license

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must be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

- (6) (a) Upon application for a driver's license or commercial driver's license and any combination of the specified endorsements, the following fees must be paid:
 - (i) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;
 - (ii) motorcycle endorsement -- 50 cents a year or fraction of a year;
 - (iii) commercial driver's license:
 - (A) interstate -- \$10 a year or fraction of a year; or
 - (B) intrastate -- \$8.50 a year or fraction of a year.
- (b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.
- (7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this part, the department shall include the word "veteran" on the face of the license.
- (b) After a person's status as a veteran is denoted on a driver's license, the department may not require further documentation of that status from the holder of the license upon subsequent renewal or replacement.
- (8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's license online or by mail.
- (b) If the department does not have a digitized photograph and signature record of the applicant, the applicant shall apply in person.
- (c) The term of the replacement license must be the term of the applicant's current driver's license.
- (9) (a) An applicant may request an expedited delivery service for a driver's license or identification card. The department shall set a fee for expedited delivery based on the cost of providing this service.
- (b) The fees for expedited delivery must be deposited in the motor vehicle division administration account established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for delivery, personnel, and related technology.""

Insert: "**Section 15.** Section 61-5-129, MCA, is amended to read:

- "61-5-129. (Temporary) REAL ID-compliant driver's license or identification card -- voluntary application.** (1) The department shall issue a Montana driver's license or identification card that complies with the requirements of the federal REAL ID Act of 2005, Public Law 109-13, to each qualifying applicant.
- (2) (a) When required to obtain a Montana driver's license or identification card, a person may choose to apply for either a standard driver's license or identification card, or for a REAL ID-compliant driver's license or REAL ID-compliant identification card.
 - (b) A person may not hold a valid standard driver's license or identification card and a valid REAL ID-compliant driver's license or identification card at the same time.
 - (3) (a) A REAL ID-compliant driver's license issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard driver's license issued pursuant to this chapter.
 - (b) A REAL ID-compliant identification card issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard identification card issued pursuant to Title 61, chapter 12, part 5, and this chapter.
 - (4) (a) In addition to the fees charged to apply for or renew a standard driver's license under 61-5-

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111(6) and the fees charged to apply for a standard identification card under 61-12-504, the department may charge the following additional fees:

- (i) for a person who is applying for a REAL ID-compliant driver's license or identification card during or prior to a renewal period specified in 61-5-111(3)(c), the additional fee is \$25; and
 - ~~(ii) for a person who is applying for a REAL ID-compliant driver's license or identification card prior to the renewal period specified in 61-5-111 (3)(c), the additional fee is \$50; and~~
 - ~~(iii)~~(ii) for a person who renews a standard driver's license or a standard identification card under 61-5-111(3)(c) between June 1, 2017, through December 31, 2017, and is applying for a REAL ID-compliant driver's license or identification card between January 1, 2018, and June 30, 2018, the additional fee is \$25.
- (b) The fees collected under this subsection (4) must be deposited in the state special revenue fund to be used to fund the equipment and staffing necessary to provide REAL ID-compliant driver's licenses and identification cards. (Void on occurrence of contingency--sec. 8, Ch. 443, L. 2017.)"

Renumber: subsequent sections

27. Page 13, line 25.

Strike: "4"

Insert: "5"

28. Page 13.

Following: line 26

Insert: "**NEW SECTION. Section 17. Transfer of funds.** By August 15, 2021, the department of justice shall transfer \$354,901 in state special revenue from the account provided for in 30-14-143 to the state special revenue account provided for in 46-1-1115. The transfer shall utilize the proceeds from the settlement in State of Montana v. McKinsey & Company, Inc., DDV 2021-107 (1st Judicial District), and the final consent judgment ordered on February 5, 2021."

Renumber: subsequent sections

29. Page 14, line 1.

Strike: "11 and 12"

Insert: "16 and 18"

And, as amended, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair):

4/23/2021

HJ 30, be concurred in.

Without objection, committee reports are adopted.

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REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 276**
Report No. 001, April 22, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 276** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 276** (reference copy -- salmon) be amended as follows:

1. Title, line 4.

Following: "ADDING"

Strike: "TWO"

Following: "LICENSED"

Insert: "A"

2. Title, line 5.

Strike: "SPECIALISTS"

Insert: "SPECIALIST"

3. Page 1, line 13.

Strike: "NINE"

Insert: "10"

4. Page 1, line 14.

Strike: "TWO"

Insert: "Three"

5. Page 1, line 14.

Strike: "TWO"

Insert: "three"

6. Page 1, line 20.

Strike: "Two members"

Insert: "One member"

7. Page 1, line 20.

Following: "be"

Insert: "a"

8. Page 1, line 20.

Strike: "specialists"

Insert: "specialist"

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9. Page 2, line 16.

Strike: "nine"

Insert: "11"

10. Page 2, line 17.

Strike: "Two"

Insert: "Three"

11. Page 2, line 17.

Strike: "two"

Insert: "three"

For the Senate:

McGillvray, Chair
Glimm
Gross

For the House:

Lenz, Vice Chair
Caferro
Gillette

MESSAGES FROM THE GOVERNOR

April 22, 2021

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

Dear President Blasdel:

On Thursday, April 22nd, I signed the following bills:

Senate Bill 4 - Small
Senate Bill 72 - Regier
Senate Bill 168 - Fitzpatrick
Senate Bill 171 - Friedel
Senate Bill 175 - Kary
Senate Bill 178 - Friedel
Senate Bill 196 - McGillvray
Senate Bill 211 - Fitzpatrick
Senate Bill 215 - Glimm
Senate Bill 217 - Small
Senate Bill 222 - Gauthier
Senate Bill 226 - Fitzpatrick

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Senate Bill 240 - Manzella

Senate Bill 275 - Welborn

The bills have been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

April 23, 2021

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

Dear President Blasdel:

On Friday, April 23rd, I signed the following bills:

Senate Bill 20 - Cohenour

Senate Bill 230 - Lang

Senate Bill 267 - Brown

Senate Bill 277 - McGillvray

The bills have been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/22/2021

SB 76, introduced by D. Salomon

SB 81, introduced by K. Regier

SB 203, introduced by K. Bogner

SB 232, introduced by T. Gauthier

SB 285, introduced by S. Hinebauch

SB 336, introduced by C. Friedel

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SB 374, introduced by C. Smith
SB 376, introduced by G. Hertz
SB 378, introduced by S. Fitzpatrick
SB 392, introduced by G. Vance
SB 396, introduced by B. Hoven

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

4/22/2021

SB 116, introduced by D. Ankney
SB 320, introduced by E. Boldman
SB 395, introduced by G. Hertz

Senate amendments to House bills concurred in:

4/22/2021

HB 66, introduced by T. Moore
HB 167, introduced by M. Regier
HB 426, introduced by D. Lenz
HB 449, introduced by F. Garner
HB 450, introduced by S. Gunderson
HB 459, introduced by D. Lenz
HB 478, introduced by D. Harvey
HB 479, introduced by K. Sullivan
HB 503, introduced by D. Lenz
HB 539, introduced by B. Usher
HB 616, introduced by M. Hopkins

Senate amendments to House joint resolution concurred in:

4/22/2021

HJ 4, introduced by M. Caferro

Senate bill not concurred in and returned to the Senate:

4/22/2021

SB 153, introduced by J. Welborn

HB 230 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 230**:

4/22/2021

Representative A. Regier, Vice Chair
Representative Funk
Representative Whitman

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HB 483 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 483**:

4/22/2021

Representative C. Knudsen, Vice Chair
Representative Garner
Representative Harvey

SB 40 - 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 40**:

4/22/2021

Representative R. Knudsen, Vice Chair
Representative Curdy
Representative Fielder

SB 231 - 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 231**:

4/22/2021

Representative Malone, Vice Chair
Representative Harvey
Representative Walsh

SB 278 - 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 278**:

4/22/2021

Representative Buttrey, Vice Chair
Representative Berglee
Representative Farris-Olsen

HB 632 - The House dissolved the Conference Committee on Senate amendments to **HB 632**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on Senate amendments to **HB 632**:

4/22/2021

Representative Garner, Vice Chair
Representative Bartel
Representative Keane

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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 87, as amended by the House, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, 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 36

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

Total 14

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 142, 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, Manzella, 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, Lynch, McClafferty, McGillvray, 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

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SB 149, 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 224, 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 272, 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,

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McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284, 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, McClafferty, McGillvray, Molnar, 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, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 18, 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.

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Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 300 passed as follows:

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

Total 43

Nays: Cohenour, Gross, Jacobson, Lynch, Morigeau, Pomnichowski, Sweeney.

Total 7

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 158 concurred in 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, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 42

Nays: Boland, Cohenour, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 8

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 325 concurred in 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, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, 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

HB 367 failed (due to 2/3 vote requirement) as follows:

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

Total 31

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Hoven, 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

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HB 593 concurred in as follows:

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

Total 41

Nays: Boland, Cohenour, Gross, Hoven, Jacobson, Morigeau, Sweeney, Webber, Welborn.

Total 9

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 606 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, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 42

Nays: Bennett, Boland, Cohenour, Ellis, Gross, McClafferty, Pomnichowski, Webber.

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 620 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, Mr. President.

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Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 625 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 635 failed (due to 2/3 vote requirement) 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.

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Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 648 concurred in as follows:

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

HB 658 concurred in as follows:

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

Total 33

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

Total 17

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 667 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, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Esp, Smith C.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 691 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

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HB 702 concurred in as follows:

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

HB 709 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

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

HB 112 concurred in as follows:

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

Total 27

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

Total 23

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 Salomon in the chair.

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

Senator Cuffe excused at this time.

SJ 32 - Majority Leader Smith moved consideration of **SJ 32** be passed for the day. Without objection, so ordered.

SJ 30 - Majority Leader Smith moved consideration of **SJ 30** be passed for the day. Without objection, so ordered.

HJ 671 - Majority Leader Smith moved consideration of **HJ 671** be placed at the bottom of the second reading agenda. Without objection, so ordered.

HJ 701 - Majority Leader Smith moved consideration of **HJ 701** be placed as item #11 on the second reading agenda. Without objection, so ordered.

SJ 31 - Senator Boldman moved **SJ 31** do pass.

SJ 31 - Senator Fitzpatrick moved **SJ 31**, second reading copy, be amended as follows:

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1. Page 1, line 6 through line 8.

Strike: "AND" on line 6 through "IMPLEMENTATION" on line 8

2. Page 1, line 20 through line 24.

Strike: "; and" on line 20 through "operations" on line 24

3. Page 2, line 5.

Following: "collections;"

Insert: "and"

4. Page 2, line 6 through line 8.

Strike: subsections (b) and (c) in their entirety

5. Page 2, line 9.

Strike: "(d)"

Insert: "(b)"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, 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: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

SJ 31 - As amended, **SJ 31** passed as follows:

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

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Nays: Cuffe, Esp, Glimm, Hinebauch, Howard, Kary, Manzella, McGillvray, Smith C, Vance.
Total 10

Voted absentee: Cuffe, No.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 4 - Senator Osmundson moved **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, 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, Mr. President.
Total 47

Nays: Esp, Keenan, Manzella.
Total 3

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 330 - Senator Osmundson moved **HB 330** be concurred in.

HB 330 - Senator Molnar moved **HB 330**, second reading copy, be amended as follows:

1. Title, line 10.

Following: "STUDIES;"

Insert: "PROVIDING CERTAIN MEDICAID SERVICES ARE NOT SUBJECT TO A REDUCTION IN SPENDING BY THE GOVERNOR DURING A PROJECTED GENERAL FUND BUDGET DEFICIT;"

2. Page 4, line 9.

Following: "office;"

Strike: "and"

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3. Page 4, line 10.

Following: "blind"

Insert: "; and

(g) medicaid services for persons with disabilities and the elderly provided by the divisions within the department of public health and human services for addictive and mental disorders, developmental disabilities, and senior and long-term care"

Amendment **not** adopted as follows:

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

Total 24

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

Total 26

Voted absentee: Cuffe, No.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

HB 330 - Thereupon, the Senate reverted to the original motion of Senator Osmundson which 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, 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, Mr. President.

Total 47

Nays: Gross, Keenan, Manzella.

Total 3

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

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Absent or not voting: None.

Total 0

HB 357 - Senator Osmundson moved **HB 357** 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, Webber, Welborn, Mr. President.

Total 48

Nays: Vance.

Total 1

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: Ankney.

Total 1

HB 663 - Senator Osmundson moved **HB 663** 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, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: McGillvray.

Total 1

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

HB 678 - Senator Welborn moved **HB 678** be concurred in. Motion carried as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, 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, Webber, Welborn, Mr. President.

Total 45

Nays: Esp, Hinebauch, Keenan, Manzella, Vance.

Total 5

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

HB 655 - Senator Friedel moved **HB 655** be concurred in. Motion carried as follows:

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

Total 27

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

Total 23

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

HB 629 - President Blasdel moved **HB 629** be concurred in. Motion carried as follows:

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

Total 35

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Nays: Bogner, Boland, Esp, Hinebauch, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Pomnichowski, Regier K, Sands, Tempel, Vance.
Total 15

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 178 - Conference Committee Report No. 1 - Senator Ellsworth moved the Conference Committee report to **HB 178** 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, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 701 - Majority Leader Smith moved consideration of **HB 701** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 403 - Senator Morigeau moved **HB 403** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 33

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Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Smith C, Vance, Mr. President.
Total 17

Voted absentee: Cuffe, No.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SB 306 - Conference Committee Report No. 1 - Senator Lang moved the Conference Committee report to **SB 306** 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: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 502 - Free Conference Committee Report No. 1 - Senator McGillvray moved the Free Conference Committee report to **HB 502** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Jacobson, Lynch, McNally, Morigeau, O'Brien, Pope, Webber.
Total 12

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Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

SB 319 - House Amendments - Senator Hertz moved House amendments to **SB 319** be **not** concurred in. Motion carried 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, Pomnichowski, 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, O'Brien, Pope, Sands, Sweeney, Webber.

Total 17

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

SB 172 - House Amendments - Senator Howard moved House amendments to **SB 172** be concurred in. Motion carried as follows:

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

Total 38

Nays: Bennett, Boland, Boldman, Cohenour, Fox, Jacobson, Lynch, Morigeau, Pomnichowski, Pope, Sands, Webber.

Total 12

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

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Total 1

Absent or not voting: None.

Total 0

SB 183 - House Amendments - Senator Hertz moved House amendments to **SB 183** 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, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 33

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

Total 17

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

SB 220 - House Amendments - Senator Cohenour moved House amendments to **SB 220** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, 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, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 39

Nays: Bennett, Boldman, Ellis, Gross, McClafferty, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 11

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

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Total 0

SB 316 - House Amendments - Senator Fitzpatrick moved House amendments to **SB 316** be **not** concurred in. Motion carried as follows:

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

Total 36

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

Total 14

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

SB 357 - House Amendments - Senator Gross moved House amendments to **SB 357** 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: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

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HB 701 - Majority Leader Smith moved consideration of **HB 701** be placed at the top of the second reading agenda. Without objection, so ordered.

HB 701 - Senator Small moved **HB 701** be concurred in.

HB 701 - Senator Ellsworth moved **HB 701**, second reading copy, be amended as follows:

1. Page 53, line 24.

Following: "mandatory"

Strike: "cashless OR"

2. Page 53, line 25.

Following: "a"

Strike: "cashless OR"

3. Page 53, line 28.

Following: "The"

Strike: "cashless or"

4. Page 54, line 4.

Following: "the"

Strike: "cashless or"

5. Page 72, line 6.

Strike: "proves by clear and convincing evidence that"

Insert: "provides the court with a reasonable basis on which"

6. Page 73, line 5.

Following: "by"

Insert: "or had an application pending with"

7. Page 162, line 9.

Strike: "(8)"

Insert: "(10)"

Amendment **adopted** as follows:

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

Total 47

Nays: McGillvray, Smith C, Vance.

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Total 3

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

HB 701 - As amended, **HB 701** was concurred in as follows:

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

Total 34

Nays: Bennett, Bogner, Cuffe, Esp, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Osmundson, Smith C, Vance.

Total 16

Voted absentee: Cuffe, No.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

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

HB 703 - Senator Glimm moved **HB 703** be concurred in.

HB 703 - Senator Glimm moved **HB 703**, second reading copy, be amended as follows:

1. Page 3, line 3.

Strike: "A PRIVATELY OR PUBLICLY OPERATED"

Insert: "an assisted living facility or a"

2. Page 3, line 4 through line 5.

Strike: "THAT" on line 4 through "WITH" on line 5

Insert: "if the facility is required by"

3. Page 3, line 5 through line 6.

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Strike: "THAT" on line 5 through "FACILITY" on line 6

4. Page 3, line 6 through line 7.

Strike: "IF THE" on line 6 through "ACTION" on line 7

5. Page 3, line 8 through line 9.

Strike: "AND IDENTIFIED" on line 8 through "DEFICIENCY" on line 9

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

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

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 703 - As amended, **HB 703 failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

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Absent or not voting: None.

Total 0

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

HB 703 - Majority Leader Smith moved **HB 703** be **indefinitely postponed**. Motion carried as follows:

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

Total 27

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

Total 22

Voted absentee: None.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

Senator Blasdel assumed the chair.

HB 671 - Senator Salomon moved **HB 671** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, 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, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 43

Nays: Esp, Glimm, Hinebauch, Keenan, Manzella, Smith C, Vance.

Total 7

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

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

Yeas: Ankney, Bennett, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Bogner, Boland, Glimm, Hinebauch, Keenan, Manzella, McGillvray, Pomnichowski, Pope.
Total 9

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

HB 701 - Majority Leader Smith moved that **HB 701**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

HB 629 - Majority Leader Smith moved that **HB 629**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

HB 230 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee to confer with the House on **HB 230**. Without objection, so ordered. President Blasdel appointed Senator Howard, Chair, and Senators Regier and Sands.

HB 483 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee to confer with the House on **HB 483**. Without objection, so ordered. President Blasdel appointed Senator Vance, Chair, and Senators Bennett and Smith.

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HB 703 - Senator Gauthier moved to change his second reading vote on **HB 703** from Yes to No. Without objection, so ordered.

HB 694 - Senator Friedel moved the Senate reconsider its action on **HB 694**, indefinitely postponed the previous legislative day. Motion **failed** as follows:

Yeas: Ankney, Bogner, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Hertz, Hinebauch, Howard, Kary, Lang, McGillvray, Sales, Salomon, Small, Smith C, Welborn, Mr. President.
Total 20

Nays: Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Glimm, Gross, Hoven, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sands, Sweeney, Tempel, Vance, Webber.
Total 29

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 329 - Senator Salomon moved that **HB 329** be taken from the Education and Cultural Resources Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Bennett, Bogner, Brown, Ellsworth, Fitzpatrick, Gauthier, Glimm, Hertz, Manzella, McGillvray, Molnar, Osmundson, Salomon, Smith C, Mr. President.
Total 15

Nays: Ankney, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 34

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

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HB 709 - Senator Flowers moved to change his third reading vote on **HB 709** from No to Yes. Without objection, so ordered.

HB 487 - Senator Ankney moved that **HB 487** be taken from the Public Health, Welfare and Safety Committee and be placed on second reading the next legislative day. Motion failed as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 24

Nays: Bogner, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 25

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Senate recessed at 3:02 p.m. and reconvened at 4:02 p.m., President Blasdel presiding.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/23/2021
HB 701, be concurred in.

JUDICIARY (Regier, Chair): 4/23/2021
SR 47, be adopted.

NATURAL RESOURCES (Welborn, Chair): 4/23/2021
HB 695, be amended as follows:

1. Title, line 7.

Following: line 6

Insert: "PROHIBITING THE PUBLIC SERVICE COMMISSION FROM DENYING CERTAIN POWER REPLACEMENT COSTS RESULTING FROM ENVIRONMENTAL REGULATION;

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PROHIBITING THE PROHIBITION OF NUCLEAR POWER FACILITIES UNDER CERTAIN CIRCUMSTANCES;"

2. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS 69-3-331 AND"

3. Page 1.

Following: line 10

Insert: "**Section 1.** Section 69-3-331, MCA, is amended to read:

"69-3-331. Cost tracking and recovery. (1) ~~If~~ Except as provided in [section 2], if the commission approves a cost-tracking adjustment for a public utility regulated in accordance with chapter 8 or under this chapter, the cost-tracking adjustment must provide for:

- (a) identical treatment of public utilities subject to chapter 8 or this chapter;
 - (b) 90% customer and 10% shareholder sharing of costs, if cost sharing is required; and
 - (c) full recovery of costs incurred by a public utility as a result of qualifying small power production facility purchase requirements established in Title 69, chapter 3, part 6.
- (2) A cost-tracking adjustment may not include a deadband.
- (3) For the purposes of this section, "deadband" means a level of cost recovery variance, including levels of underrecoveries and overrecoveries to be borne by the public utility."

Insert: "NEW SECTION. **Section 2. Replacement power costs -- prohibition against denial.**

The commission shall allow a utility to fully recover replacement power costs arising from the operation of coal-fired generating units if the replacement costs are attributable to power outages or reduced generation at the units because of:

- (1) testing of the generating unit or units to determine if the unit or units comply with environmental regulations, laws, or permit requirements; or
- (2) work or repairs necessary to bring the generating unit or units into compliance with environmental regulations, laws, or permit requirements. "

Insert: "NEW SECTION. **Section 3. Nuclear power facilities -- denial prohibited -- circumstances.** The state may not deny a permit or application for a nuclear power facility because federal regulations do not provide for a permanent repository for nuclear waste."

Renumber: subsequent sections

4. Page 6.

Following: line 16

Insert: "NEW SECTION. **Section 5. Codification instruction.** (1) [Section 2] is intended to be codified as an integral part of Title 69, chapter 3, part 3, and the provisions of Title 69, chapter 3, part 3, apply to [section 2].

(2) [Section 3] is intended to be codified as an integral part of Title 75, chapter 10, and the provisions of Title 75, chapter 10, apply to [section 3]."

And, as amended, be concurred in.

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PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):
SJ 35, do pass.

4/23/2021

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 63**
Report No. 001, April 23, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 63** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 63** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Following: "AND"

Strike: "DEFINING CERTAIN UNFAIR TRADE PRACTICES RELATING TO LIFE INSURANCE;"

2. Title, line 10 through line 11.

Following: the first "DATE" on line 10

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

3. Page 6, line 22 through page 7, line 19.

Strike: section 4 in its entirety

Renumber: subsequent sections

4. Page 16, line 12 through line 13.

Strike: section 10 in its entirety

Renumber: subsequent sections

5. Page 16, line 17 through line 21.

Strike: sections 12 and 13 in their entirety

For the Senate:

Fitzpatrick, Chair
Gauthier
Pope

For the House:

Dooling, Vice Chair
Sullivan
Vinton

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FREE CONFERENCE COMMITTEE
on **House Bill 525**
Report No. 001, April 23, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 525** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 525** (reference copy -- salmon) be amended as follows:

1. Page 3, line 10.

Following: "same"

Strike: "OR AN ADJACENT"

For the Senate:

Fitzpatrick, Chair
Jacobson
Small

For the House:

Buttrey, Vice Chair
Galt
Sullivan

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 No.1 adopted:

4/23/2021

SB 39, introduced by K. Regier

HB 20, introduced by B. Beard

HB 112, introduced by J. Fuller

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Free Conference Committee Report No.1 adopted: 4/23/2021

SB 300, introduced by C. Glimm

HB 5 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate 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 and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 506**:

4/23/2021

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

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

4/23/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative Tschida

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

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

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

Senator Ellis arose on a point of personal privilege and informed the Senate that she was expecting an amendment to **HB 693** which was not yet distributed. Senate stood at ease awaiting the final amendment and continued with second reading at 4:33 p.m.

HB 693 - Senator Osmundson moved **HB 693** be concurred in.

HB 693 - Senator Ellis moved **HB 693**, second reading copy, be amended as follows:

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1. Title, line 12.

Following: line 11

Strike: "REQUIRING THE INVESTIGATION OF CERTAIN ORGANIZATIONS BY THE DEPARTMENT OF JUSTICE;"

2. Page 8, line 26 through page 9, line 21.

Strike: section 6 in its entirety

Renumber: subsequent subsections

Amendment **not** adopted as follows:

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

Total 21

Nays: Ankney, Bogner, Brown, 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 29

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 693 - Thereupon, the Senate reverted to the original motion of Senator Osmundson which passed as follows:

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

Total 28

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

Total 22

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

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

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

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

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Lynch, Manzella, McGillvray, O'Brien, 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, Keenan, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

HB 701 - Majority Leader Smith moved that **HB 701** be added to the third reading agenda. Without objection, so ordered.

HB 693 - Majority Leader Smith moved that **HB 693** be added to the third reading agenda. Without objection, so ordered.

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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:

SJ 31 passed as follows:

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

Total 37

Nays: Esp, Gillespie, Glimm, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Smith C, Tempel, Vance.

Total 13

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 172, 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

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SB 183, 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, Lang, Lynch, Manzella, McGillvray, McNally, 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, Keenan, McClafferty, 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 220, as amended by the House, passed as follows:

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

Total 37

Nays: Bennett, Boldman, Ellis, Gross, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 13

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 357, 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,

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McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 306 passed as follows:

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

HB 178 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, Webber, Welborn, Mr. President.
Total 49

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Nays: Vance.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 502, 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 4 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, 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, Mr. President.
Total 47

Nays: Esp, Keenan, Manzella.
Total 3

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 330 concurred in 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, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 46

Nays: Gross, Keenan, Manzella, Molnar.

Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 357 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, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Keenan.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 403 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 655 concurred in as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 663 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar,

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

Nays: Fox, McGillvray.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 671 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Esp, Glimm, Hinebauch, Hoven, Keenan, Manzella, McGillvray, Vance.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 678 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Hinebauch, Hoven, Keenan, Manzella, Molnar, Vance.

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Total 7

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 701 concurred in as follows:

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

Total 34

Nays: Bennett, Bogner, Esp, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Pope, Smith C, Vance.

Total 16

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 O'Brien under Motions, and a change of vote from Yes to No, made by Senator Molnar under Motions.

HB 693 concurred in as follows:

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

Total 27

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

Total 23

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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 McGillvray under Motions.

MOTIONS

HB 5 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 5**. Without objection, so ordered. President Blasdel appointed Senator Cuffe, Chair, and Senators Boldman and Osmundson.

HB 506 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 506**. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Bennett and Fitzpatrick.

HB 640 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 640**. Without objection, so ordered. President Blasdel appointed Senator Ellsworth, Chair, and Senators Boldman and Vance.

SB 316 - Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 316** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Fitzpatrick, Chair, and Senators Boland and Gauthier.

SB 319 - Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 319** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Bennett and Fitzpatrick.

HB 701 - Senator O'Brien moved to change her third reading vote on **HB 701** from No to Yes. Without objection, so ordered.

HB 530 - Senator Fitzpatrick moved that **HB 530** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion passed as follows:

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

Total 26

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

Total 24

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Manzella, Osmundson, Regier K, Salomon, Small, Smith C, Welborn, Mr. President.

Total 24

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gillespie, Gross, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Vance, Webber.

Total 26

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 701 - Senator Molnar moved to change his third reading vote on **HB 701** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):

4/23/2021

HB 191, be amended as follows:

1. Title, line 9.

Strike: "AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

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Insert: "EFFECTIVE DATES AND TERMINATION DATES"

2. Page 2.

Following: line 25

Insert: "**Section 2.** Section 15-30-2337, MCA, is amended to read:

"15-30-2337. Residential property tax credit for elderly -- definitions. As used in 15-30-2337 through 15-30-2341, the following definitions apply:

- (1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
- (2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.
- (3) "Department" means the department of revenue.
- (4) "Gross household income" means all income received by all individuals of a household while they are members of the household.
- (5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
- (6) "Homestead" means:
 - (a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
 - (b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
- (7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
- (8) "Household income" means the amount obtained by subtracting ~~\$6,300~~ \$12,600 from gross household income.
- (9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
 - (i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
 - (ii) the amount of capital gains excluded from adjusted gross income;
 - (iii) alimony;
 - (iv) support money;
 - (v) nontaxable strike benefits;
 - (vi) cash public assistance and relief;
 - (vii) interest on federal, state, county, and municipal bonds; and
 - (viii) all payments received under federal social security except social security income paid directly to a nursing home.
(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
- (10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
- (11) "Rent-equivalent tax paid" means 15% of the gross rent."

Insert: "**Section 3.** Section 15-30-2337, MCA, is amended to read:

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"15-30-2337. Residential property tax credit for elderly -- definitions. As used in 15-30-2337 through 15-30-2341, the following definitions apply:

- (1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
- (2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.
- (3) "Department" means the department of revenue.
- (4) "Gross household income" means all income received by all individuals of a household while they are members of the household.
- (5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
- (6) "Homestead" means:
 - (a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
 - (b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
- (7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
- (8) "Household income" means the amount obtained by subtracting ~~\$6,300~~ \$12,600 from gross household income.
- (9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
 - (i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
 - (ii) the amount of capital gains excluded from adjusted gross income;
 - (iii) alimony;
 - (iv) support money;
 - (v) nontaxable strike benefits;
 - (vi) cash public assistance and relief;
 - (vii) interest on federal, state, county, and municipal bonds; and
 - (viii) all payments received under federal social security except social security income paid directly to a nursing home.
(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
- (10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
- (11) "Rent-equivalent tax paid" means 15% of the gross rent."

Insert: **"Section 4.** Section 15-30-2337, MCA, is amended to read:

"15-30-2337. Residential property tax credit for elderly -- definitions. As used in 15-30-2337 through 15-30-2341, the following definitions apply:

- (1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
- (2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.

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- (3) "Department" means the department of revenue.
- (4) "Gross household income" means all income received by all individuals of a household while they are members of the household.
- (5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
- (6) "Homestead" means:
- (a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
 - (b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
- (7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
- (b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
- (8) "Household income" means the amount obtained by subtracting ~~\$6,300~~ \$12,600 from gross household income.
- (9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
- (i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
 - (ii) the amount of capital gains excluded from adjusted gross income;
 - (iii) alimony;
 - (iv) support money;
 - (v) nontaxable strike benefits;
 - (vi) cash public assistance and relief;
 - (vii) interest on federal, state, county, and municipal bonds; and
 - (viii) all payments received under federal social security except social security income paid directly to a nursing home.
- (b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
- (10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
- (11) "Rent-equivalent tax paid" means 15% of the gross rent.""
- Insert: "**Section 5.** Section 15-30-2337, MCA, is amended to read:
"15-30-2337. Residential property tax credit for elderly -- definitions. As used in 15-30-2337 through 15-30-2341, the following definitions apply:
- (1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
 - (2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.
 - (3) "Department" means the department of revenue.
 - (4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

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(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

(6) "Homestead" means:

(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or

(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.

(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.

(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(8) "Household income" means the amount obtained by subtracting ~~\$6,300~~ \$12,600 from gross household income.

(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:

(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;

(ii) the amount of capital gains excluded from adjusted gross income;

(iii) alimony;

(iv) support money;

(v) nontaxable strike benefits;

(vi) cash public assistance and relief;

(vii) interest on federal, state, county, and municipal bonds; and

(viii) all payments received under federal social security except social security income paid directly to a nursing home.

(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.

(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.

(11) "Rent-equivalent tax paid" means 15% of the gross rent."

Renumber: subsequent sections

3. Page 4.

Following: line 5

Insert: "**Section 7.** Section 15-30-2340, MCA, is amended to read:

"15-30-2340. Residential property tax credit for elderly -- computation of relief. The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

(1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).

(2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).

(3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:

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(a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus

(b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).

(4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

| Household income | Amount of reduction |
|---------------------|--|
| \$0 - \$999 | \$0 |
| \$1,000 - \$1,999 | \$0 |
| \$2,000 - \$2,999 | the product of .006 times the household income |
| \$3,000 - \$3,999 | the product of .016 times the household income |
| \$4,000 - \$4,999 | the product of .024 times the household income |
| \$5,000 - \$5,999 | the product of .028 times the household income |
| \$6,000 - \$6,999 | the product of .032 times the household income |
| \$7,000 - \$7,999 | the product of .035 times the household income |
| \$8,000 - \$8,999 | the product of .039 times the household income |
| \$9,000 - \$9,999 | the product of .042 times the household income |
| \$10,000 - \$10,999 | the product of .045 times the household income |
| \$11,000 - \$11,999 | the product of .048 times the household income |
| \$12,000 & over | the product of .050 times the household income |

(5) For a claimant whose household income is \$35,000 or more but less than \$45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

| Gross household income | Percentage of credit allowed |
|------------------------|------------------------------|
| \$35,000 - \$37,500 | 40% |
| \$37,501 - \$40,000 | 30% |
| \$40,001 - \$42,500 | 20% |
| \$42,501 - \$44,999 | 10% |

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\$45,000 or more 0%

(6) The credit granted may not exceed ~~\$1,000~~ \$1,150.

(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter."

Insert: "**Section 8.** Section 15-30-2340, MCA, is amended to read:

"15-30-2340. Residential property tax credit for elderly -- computation of relief. The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

- (1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).
- (2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).
- (3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:
 - (a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus
 - (b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).
- (4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

| Household income | Amount of reduction |
|-------------------|--|
| \$0 - \$999 | \$0 |
| \$1,000 - \$1,999 | \$0 |
| \$2,000 - \$2,999 | the product of .006 times the household income |
| \$3,000 - \$3,999 | the product of .016 times the household income |
| \$4,000 - \$4,999 | the product of .024 times the household income |
| \$5,000 - \$5,999 | the product of .028 times the household income |
| \$6,000 - \$6,999 | the product of .032 times the household income |
| \$7,000 - \$7,999 | the product of .035 times the household income |
| \$8,000 - \$8,999 | the product of .039 times the household income |

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| | |
|---------------------|--|
| \$9,000 - \$9,999 | the product of .042 times the household income |
| \$10,000 - \$10,999 | the product of .045 times the household income |
| \$11,000 - \$11,999 | the product of .048 times the household income |
| \$12,000 & over | the product of .050 times the household income |

(5) For a claimant whose household income is \$35,000 or more but less than \$45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

| Gross household income | Percentage of credit allowed |
|------------------------|------------------------------|
| \$35,000 - \$37,500 | 40% |
| \$37,501 - \$40,000 | 30% |
| \$40,001 - \$42,500 | 20% |
| \$42,501 - \$44,999 | 10% |
| \$45,000 or more | 0% |

(6) The credit granted may not exceed ~~\$1,000~~ \$1,150.

(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter."

Insert: "**Section 9.** Section 15-30-2340, MCA, is amended to read:

"15-30-2340. Residential property tax credit for elderly -- computation of relief. The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

- (1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).
- (2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).
- (3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:
 - (a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus
 - (b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).
- (4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

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| Household income | Amount of reduction |
|---------------------|--|
| \$0 - \$999 | \$0 |
| \$1,000 - \$1,999 | \$0 |
| \$2,000 - \$2,999 | the product of .006 times the household income |
| \$3,000 - \$3,999 | the product of .016 times the household income |
| \$4,000 - \$4,999 | the product of .024 times the household income |
| \$5,000 - \$5,999 | the product of .028 times the household income |
| \$6,000 - \$6,999 | the product of .032 times the household income |
| \$7,000 - \$7,999 | the product of .035 times the household income |
| \$8,000 - \$8,999 | the product of .039 times the household income |
| \$9,000 - \$9,999 | the product of .042 times the household income |
| \$10,000 - \$10,999 | the product of .045 times the household income |
| \$11,000 - \$11,999 | the product of .048 times the household income |
| \$12,000 & over | the product of .050 times the household income |

(5) For a claimant whose household income is \$35,000 or more but less than \$45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

| Gross household income | Percentage of credit allowed |
|------------------------|------------------------------|
| \$35,000 - \$37,500 | 40% |
| \$37,501 - \$40,000 | 30% |
| \$40,001 - \$42,500 | 20% |
| \$42,501 - \$44,999 | 10% |
| \$45,000 or more | 0% |

(6) The credit granted may not exceed ~~\$1,000~~ \$1,150.

(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the

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claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter."

Insert: "**Section 10.** Section 15-30-2340, MCA, is amended to read:

"15-30-2340. Residential property tax credit for elderly -- computation of relief. The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

- (1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).
- (2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).
- (3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:
 - (a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus
 - (b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).
- (4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

| Household income | Amount of reduction |
|---------------------|--|
| \$0 - \$999 | \$0 |
| \$1,000 - \$1,999 | \$0 |
| \$2,000 - \$2,999 | the product of .006 times the household income |
| \$3,000 - \$3,999 | the product of .016 times the household income |
| \$4,000 - \$4,999 | the product of .024 times the household income |
| \$5,000 - \$5,999 | the product of .028 times the household income |
| \$6,000 - \$6,999 | the product of .032 times the household income |
| \$7,000 - \$7,999 | the product of .035 times the household income |
| \$8,000 - \$8,999 | the product of .039 times the household income |
| \$9,000 - \$9,999 | the product of .042 times the household income |
| \$10,000 - \$10,999 | the product of .045 times the household income |
| \$11,000 - \$11,999 | the product of .048 times the household income |

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\$12,000 & over the product of .050 times the household income

(5) For a claimant whose household income is \$35,000 or more but less than \$45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

| Gross household income | Percentage of credit allowed |
|------------------------|------------------------------|
| \$35,000 - \$37,500 | 40% |
| \$37,501 - \$40,000 | 30% |
| \$40,001 - \$42,500 | 20% |
| \$42,501 - \$44,999 | 10% |
| \$45,000 or more | 0% |

(6) The credit granted may not exceed ~~\$1,000~~ \$1,150.

(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter."

Insert: "NEW SECTION. Section 11. Effective dates -- applicability. (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.

(2) [Sections 1 and 6] are effective October 1, 2021, and apply to the income tax year beginning after December 31, 2021.

(3) [Sections 2 and 7] are effective October 1, 2022, and apply to the income tax year beginning after December 31, 2022.

(4) [Sections 3 and 8] are effective October 1, 2023, and apply to the income tax year beginning after December 31, 2023.

(5) [Sections 4 and 9] are effective October 1, 2024, and apply to the income tax year beginning after December 31, 2024.

(6) [Sections 5 and 10] are effective October 1, 2025, and apply to the income tax years beginning after December 31, 2025."

4. Page 4, line 7 through line 10.

Strike: sections 3 and 4 in their entirety

Insert: "NEW SECTION. Section 12. 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 13] terminates January 1, 2025."

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- Insert: "**NEW SECTION. Section 13. 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 of Montana 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, Public Law 117-2;
 - (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 result in a reduction of funds or require the state to repay or refund to the federal government funds 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 result in a reduction of funds or require the state to repay or refund to the federal government funds 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

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code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 235, be concurred in.

HB 522, be concurred in.

HB 637, be concurred in.

HB 660, be amended as follows:

1. Title, line 5.

Following: "COMMERCE;"

Insert: "EXPANDING USE OF THE ECONOMIC DEVELOPMENT STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTION 90-1-205, MCA;"

2. Page 1.

Following: line 8

Insert: "**Section 1.** 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

3. Page 1, line 9.

Strike: "general fund"

Insert: "account provided for 90-1-205"

And, as amended, be concurred in.

HB 681, be concurred in.

HB 704, be concurred in.

Without objection, committee reports were adopted.

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ADVERSE COMMITTEE REPORT

JUDICIARY (Regier, Chair):

4/23/2021

SR 50, do **not** adopt. Adverse committee report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, 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 28

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

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 1:00 p.m., Monday, April 26, 2021, the seventy-seventh legislative day. Motion carried.

Senate adjourned at 5:31 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate