

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

Helena, Montana
April 28, 2021

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gauthier excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/28/2021

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

Correctly printed: **HB 435, HJ 27, HJ 29, HJ 35, HJ 37, HJ 39, HJ 44, HJ 45, HJ 47, HJ 48, HJ 49.**

Examined by the sponsor and found to be correct: **SB 363, SR 96.**

Transmitted to the House: **HB 555, HB 648, HB 678.**

Signed by the Secretary of the Senate at 3:40 p.m., April 27, 2021: **SB 213, SB 219, SB 237, SB 287, SB 308, SB 344, SB 367, SB 370, SJ 3, SJ 13.**

Signed by the President at 9:45 a.m., April 28, 2021: **SB 213, SB 219, SB 237, SB 287, SB 308, SB 344, SB 367, SB 370, SJ 3, SJ 13.**

Signed by the Speaker at 11:30 a.m., April 28, 2021: **SB 213, SB 219, SB 237, SB 287, SB 308, SB 344, SB 367, SB 370, SJ 3, SJ 13.**

Delivered to the Secretary of State at 4:04 p.m., April 28, 2021: **SJ 3, SJ 13.**

Delivered to the Governor for signature at 12:02 p.m., April 28, 2021: **SB 213, SB 219, SB 237, SB 287, SB 308, SB 344, SB 367, SB 370.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/28/2021

HJ 29, be concurred in.

HJ 47, be concurred in.

HJ 48, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/28/2021

HJ 35, be concurred in.

HJ 39, be concurred in.

HJ 44, be concurred in.

HJ 45, be concurred in.

HJ 49, be concurred in.

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Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Bill 278
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 278** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 278** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "CORPORATIONS"

Insert: "CHALLENGING OR SUPPORTING CERTAIN GOVERNMENTAL ACTIONS;"

2. Title, line 12.

Following: "OFFICIALS;"

Insert: "PROVIDING THAT COSTS MAY NOT BE ALLOWED TO AN OFFEREE IF THE OFFEROR HAS MADE AN OFFER OR JUDGMENT AND THE OFFEREE'S JUDGMENT IS NOT MORE FAVORABLE THAN THE OFFER OF JUDGMENT; REVISING THE DEFINITION OF "INSURER" FOR THE PURPOSES OF UNFAIR TRADE PRACTICES ACTIONS; REVISING CIVIL LIABILITY LAWS TO PROVIDE A DEADLINE FOR SERVICE OF PROCESS;"

3. Title, line 12.

Following: "15-31-102,"

Insert: "25-10-101,"

Following: "27-2-208,"

Strike: "AND"

Following: "27-2-209,"

Insert: "AND 33-18-242,"

4. Page 2, line 20.

Strike: "501(c)(4)"

Insert: "501(c)(3)"

5. Page 2, line 21.

Following: "501(c)(3)"

Insert: "or 527"

6. Page 2, line 26.

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Following: "APPLY"

Insert: ":"

(a)"

7. Page 2, line 28.

Strike: "(A)"

Insert: "(i)"

Renumber: subsequent subsections

8. Page 3, line 3.

Following: "CORPORATION"

Insert: "; or

(b) to a health care facility licensed under 50-5-101 or other nonprofit corporations providing or advocating for critical health care delivery systems"

9. Page 3, line 5.

Following: "ANY"

Insert: ":"

(i) federal"

10. Page 3, line 6.

Following: "FEDERAL"

Strike: ", STATE, AND LOCAL LAWS, ORDINANCES,"

11. Page 3, line 7.

Following: "FEDERAL"

Strike: ", STATE, OR LOCAL"

12. Page 3, line 8.

Following: "CAPACITY"

Insert: "; or

(ii) state law codified in Title 75, 76, 77, 80, 81, 82, or 87, including but not limited to state rules, regulation, and policies, whether statutory or otherwise, or other action by a state government body or official acting in their official capacity"

13. Page 3.

Following: line 18

Insert: "NEW SECTION. Section 5. Services of process time limit. Except as provided in 25-3-106, a plaintiff shall make service of process no later than 1 year after filing the complaint. If the plaintiff fails to do so, the court, on motion or on its own initiative, shall dismiss the action without prejudice unless the defendant has made an appearance."

Renumber: subsequent sections

14. Page 5.

Following: line 15

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Insert: "Section 7. Section 25-10-101, MCA, is amended to read:

"25-10-101. When costs allowed, of course, to plaintiff. (1) Costs ~~Except as provided in subsection (2), costs~~ are allowed, of course, to the plaintiff upon a judgment in the plaintiff's favor in the following cases:

~~(1)~~(a) in an action for the recovery of real property or damages to real property;

~~(2)~~(b) in an action to recover the possession of personal property when the value of the property exceeds \$50, with the value determined by the jury, court, or referee by whom the action is tried;

~~(3)~~(c) in an action for the recovery of money or damages, exclusive of interest, when plaintiff recovers over \$50;

~~(4)~~(d) in a special proceeding;

~~(5)~~(e) in an action that involves the title or possession or right of possession of real estate;

~~(6)~~(f) in an action that involves the legality of any tax, impost, assessment, toll, or municipal fine;

~~(7)~~(g) in quo warranto proceedings;

~~(8)~~(h) in an action to foreclose a lien or pledge, to prevent or abate a nuisance, or for an injunction; or

~~(9)~~(i) in an action for property damage arising out of the ownership, maintenance, or use of a motor vehicle if the plaintiff is entitled to attorney fees under 25-10-303.

(2) Costs are not allowed if the offeror has made an offer or judgment as provided in Rule 68 of the Montana Rules of Civil Procedure and the offeree has not recovered a judgment more favorable than the offeror's offer."

Renumber: subsequent sections

15. Page 6.

Following: line 24

Insert: "Section 10. Section 33-18-242, MCA, is amended to read:

"33-18-242. Independent cause of action -- burden of proof. (1) An insured or a third-party claimant has an independent cause of action against an insurer for actual damages caused by the insurer's violation of subsection (1), (4), (5), (6), (9), or (13) of 33-18-201.

(2) In an action under this section, a plaintiff is not required to prove that the violations were of such frequency as to indicate a general business practice.

(3) An insured who has suffered damages as a result of the handling of an insurance claim may bring an action against the insurer for breach of the insurance contract, for fraud, or pursuant to this section, but not under any other theory or cause of action. An insured may not bring an action for bad faith in connection with the handling of an insurance claim.

(4) In an action under this section, the court or jury may award such damages as were proximately caused by the violation of subsection (1), (4), (5), (6), (9), or (13) of 33-18-201. Exemplary damages may also be assessed in accordance with 27-1-221.

(5) An insurer may not be held liable under this section if the insurer had a reasonable basis in law or in fact for contesting the claim or the amount of the claim, whichever is in issue.

(6) (a) An insured may file an action under this section, together with any other cause of action the insured has against the insurer. Actions may be bifurcated for trial where justice so requires.

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- (b) A third-party claimant may not file an action under this section until after the underlying claim has been settled or a judgment entered in favor of the claimant on the underlying claim.
- (7) The period prescribed for commencement of an action under this section is:
- (a) for an insured, within 2 years from the date of the violation of 33-18-201; and
- (b) for a third-party claimant, within 1 year from the date of the settlement of or the entry of judgment on the underlying claim.
- (8) As used in this section, ~~an "insurer" includes~~ does not include a person, firm, or corporation utilizing self-insurance or a captive insurance company to pay claims made against them."

Renumber: subsequent sections

16. Page 7.

Following: line 4

Insert: "(5) [Section 5] is intended to be codified as an integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to [section 5]."

17. Page 7.

Following: line 10

Insert: "NEW SECTION. Section 13. {standard} **Saving clause.** [Section 7] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

For the Senate:

Hertz, Chair
Boland
Fitzpatrick

For the House:

Buttrey, Vice Chair
Berglee
Farris-Olsen

FREE CONFERENCE COMMITTEE
on **Senate Bill 319**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 319** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 319** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "REPORTING;"

Insert: "ESTABLISHING THAT IF STUDENT ORGANIZATIONS THAT ARE REQUIRED TO REGISTER AS POLITICAL COMMITTEES ARE FUNDED THROUGH ADDITIONAL OPTIONAL STUDENT FEES, THOSE FEES MUST BE OPT-IN; PROHIBITING CERTAIN

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POLITICAL ACTIVITIES IN CERTAIN PLACES OPERATED BY A PUBLIC POSTSECONDARY INSTITUTION; PROVIDING FOR JUDICIAL RECUSALS UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTIES;"

2. Page 5.

Following: line 8

Insert: "NEW SECTION. Section 2. Student organizations functioning as political committees -- funding. (1) A student organization that is required to register as a political committee and is regularly active may be funded in the same manner as other student organizations, except that if the organization is funded by an additional optional student fee, the fee must be an opt-in fee.

(2) The opt-in fee may only be delivered to the student organization by means of a written instrument signed by the student or through an electronic payment system that operates independently of any systems, electronic or otherwise, used by a public postsecondary institution for the purpose of collecting, receiving, or disbursing any tuition or fees.

(3) As used in this section, the following definitions apply:

(a) "Benefit" means any type of advantage, including but not limited to:

(i) recognition;

(ii) registration;

(iii) the use of facilities of the public postsecondary institution for meetings or speaking purposes;

(iv) the use of channels of communication; and

(v) funding sources that are otherwise available to other student organizations at the public postsecondary institution.

(b) "Political committee" has the meaning provided in 13-1-101.

(c) "Public postsecondary institution" means:

(i) a unit of the Montana university system as described in 20-25-201; or

(ii) a Montana community college defined and organized as provided in 20-15-101.

(d) "Regularly active" means having expended more than \$10,000 in each of two or more statewide elections in the preceding 10 years.

(e) "Student organization" means an officially recognized group or a group seeking official recognition at a public postsecondary institution that is comprised of students who receive or are seeking to receive a benefit through the public postsecondary institution."

Renumber: subsequent sections

3. Page 27.

Following: line 20

Insert: "NEW SECTION. Section 21. Political activity in public postsecondary institution residence hall, dining facility, or athletic facility -- prohibition -- exceptions -- penalty. (1) A political committee may not direct, coordinate, manage, or conduct any voter identification efforts, voter registration drives, signature collection efforts, ballot collection efforts, or voter turnout efforts for a federal, state, local, or school election inside a residence hall, dining facility, or athletic facility operated by a public postsecondary institution.

(2) Nothing in this section may be construed as prohibiting any communications made through mail, telephone, text messages, or electronic mail inside a residence hall, dining facility,

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or athletic facility or any political advertising made through radio, television, satellite, or internet service. Nothing in this section may be construed as prohibiting an individual from undertaking or participating in any activity for a federal, state, local, or school election if the activity is undertaken at the individual's exclusive initiative.

(3) A person who resides in a residence hall operated by a public postsecondary institution or who regularly uses a dining hall operated by public postsecondary institution, a candidate for office in a federal, state, local, or school election, or a political committee engaged in a federal, state, local, or school election may institute an action in any court of competent jurisdiction to prevent, restrain, or enjoin a violation of this section.

(4) A political committee that violates this section is subject to a civil penalty of \$1,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(5) For the purposes of this section, "public postsecondary institution" means:

(a) a unit of the Montana university system as described in 20-25-201; or

(b) a Montana community college defined and organized as provided in 20-15-101."

Insert: "NEW SECTION. **Section 22. Judicial conflict of interest -- recusal -- definition.** (1) A judicial officer shall disqualify the judicial officer in a proceeding if:

(a) the judicial officer has received one or more combined contributions totaling at least one-half of the maximum amount allowable amount under 13-37-216 from a lawyer or party to the proceeding in an election within the previous 6 years; or

(b) a lawyer or party to the proceeding has made one or more contributions directly or indirectly to a political committee or other entity that engaged in independent expenditures that supported the judicial officer or opposed the judicial officer's opponent in an election within the previous 6 years if the total combined amount of the contributions exceed at least one-half of the maximum amount that would otherwise be allowed under 13-37-216 if the contributions had been made directly to the judicial candidate.

(2) For the purposes of this section:

(a) "contribution" has the meaning provided in 13-1-101; and

(b) "judicial officer" has the meaning provided in 1-1-202."

Renumber: subsequent sections

4. Page 27, line 21.

Following: "instruction."

Insert: "(1)"

5. Page 27.

Following: line 22

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 20, chapter 25, part 4, and the provisions of Title 20, chapter 25, part 4, apply to [section 2].

(3) [Section 21] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 21].

(4) [Section 22] is intended to be codified as an integral part of Title 3, chapter 1, and the provisions of Title 3, chapter 1, apply to [section 22]."

6. Page 30.

Following: line 22

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Insert: "NEW SECTION. Section 25. {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "COORDINATION SECTION. Section 26. Coordination instruction. If both Senate Bill No. 224 and [this act] are passed and approved and if Senate Bill No. 224 contains a section repealing 13-37-218, then:

- (1) the section amending 13-37-218 in [this act] is void;
- (2) [section 1(11)] must be deleted; and
- (3) each reference to 13-37-218 in [section 1] must be deleted."

Renumber: subsequent section

For the Senate:

Hertz, Chair
Bennett
Fitzpatrick

For the House:

C. Knudsen, Vice Chair
Binkley
Kortum

FREE CONFERENCE COMMITTEE
on **Senate Joint Resolution 1**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Joint Resolution 1** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 1** (reference copy -- salmon) be amended as follows:

1. Page 2, line 10 through line 11.

Strike: "adjournment" on line 10 through "scheduled" on line 11

Insert: "a new Legislature is elected and takes office"

2. Page 2, line 22.

Following: "~~1-30~~"

Insert: "as provided in Joint Rule 1-30"

3. Page 4.

Following: line 15

Insert: "**1-30. Legislator participation during session -- exclusion of members from physical participation by COVID-19 Response Panel.** In order to promote and protect the health and safety of individuals and legislative members involved in the legislative process and to minimize public health dangers resulting from the current COVID-19 public health

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emergency, the Legislative Leadership COVID-19 Response Panel shall determine when to limit or exclude other members from physical participation in the legislative session, and the level of physical participation of members in all committee meetings and floor sessions. The approach must be balanced by treating all members who have the same factual circumstances and potential exposure to COVID-19 in the same manner. The approach may provide for an excluded member to participate remotely as provided in Joint Rule 1-40."

4. Page 4, line 20.

Following: "~~1-30~~"

Insert: "pursuant to Joint Rule 1-30"

5. Page 18.

Following: line 15

Insert: "(5) (a) There is a Special Select Committee on Judicial Accountability and Transparency.

(b) Senate committee members must be appointed by the President of the Senate.

(c) House committee members must be appointed by the Speaker of the House.

(d) The composition of the committee must be as follows:

(i) three members of the House, two from the majority party and one from the minority party; and

(ii) three members of the Senate, two from the majority party and one from the minority party.

(e) The committee shall elect its presiding officer and vice presiding officer from among its members.

(f) All meetings of the committee are open to the public to the same extent as other legislative committee meetings.

(g) The committee may:

(i) exercise committee investigatory powers under Title 5, chapter 5, part 1, MCA;

(ii) investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana; and

(iii) contract for special counsel services, subject to the Legislature appropriating funds for this purpose.

(h) The committee may meet and conduct business from the start of the legislative session until a new Legislature is elected and takes office."

6. Page 34, line 18.

Strike: "(2010)"

Insert: "(2020)"

For the Senate:

C. Smith, Chair
Bennett
Fitzpatrick

For the House:

Skees, Vice Chair
Farris-Olsen
C. Knudsen

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CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 188**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 188** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 188** (reference copy -- salmon) be amended as follows:

1. Page 24, line 15.

Strike: "\$250"

Insert: "\$195"

2. Page 24, line 19.

Strike: "\$400"

Insert: "\$375"

3. Page 24, line 21.

Strike: "\$1,500"

Insert: "\$1,300"

For the Senate:

Glimm, Chair
Morigeau
Vance

For the House:

Loge, Vice Chair
Fern
Holmlund

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in:

4/27/2021

HB 191, introduced by M. Hopkins

HB 279, introduced by S. Berglee

HB 330, introduced by L. Jones

HB 530, introduced by W. McKamey

HB 629, introduced by D. Fern

HB 651, introduced by M. Bertoglio

HB 660, introduced by J. Kassmier

HB 705, introduced by E. Buttrey

Senate joint resolutions concurred in and returned to the Senate:

4/27/2021

SJ 28, introduced by M. Blasdel

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SJ 31, introduced by E. Boldman

SJ 35, introduced by C. Friedel

Free Conference Committee Report No.1 adopted:

4/27/2021

SB 316, introduced by S. Fitzpatrick

HB 483, introduced by C. Knudsen

HB 506, introduced by P. Fielder

**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 Glimm in the chair.

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

HB 555 - Free Conference Committee Report No. 1 - Senator Fitzpatrick moved the Free Conference Committee report to **HB 555** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, 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 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gauthier.

Total 1

Absent or not voting: None.

Total 0

HB 648 - Free Conference Committee Report No. 1 - Senator Welborn moved the Free Conference Committee report to **HB 648** be adopted. Motion carried as follows:

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

Total 27

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

Total 22

Voted absentee: None.

Excused: Gauthier.

Total 1

Absent or not voting: None.

Total 0

HB 678 - Free Conference Committee Report No. 1 - Senator Welborn moved the Free Conference Committee report to **HB 678** be adopted. Motion carried as follows:

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

Total 3

Voted absentee: None.

Excused: Gauthier.

Total 1

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

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

Total 34

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

Total 15

Voted absentee: None.

Excused: Gauthier.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 1:00 p.m. this day. Senate recessed at 10:33 a.m.

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

MESSAGES FROM THE OTHER HOUSE

SB 388 - 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 388**:

4/28/2021

Representative Welch, Vice Chair
Representative Harvey
Representative Kassmier

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REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 637**

Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 637** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 637** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "AUTHORITY;"

Insert: "REVISING LAWS RELATED TO BLOCK MANAGEMENT PROGRAM PAYMENTS;
REVISING LAWS RELATED TO PUBLIC ACCESS LAND AGREEMENTS;"

2. Title, line 6.

Following: "LICENSES;"

Insert: "REVISING LAWS RELATED TO ELK LICENSES AND PERMITS FOR
LANDOWNERS OFFERING PUBLIC HUNTING;"

Following: "REVISING"

Strike: "THE CALCULATION OF"

3. Title, line 7.

Following: "POINTS"

Insert: "LAWS;"

Strike: "FOR PARTY APPLICANTS;"

4. Title, line 13.

Following: "OFFENSES;"

Insert: "REVISING LAWS RELATED TO THE TRANSFER OF OWNERSHIP INTERESTS IN
COMMERCIAL LICENSES HELD BY INCORPORATED ENTITIES; AUTHORIZING ONE-TIME
ISSUANCE OF CLASS B-10 AND CLASS B-11 LICENSES TO CERTAIN NONRESIDENTS;
ALLOCATING REVENUE; PROVIDING RULEMAKING AUTHORITY;"

5. Title, line 14.

Following: "APPROPRIATIONS;"

Insert: "MAKING REISSUANCE OF CERTAIN SPECIAL MOOSE LICENSES FOR ANIMALS
FOUND UNFIT FOR HUMAN CONSUMPTION RETROACTIVELY APPLICABLE;"

Following: "87-1-265,"

Insert: "87-1-295,"

Following: "87-2-115,"

Insert: "87-2-513,"

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6. Title, line 16.

Following: "SECTIONS"

Insert: "87-1-296, 87-1-297,"

Following: "87-1-505"

Insert: ", "

7. Page 4, line 13.

Following: "(8)"

Insert: "(a)"

Following: "87-1-264"

Insert: "and subsection (8)(b) of this section"

8. Page 4, line 14.

Strike: "\$17,500"

Insert: "\$25,000"

9. Page 4.

Following: line 14

Insert: "(b) Each landowner who participates in a unified cooperative agreement pursuant to subsection (3) may be eligible for payments not to exceed \$25,000 per year."

10. Page 4.

Following: line 17

Insert: "Section 3. Section 87-1-295, MCA, is amended to read:

"87-1-295. Public access land agreement -- terms -- application fee. (1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder. An agreement may not include land for which the landowner is also compensated pursuant to 76-17-102 or 87-1-294.

(2) The department shall negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:

(a) the amount of compensation, not to exceed \$15,000 annually, and the duration of the agreement;

(b) improvements to the land provided by the department that may facilitate public access;

(c) the location of the access and the transportation mode by which the public may use the access;

(d) time periods when the access may and may not be used; and

(e) penalties for trespassing on private land not covered by the agreement.

(3) The private land/public wildlife advisory committee appointed pursuant to 87-1-269 shall review proposed public access land agreements and make recommendations to the department. The department shall consider the recommendations when issuing agreements.

(4) The department may revoke a public access land agreement for a violation of the terms of the agreement.

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- (5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who holds a public access land agreement.
- (6) (a) A landowner who proposes a public access land agreement to the department shall pay a \$5 application fee.
- (b) All application fees must be deposited in the department's general license account and used for the purpose of establishing public access land agreements. At the end of each fiscal year, application revenue that remains unobligated is available to the department for any purpose pursuant to 87-1-201(3).
- (7) The department may adopt rules to implement the provisions of this section."

Renumber: subsequent sections

11. Page 7, line 22.

Strike: "\$50"

Insert: "\$100"

12. Page 7, line 26.

Following: "year"

Insert: "except a nonresident hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3, and providing the documentation required in subsection (8), may purchase two preference points per license year. No applicant may accumulate more than three preference points total."

Strike: "; and"

13. Page 8, line 1.

Strike: "September 30"

Insert: "December 31"

14. Page 8, line 1 through line 2.

Following: "year." on line 1

Strike: remainder of line 1 through line 2 in their entirety

15. Page 8, line 3 through line 4.

Following: "(4)" on line 3

Insert: "(a)"

Strike: remainder of line 3 through line 4 in their entirety

Insert: "The"

16. Page 8, line 5.

Strike: "the"

Insert: "an"

17. Page 8, line 5.

Following: "points"

Insert: "if the applicant:

(i) obtains a Class B-10 or Class B-11 license; or

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- (ii) does not apply for a Class B-10 or Class B-11 license in consecutive years.
- (b) If an applicant is unsuccessful in drawing a Class B-10 or Class B-11 license, the department shall allow the applicant to keep and apply preference points to subsequent drawings if done in consecutive years"

18. Page 8.

Following: line 20

Insert: "(8) A nonresident purchasing a second preference point pursuant to subsection (3)(a) shall provide written affirmation at the time of application indicating the name and license number of the outfitter with whom the person intends to hunt. If the nonresident obtains the license applied for with the preference points purchased pursuant to subsection (3)(a), the nonresident may only use the license when accompanied by an outfitter or the outfitter's designee licensed to provide guiding services.

(9) (a) Fees collected from a nonresident purchasing a second preference point pursuant to subsection (3)(a) must be allocated as follows:

- (i) 25% to public access land agreements established pursuant to 87-1-295;
 - (ii) 25% to hunting access programs established pursuant to 87-1-265;
 - (iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding projects that provide public access through private property; and
 - (iv) 25% to the purchase of permanent easements through private property to access otherwise inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to public land that is leased by the landowner, public land for which there is no leaseholder, or public land for which the landowner has consent of the leaseholder.
- (b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a) to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including but not limited to contracting and transaction costs incurred by the department or entities partnering with the department, and for providing support to the private land/public wildlife advisory committee for its review of public access land agreements pursuant to 87-1-295.
- (c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain unobligated are available to the department for any purpose pursuant to 87-1-201(3)."

19. Page 9, line 3.

Strike: "50"

Insert: "80"

20. Page 9.

Following: line 23

Insert: "Section 8. Section 87-2-513, MCA, is amended to read:

"87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance. (1) For wildlife management purposes, the department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination thereof as required in that hunting district

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for the landowner or the landowner's designee to hunt on the landowner's property. A designee may be an immediate family member or an authorized full-time employee of the landowner.

- (2) To be eligible for a license or permit pursuant to this section, a landowner:
 - (a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;
 - (b) may not have been issued a Class A-7 landowner license pursuant to 87-2-501(3) during the license year;
 - (c) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and
 - (d) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.
- (3) For every ~~four~~ three members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination thereof pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.
- (4) A license or permit issued pursuant to this section:
 - (a) is nontransferable and may not be sold or bartered; and
 - (b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.
- (5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.
- (6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.
- (7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.
 - (b) ~~The~~ Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district. " "

Renumber: subsequent sections

21. Page 22.

Following: line 24

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- Insert:** "NEW SECTION. Section 23. One-time issuance of Class B-10 and Class B-11 licenses for nonresidents hunting with licensed outfitters. (1) The department of fish, wildlife, and parks shall issue, for the requisite fee, the applicable Class B-10 or Class B-11 license to a nonresident who booked a trip for the 2021 license year with an outfitter licensed pursuant to Title 37, chapter 47, part 3, prior to April 1, 2021, but was unsuccessful in the drawing for a 2021 Class B-10 or Class B-11 license.
- (2) To be eligible to obtain a license pursuant to this section, the nonresident:
- (a) shall apply to obtain the license prior to August 30, 2021; and
- (b) shall provide as proof of the booking a reservation record or contract or a deposit payment verification using a credit card record or cancelled check.
- (3) A nonresident issued a license pursuant to this section:
- (a) forfeits the person's accumulated preference points; and
- (b) is not eligible to receive any limited special permit for which the person was also unsuccessful in drawing.
- (4) Fees collected for licenses issued pursuant to this section must be allocated in the same manner and used by the department for the same purposes as provided in [section 6(9)]."

Insert: "NEW SECTION. Section 24. Transfer of ownership interest in commercial licenses. Unless otherwise specifically provided in this chapter, the sale or transfer of an ownership interest in an incorporated entity that holds a commercial license issued pursuant to this chapter does not constitute a transfer of the license so long as the license remains in the name of the incorporated entity."

Renumber: subsequent sections

22. Page 22.

Following: line 26

Insert: "87-1-296. Funding agreement limits -- administrative costs.
87-1-297. Rulemaking authority."

23. Page 23, line 20.

Following: "instruction."

Insert: "(1)"

24. Page 23, line 20.

Strike: "13"

Insert: "15"

25. Page 23, line 22.

Strike: "13"

Insert: "15"

26. Page 23, line 22.

Following: "15]."

Insert: "(2) [Section 24] is intended to be codified as an integral part of Title 87, chapter 4, and the provisions of Title 87, chapter 4, apply to [section 24]."

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27. Page 23, line 25.

Strike: "5"

Insert: "7"

28. Page 24, line 7.

Strike: "50"

Insert: "80"

29. Page 25, line 3.

Strike: "16"

Insert: "19"

30. Page 27.

Following: line 3

Insert: "COORDINATION SECTION. Section 31. Coordination instruction. If both House Bill No. 353 and [this act] are passed and approved, then the provisions of House Bill No. 353 apply retroactively to special moose licenses issued on or after March 1, 2019. A person who is eligible to receive a replacement license pursuant to this section may only receive the replacement license in the 2021 license year."

Renumber: subsequent sections

31. Page 27, line 6.

Strike: "5"

Insert: "6"

For the Senate:

Brown, Chair
Flowers
Hinebauch

For the House:

Berglee, Vice Chair
Loge
Running Wolf

FREE CONFERENCE COMMITTEE
on **House Bill 693**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 693** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 693** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

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

2. Title, line 13.

Following: "EVALUATION;"

Insert: "TRANSFERRING ADMINISTRATION OF 9-1-1 FUNDS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF JUSTICE;"

3. Title, line 15 through line 16.

Strike: "ESTABLISHING" on line 15 through "CORRECTIONS;" on line 16

4. Title, line 19.

Following: "RENEWAL;"

Insert: "REVISING FUNDING FOR THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT;"

Following: "3-5-102,"

Insert: "10-4-101, 10-4-105, 10-4-304,"

5. Title, line 20.

Strike: "53-1-211,"

Insert: "61-3-103, 61-3-109, 61-3-203,"

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

Strike: section 6 in its entirety

Renumber: subsequent sections

7. Page 10.

Following: line 16

Insert: **Section 9.** Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

- (1) "9-1-1 system" means telecommunications facilities, circuits, equipment, devices, software, and associated contracted services for the transmission of emergency communications. A 9-1-1 system includes the transmission of emergency communications:
 - (a) from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, and transfer of emergency communications; and
 - (b) to or from a public safety answering point to or from emergency service units.
- (2) "Access line" means a voice service of a provider of exchange access services, a wireless provider, or a provider of interconnected voice over IP service that has enabled and activated service for its subscriber to contact a public safety answering point via a 9-1-1 system by entering or dialing the digits 9-1-1. When the service has the capacity, as enabled and activated by a provider, to make more than one simultaneous outbound 9-1-1 call, then each separate simultaneous outbound call, voice channel, or other capacity constitutes a separate access line.

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- (3) "Commercial mobile radio service" means:
- (a) a mobile service that is:
 - (i) provided for profit with the intent of receiving compensation or monetary gain;
 - (ii) an interconnected service; and
 - (iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or
 - (b) a mobile service that is the functional equivalent of a mobile service described in subsection (3)(a).
- (4) "Department" means the department of ~~administration~~ justice provided for in Title 2, chapter 15, part ~~40~~ 20.
- (5) "Emergency communications" means any form of communication requesting any type of emergency services by contacting a public safety answering point through a 9-1-1 system, including voice, nonvoice, or video communications, as well as transmission of any text message or analog digital data.
- (6) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.
- (7) "Exchange access services" means:
- (a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and
 - (b) unless a separate tariff rate is charged for the exchange access lines or channels, a facility or service provided in connection with the services described in subsection (7)(a).
- (8) "Interconnected voice over IP service" means a service that:
- (a) enables real-time, two-way voice communications;
 - (b) requires a broadband connection from a user's location;
 - (c) requires IP-compatible customer premises equipment; and
 - (d) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.
- (9) "IP" means internet protocol, or the method by which data are sent on the internet, or a communications protocol for computers connected to a network, especially the internet.
- (10) "Local government" has the meaning provided in 7-11-1002.
- (11) "Next-generation 9-1-1" means a system composed of hardware, software, data, and operational policies and procedures that:
- (a) provides standardized interfaces from call and message services;
 - (b) processes all types of emergency calls, including nonvoice or multimedia messages;
 - (c) acquires and integrates additional data useful to emergency communications;
 - (d) delivers the emergency communications or messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities;
 - (e) supports data and communications needs for coordinated incident response and management; and
 - (f) provides a secure environment for emergency communications.
- (12) "Originating service provider" means an entity that provides capability for a retail customer to initiate emergency communications.

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- (13) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a county according to the most recent decennial census compiled by the United States bureau of the census.
- (14) "Private safety agency" means an entity, except a public safety agency, providing emergency fire, ambulance, or medical services.
- (15) "Provider" means a public utility, a cooperative telephone company, a wireless provider, a provider of interconnected voice over IP service, a provider of exchange access services, or any other entity that provides access lines.
- (16) "Public safety agency" means a functional division of a local or tribal government or the state that dispatches or provides law enforcement, firefighting, or emergency medical services or other emergency services.
- (17) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives emergency communications from persons requesting emergency services and that may, as appropriate, directly dispatch emergency services or transfer or relay the emergency communications to appropriate public safety agencies.
- (18) "Relay" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.
- (19) "Subscriber" means an end user who has an access line or who contracts with a wireless provider for commercial mobile radio services.
- (20) "Transfer" means a service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other emergency services provider.
- (21) "Tribal government" has the meaning provided in 2-15-141.
- (22) "Wireless provider" means an entity that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."

Insert: "Section 10. Section 10-4-105, MCA, is amended to read:

"10-4-105. 9-1-1 advisory council. (1) There is a 9-1-1 advisory council.

(2) The council consists of 18 members appointed by the governor as follows:

- (a) ~~the director of the department or the director's attorney general or the attorney general's~~ designee, who serves as presiding officer of the council;
- (b) a representative of the department of justice, Montana highway patrol;
- (c) a representative of the Montana emergency medical services association;
- (d) three representatives of Montana telecommunications providers, including at least one wireless provider;
- (e) a representative of the Montana association of public safety communications officials;
- (f) two public safety answering point managers, one serving a population of less than 30,000 and one serving a population of greater than 30,000;
- (g) a representative of the department of military affairs, disaster and emergency services division;
- (h) a representative of the Montana association of chiefs of police;
- (i) a representative of the Montana sheriffs and peace officers association;

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- (j) a representative of the Montana state fire chiefs' association;
 - (k) a representative of the Montana state volunteer firefighters association;
 - (l) a representative of the Montana association of counties;
 - (m) a representative of the Montana league of cities and towns;
 - (n) the state librarian or the state librarian's designee; and
 - (o) the state director of Indian affairs provided for in 2-15-217.
- (3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.
- (4) The council shall, within its authorized budget, hold quarterly meetings.
- (5) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503."

Insert: "Section 11. Section 10-4-304, MCA, is amended to read:

"10-4-304. Establishment of 9-1-1 accounts. (1) Beginning July 1, 2018, there is established in the state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department or used for public safety radio communications, if allowable, are allocated as follows:

- (a) 75% of the account must be deposited in an account for distribution to local and tribal government entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the department in accordance with 10-4-108; and
 - (b) 25% of the account must be deposited in an account for distribution in the form of grants to private telecommunications providers, local or tribal government entities that host public safety answering points, or both in accordance with 10-4-306.
- (3) Beginning July 1, 2018, all money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.
- (4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts."

Renumber: subsequent sections

8. Page 16, line 8 through line 13.

Strike: section 11 in its entirety

Renumber: subsequent sections

9. Page 19, line 9 through page 20, line 15.

Strike: section 13 in its entirety

Insert: "Section 14. Section 61-3-103, MCA, is amended to read:

"61-3-103. Filing of security interests -- perfection -- rights -- procedure -- fees. (1) (a) Except as provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment of a voluntary security interest or lien by the

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- owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on a form prescribed by the department.
- (b) After the voluntary security interest or lien has been entered on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was perfected.
- (c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent, or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.
- (d) Except as provided in subsection (3), when a person applying for a certificate of title requests issuance of a certificate of title under 61-3-201, the department shall record the voluntary security interest or lien on the face of a certificate of title.
- (2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.
- (3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject to two security interests previously perfected under this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE. This vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests is not required to be endorsed on the certificate.
- (4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.
- (5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the department \$25 for each day that the secured party or lienholder fails to file the satisfaction.
- (6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail to the owner or any secured party or lienholder of record a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

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- (7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, for which a certificate of title is issued under this chapter, to any other person without the consent of and without affecting the interest of the holder of the certificate of title.
- (b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department and the department shall record the assignment in the department's records.
- (8) (a) A fee must be paid to the department to file any security interest or other lien against a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.
- (b) ~~Beginning January 1, 2002, and ending June 30, 2019, the~~ The fee to file a lien is \$8. Of the \$8 fee, \$4 must be deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state for deposit in the motor vehicle information technology system account provided for in 61-3-550.
- (c) ~~Beginning July 1, 2019, the fee is \$4 and must be deposited in the state general fund.~~
- (9) (a) Until June 30, ~~2026~~ 2034, a fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. Beginning July 1, ~~2026~~ 2034, the fee for a new certificate of title under this subsection is \$5.
- (b) Until June 30, ~~2026~~ 2034, the fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550.
- (c) Beginning July 1, ~~2026~~ 2034, the \$5 fee must be deposited in the state general fund.""
- Insert: "Section 15.** Section 61-3-109, MCA, is amended to read:
- "61-3-109. Electronic title, lien filing, and registration.** (1) The department shall develop and implement a pilot program to allow:
- (a) electronic transmission of data by an authorized agent, a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;
- (b) substantiation of electronic record transactions performed by the department, an authorized agent, a county treasurer, or a person;
- (c) the production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department;
- (d) electronic filing, perfection, and release of security interests or liens of record;
- (e) certification and audit by the department of its authorized agents; and
- (f) expedited title services for customers with exceptional needs who are willing to pay an optional fee prescribed by the department by rule.

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(2) Money collected from the fee imposed under subsection (1)(f) must be deposited in the ~~highway nonrestricted motor vehicle information technology system~~ account provided for in ~~15-70-125~~ 61-3-550."

Insert: "Section 61-3-203, MCA, is amended to read:

"61-3-203. Fee for original certificate of title -- disposition. (1) Until June 30, ~~2026~~ 2028, a person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

- (a) \$10 if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs 1 ton or less; or
- (b) \$12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs 1 ton or less.

(2) The amount of \$5 of the fee imposed pursuant to subsection (1) must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550, and the remaining amount must be deposited in the state general fund.

(3) For expedited certificates of title, which may only be issued by the Montana motor vehicle division, the entirety of the fee imposed pursuant to subsection (1) must be deposited into the motor vehicle information technology system account provided for in 61-3-550.

(4) Beginning July 1, 2026 2028, the fee imposed in subsection (1)(a) is \$5 and the fee imposed in subsection (1)(b) is \$7 and all fees paid pursuant to this section must be deposited in the state general fund."

Renumber: subsequent sections

10. Page 25, line 20.

Strike: "5"

Insert: "4"

11. Page 26, line 1.

Strike: "16 AND 18"

Insert: "19 and 21"

For the Senate:

Osmundson, Chair
Howard
Lynch

For the House:

Mercer, Vice Chair
Kerr-Carpenter
Patelis

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MESSAGES FROM THE GOVERNOR

April 28, 2021

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

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Blasdel and Speaker Galt:

I support **Senate Bill 47's** efforts to bring greater transparency and accountability to the Department of Corrections (DOC). I firmly believe Montanans deserve to know how our state agencies operate.

Unfortunately, existing DOC systems do not support the reporting requirements of SB 47, and Brian Gootkin, the director of DOC, and I are committed to implementing changes that can deliver the transparency that is at the heart of SB 47.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, **I hereby return with amendments Senate Bill 47: "AN ACT REVISING LAWS RELATED TO COMMITMENTS TO THE DEPARTMENT OF CORRECTIONS; REQUIRING THE DEPARTMENT TO NOTIFY A SENTENCING JUDGE WHEN THE DEPARTMENT IS UNABLE TO HONOR THE JUDGE'S PLACEMENT RECOMMENDATION; AND REQUIRING THE DEPARTMENT TO COLLECT, ANALYZE, AND REPORT CERTAIN DATA."**

I appreciate the purpose of SB 47, which aims to grant the legislature further insight into DOC activities and outcomes. In its current form, the legislation requires the enhanced tracking and reporting of court placement recommendations, DOC placement decisions, rationale for differences between recommendations and placements, felony convictions of those on supervision, and reasons for probation revocations.

SB 47 imposes retroactive data reporting requirements that the department cannot practicably meet given current limitations of the state's Offender Management Information Systems (OMIS).

Furthermore, I believe DOC needs more time to comply with the provisions of SB 47, largely due to OMIS modifications that will allow this important information to be captured in the future.

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My amendment ultimately promotes implementation of SB 47 by providing DOC with adequate time to revamp OMIS and eliminating unnecessary, burdensome reporting requirements that cannot be met in an efficient manner.

Please know I am fully committed to improving data across Montana's criminal justice system. My administration is eager to lead the way, and I look forward to collaborating with the legislature in this regard.

I respectfully ask for your support of this amendment.

Sincerely,

Greg Gianforte
Governor

Amendments to Senate Bill No. 47
Reference Copy

Requested by the Governor
For the (S) Committee of the Whole

1. Page 1, line 22.

Strike: "The"

Insert: "Beginning September 1, 2022, the"

2. Page 1, line 25.

Following: "PREVIOUS"

Insert: "fiscal"

3. Page 2, line 3.

Following: "INCLUDE"

Strike: "THE CRIMINAL HISTORY OF THE OFFENDERS AND"

4. Page 2, line 6 through line 9.

Strike: section 2 in its entirety

Renumber: subsequent section

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April 28, 2021

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

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Blasdel and Speaker Galt:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 98** "AN ACT REVISING THE CIRCUMSTANCES UNDER WHICH GRIZZLY BEARS MAY BE TAKEN BY LANDOWNERS TO PROTECT PERSONS OR LIVESTOCK; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR AN ABSOLUTE DEFENSE; AMENDING SECTION 87-6-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

This bill reflects the growing frustration of Montanans with the inability to manage grizzly bears in a common sense manner. To anyone living along the Rocky Mountain Front and elsewhere in the state, it is clear that grizzly populations are fully recovered. This perception is supported by significant scientific research and data. In fact, under both President Obama and President Trump, the U.S. Department of the Interior concluded that grizzlies are fully recovered. Yet a court has refused to remove them from the endangered species list.

Because of this reality, SB 98 allows landowners to take action to protect persons or livestock from a fully recovered species without the worry of prosecution. The State of Montana has the expertise and resources to ensure that grizzlies are managed in a sustainable way. The State of Montana can also protect the lives and livelihoods of the people that live in grizzly country, and that is what this legislation seeks to accomplish.

My amendatory language makes clear that it is Montana law that reflects these realities and that while state law cannot preempt the federal Endangered Species Act, Montana is committed to a common sense approach on this issue insofar as its jurisdiction allows.

I respectfully ask for your support of this amendment.

Sincerely,

Greg Gianforte
Governor

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Amendments to Senate Bill No. 98
Reference Copy

Requested by the Governor
For the (S) Committee of the Whole

1. Page 1, line 18.

Following: "liability"

Insert: "pursuant to Montana law"

2. Page 1, line 28.

Following: "crime"

Insert: "under Montana law"

**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 Glimm in the chair.

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

HJ 29 - Senator Gross moved **HJ 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 35 - Senator Gross moved **HJ 35** be concurred in. Motion carried as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 39 - Senator Sands moved **HJ 39** 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, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Glimm, Keenan, McGillvray, Molnar, Regier K, Tempel.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 44 - Senator Howard moved **HJ 44** 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.

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Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 45 - Senator Molnar moved **HJ 45** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 47 - Senator Sands moved **HJ 47** 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

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 48 - Senator Friedel moved **HJ 48** 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, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Esp.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 49 - Senator McGillvray moved **HJ 49** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 278 - Free Conference Committee Report No. 1 - Senator Hertz moved the Free Conference Committee report to **SB 278** be adopted. Motion carried as follows:

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

Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 319 - Free Conference Committee Report No. 1 - Senator Hertz moved the Free Conference Committee report to **SB 319** be adopted. Motion carried as follows:

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

Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SJ 1 - Free Conference Committee Report No. 1 - Senator C. Smith moved the Free Conference Committee report to **SJ 1** be adopted. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 188 - Conference Committee Report No. 1 - Senator Vance moved the Conference Committee report to **HB 188** be adopted. Motion carried 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, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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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 Glimm 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, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Hertz moved the Senate reconsider its action on **HB 656**, which failed third reading the previous legislative day, and that **HB 656** be placed on third reading this day. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 26

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Howard, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber.
Total 24

Voted absentee: None.

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

THIRD READING OF BILLS

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

HB 555 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 648 concurred in as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 678 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, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Hoven, Keenan, Small.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair):

4/28/2021

HJ 27, be concurred in.

HJ 37, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 191**

Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 191** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 191** (reference copy -- salmon) be amended as follows:

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1. Title, line 7.

Following: "REQUIREMENTS;"

Insert: "PROVIDING LEGISLATIVE INTENT; REVISING LAWS RELATING TO THE TRANSFER OF DEFENDANTS AFTER SENTENCING; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REPORT TO LEGISLATIVE COMMITTEES PRIOR TO TAKING CERTAIN ACTIONS; PROVIDING FOR TRANSFERS AND APPROPRIATIONS; AMENDING SECTION 1, CHAPTER 1, LAWS OF 2019;"

2. Title, line 8.

Following: "17-7-209,"

Strike: "AND"

Following: "17-7-402,"

Insert: "46-19-101, AND 53-6-101,"

Following: "AN"

Insert: "IMMEDIATE"

3. Page 2, line 9.

Following: "~~the~~"

Insert: "The state treasurer shall calculate the operating reserve level of general fund balance defined in 17-7-102(11). The treasurer shall first apply the excess revenue to reach the operating reserve level general fund balance, if necessary. Once the general fund balance is at the reserve level, 75% of the remaining excess revenue is transferred to the budget stabilization reserve fund."

4. Page 2, line 9 through line 12

Strike: "By" on line 9 through "(6)." on line 12

5. Page 2, line 15.

Following: "THEN"

Insert: "50% of"

6. Page 2, line 15.

Strike: "17-7-208"

Insert: "17-7-209 and 50% to the general fund"

7. Page 4, line 16.

Strike: "and proprietary funds"

8. Page 5.

Following: line 20

Insert: "**Section 4.** 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

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- 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 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;

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- (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 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.

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- (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.
- (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 5. Legislative intent -- medicaid transfers. 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 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

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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 6. Section 1, Chapter 1, Laws of 2019, is amended to read:

"Section 1. Appropriation. (1) The following amounts are appropriated from the state general fund for fiscal years 2019, 2020, and 2021 for the operation of the 66th legislature and the costs of preparing for the 67th legislature:

LEGISLATIVE BRANCH (1104)

1. Senate \$3,850,818
2. House of Representatives \$6,346,581
3. Legislative Services Division \$1,069,866

(2) The following amounts are appropriated from the state general fund for fiscal year 2021 for the initial costs of the 67th legislature:

LEGISLATIVE BRANCH (1104)

1. Senate \$316,674
2. House \$521,853
3. Legislative Services Division \$16,500

(3) Funds in subsections (1) and (2) appropriated to the Senate and the House of Representatives that are unencumbered and unexpended on June 30, 2021, may be used to support the 67th legislature for the purposes in House Bill No. 483."

Insert: "NEW SECTION. Section 7. Transfer of funds. The state treasurer shall transfer \$165 million from the general fund to the capital developments long-range building program account established in 17-7-209 by June 30, 2021."

Insert: "NEW SECTION. Section 8. Appropriation. (1) For the biennium beginning July 1, 2021, there is appropriated \$1,500,000 from the general fund to the office of budget and program planning to be allocated to agencies at the discretion of the office of budget and program planning. Funding may be included as part of the base budget for the next legislative session.

(2) For the biennium beginning July 1, 2021, there is appropriated \$1,000,000 from a state special revenue account to the office of budget and program planning to be allocated to agencies at the discretion of the office of budget and program planning. Funding may be included as part of the base budget for the next legislative session."

Insert: "COORDINATION SECTION. Section 9. Coordination instruction. If both [this act] and House Bill No. 578 are passed and approved, then 46-19-101 must be amended as follows:

"46-19-101. Commitment of defendant -- transfer of information in possession of sheriff -- notification to court of delay. (1) Upon oral pronouncement of a sentence imposing punishment of imprisonment, commitment to the department of corrections, placement in a prerelease center, community corrections facility, or other place of confinement, or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is

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authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment.

(2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and mental health of the defendant, including health information contained in a presentence investigation report.

(3) If a defendant is sentenced to prison, another place of confinement operated by or under contract with the department of corrections, or committed to the department and the offender is not transported to the placement within 10 days of receipt of sentencing documents, the department shall notify the court in writing of the reason for the delay.""

Insert: "COORDINATION SECTION. Section 10. Coordination instruction. If both [this act] and House Bill No. 497 are passed and approved, then [section 4 of this act], amending 53-6-101, is void and 53-6-101 must be amended to include a new subsection (12) that reads as follows:

"(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human services shall report this information to the following committees:

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

(ii) the legislative finance committee; and

(iii) the health and human services budget 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.""

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If both [this act] and House Bill No. 8 are passed and approved, then [section 2(4)(b) of House Bill No. 8] must read:

"(b) The loan in this subsection (4) is contingent on the following:

(i) the forming of a water users' association of Montana users of the waters flowing from the Milk River that includes cities, towns, districts, water users' associations, and other unassociated individuals and entities; and"

(ii) the water users' association demonstrating to the satisfaction of the department of natural resources and conservation its financial capacity, through water user fees or other available sources of funding, to pay the annual costs of the loan repayment over the term of the loan.""

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If both [this act] and House Bill No. 629 are passed and approved, then [section 20 of House Bill No. 629] must read:

"**Section 20. Appropriation.** There is appropriated \$271,895 from the general fund to the department of labor and industry for the fiscal year beginning July 1, 2022, for the purposes of complying with [this act].""

Renumber: subsequent sections

9. Page 5, line 21.

Strike: "June 30, 2021"

Insert: "on passage and approval"

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For the Senate:

Osmundson, Chair
Lynch
C. Smith

For the House:

Jones, Vice Chair
Bartel
Kerr-Carpenter

FREE CONFERENCE COMMITTEE
on **Senate Bill 231**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 231** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 231** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Following: "SIZES;"

Insert: "ALLOWING CERTAIN BOUNDARY RELOCATIONS;"

2. Page 2, line 23.

Strike: "and"

Insert: ";"

3. Page 2, line 24.

Strike: "(b)"

4. Page 2, line 26 through line 27.

Strike: "(C)" on line 26 through "DISTRICT" on line 27

5. Page 3, line 5 through line 6.

Strike: "EACH" on line 5 through "MADE" on line 6

6. Page 3.

Following: line 7

Insert: "(b) relocating common boundary lines between adjoining properties located within a zoning district is allowed provided the adjoining properties are owned by the same person or entity;

(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes"

Renumber: subsequent subsections

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For the Senate:

Blasdel, Chair
Boldman
Fitzpatrick

For the House:

Malone, Vice Chair
Harvey
Walsh

FREE CONFERENCE COMMITTEE
on **Senate Bill 388**

Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 388** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 388** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "EFFECTIVE DATE"

Strike: "AND AN APPLICABILITY DATE"

2. Page 3, line 12.

Strike: "gondolas,"

3. Page 4, line 21.

Strike: "2021"

Insert: "2022"

4. Page 4, line 27.

Strike: "2021"

Insert: "2022"

5. Page 7, line 9.

Strike: "2021"

Insert: "2022"

6. Page 7, line 10.

Strike: "25 years"

Insert: "the 30th year following the original adoption of the tax increment provision"

7. Page 8, line 25 through line 26.

Strike: section 8 in its entirety

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For the Senate:

Hertz, Chair
Kary
Pope

For the House:

Welch, Vice Chair
Harvey
Kassmier

FREE CONFERENCE COMMITTEE
on **House Bill 2**
Report No. 004, April 29, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1: .

Following: line 14

Insert: "e. Capitol Technical Support"

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

2. Page A-1: .

Following: line 21

Insert: "c. Committee on Judicial Accountability/HB 483"
(Restricted/Biennial/OTO)"

Insert: "285,496" [General Fund FY22]

3. Page A-1, line 23: .

Strike: "2,235,078 2,386,410" [General Fund FY22 FY23]

Insert: "2,353,655 2,459,174" [General Fund FY22 FY23]

4. Page A-2: .

Following: line 8

Insert: "It is the intent of the Legislature that the Legislative Services Division may collect fees for deposit in a state special revenue account for the development, coordination, and support of remote and hybrid meetings conducted in the Capitol. Legislative meetings would not be subject to the fees."

5. Page A-3.

Following: line 6

Insert: "c. Internal Audit Management (Restricted/Biennial/OTO)"

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

6. Page A-3: .

Following: line 20

Insert: "**SECRETARY OF STATE (32010)**"

Insert: "1. Business and Government Services (01)"

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Insert: "Election Litigation (Restricted/Biennial/OTO)"

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

7. Page A-6, line 18: .

Strike: "14,861,532 17,662,985" [General Fund FY22 FY23]

Insert: "9,094,743 9,454,934" [General Fund FY22 FY23]

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8. Page A-7, line 4: .

Strike: "423,193 424,342" [State Special Fund FY22 FY23]

9. Page A-7: .

Strike: line 5 through line 6 in their entirety

10. Page A-8: .

Following: line 10

Insert: "It is the intent of the Legislature that the Department of Administration transition all statewide workforce training from the Professional Development Center to the private sector, universities, or colleges by the end of the 2023 biennium. It is the intent of the Legislature that the Professional Development Center be closed by the end of the 2023 biennium."

11. Page A-8:

Following: line 10

Insert: "The Director's Office includes a one-time-only general fund reduction of \$5,766,789 in FY 2022 and \$8,208,051 in FY 2023 for the transfer to the capital development account."

12. Page A-8:

Following: Line 24

Insert: "Taiwan Economic Development and Business Recruitment (Biennial)"

Insert: "500,000 500,000" [State Special Fund FY22 FY23]

13. Page A-9, line 9: .

Strike: "0 0" [State Special Fund FY22 FY23]

Insert: "1,270,000 1,270,000" [State Special Fund FY22 FY23]

14. Page A-9, line 11:

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

Insert: "1,000,000 1,000,000" [State Special Fund FY22 FY23]

15. Page A-11, line 19: .

Strike: "653,674 654,614" [Federal Special Fund FY22 FY23]

Insert: "653,924 655,299" [Federal Special Fund FY22 FY23]

16. Page B-1: .

Following: line 19

Insert: "a. Report on Medicaid Paid Abortions"

Insert: "45,000 45,000" [General Fund FY22 FY23]

17. Page B-2, line 18: .

Strike: "1,905,267 3,810,534" [General Fund FY22 FY23]

Insert: "1,339,072 2,678,145" [General Fund FY22 FY23]

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Strike: "3,522,843 7,045,686" [Federal Special Fund FY22 FY23]

Insert: "2,481,465 4,951,894" [Federal Special Fund FY22 FY23]

18. Page B-3: .

Following: line 5

Insert: "g. Home and Community Based Services Direct Care Worker Recruitment and Retention"

Insert: "386,439 772,878" [General Fund FY22 FY23]

Insert: "1,163,968 2,306,316" [Federal Special Fund FY22 FY23]

19. Page B-3, line 7: .

Strike: "8,190,180 10,380,259" [General Fund FY22 FY23]

Insert: "8,164,143 10,354,222" [General Fund FY22 FY23]

Strike: "37,483 39,865" [State Special Fund FY22 FY23]

Insert: "34,472 36,854" [State Special Fund FY22 FY23]

20. Page B-3, line 8: .

Strike: "23,296,688 29,093,867" [Federal Special Fund FY22 FY23]

Insert: "23,243,237 29,040,416" [Federal Special Fund FY22 FY23]

21. Page B-3, line 22: .

Strike: "2,157,514 4,315,028" [General Fund FY22 FY23]

Insert: "305,879 611,758" [General Fund FY22 FY23]

Strike: "3,989,250 7,978,498" [Federal Special Fund FY22 FY23]

Insert: "554,539 1,109,076" [Federal Special Fund FY22 FY23]

22. Page B-4, line 12: .

Strike: "935,563 1,871,126" [General Fund FY22 FY23]

Insert: "467,782 935,563" [General Fund FY22 FY23]

Strike: "1,729,859 3,459,718" [Federal Special Fund FY22 FY23]

Insert: "864,930 1,729,859" [Federal Special Fund FY22 FY23]

23. Page B-5: .

Strike: lines 13 through 14 in their entirety

24. Page B-5: .

Following: line 24

Insert: "The Legislature intends that the Department of Public Health and Human Services eliminate the policy of 12-month continuous eligibility for the Medicaid expansion population."

25. Page B-5: .

Following: line 24

Insert: "The line item for report on Medicaid paid abortions is to be used by the Department of Public Health and Human Services to review and report the history, utilization data, policies, rules, and definitions for Medicaid paid abortions

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to the Interim Budget Committee for the Department of Public

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Health and Human Services and the Children, Families, Health, and Human Services Interim Committee at a meeting in September of 2021 with follow up work as the committees request."

26. Page C-3, line 17:

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

Insert: "11,365,334 11,388,848" [State Special Fund FY22 FY23]

27. Page D-1, line 5: .

Strike: "18,093,075 18,348,767" [General Fund FY22 FY23]

Insert: "18,481,759 18,713,942" [General Fund FY22 FY23]

28. Page D-2, line 15: .

Strike: "500,000 500,000" [General Fund FY22 FY23]

Insert: "1,000,000 1,000,000" [State Special Fund FY22 FY23]

29. Page D-2, line 17: .

Strike: "566,339 566,796" [State Special Fund FY22 FY23]

Insert: "989,532 991,138" [State Special Fund FY22 FY23]

Following: "line 17"

Insert: "a. Legislative Audit (Restricted/Biennial)"

Insert: "695" [State Special Fund FY22]

30. Page D-2, line 19: .

Strike: "7,980,701 8,127,106" [General Fund FY22 FY23]

Insert: "8,257,140 8,551,862" [General Fund FY22 FY23]

31. Page D-2, line 25: .

Strike: "5,278,367 5,364,861" [General Fund FY22 FY23]

Insert: "6,542,928 5,918,105" [General Fund FY22 FY23]

32. Page D-3: .

Following: line 26

Insert: "The motor vehicle information technology system account includes a reduction in state special revenue due to the elimination of a deposit of a \$4 fee pursuant to 61-3-103(8) made July 1, 2019. If HB 693 is passed and approved with a section that amends the termination date of the \$4 fee, the motor vehicle information technology system account is considered eligible to be amended under 17-07-402(1)(a)(xii) in the 2023 biennium budget."

33. Page D-4: .

Strike: line 18 through line 19 in their entirety

34. Page D-6, line 25: .

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

Insert: "72,334,356 72,889,410" [General Fund FY22 FY23]

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

Insert: "1,123,296 1,123,296" [State Special Fund FY22 FY23]

Following: line 27

Insert: "b. Nonprofit Provider Per Diem (Restricted)"

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Insert: "508,498 518,668" [General Fund FY22 FY23]

Insert: "666 680" [State Special Fund FY22 FY23]

35. Page D-7, line 2: .

Strike: "86,492,071 87,895,483" [General Fund FY22 FY23]

Insert: "86,492,621 87,896,990" [General Fund FY22 FY23]

36. Page D-7, line 5: .

Strike: "237,170 651,098" [General Fund FY22 FY23]

Insert: "304,229 781,639" [General Fund FY22 FY23]

37. Page D-7, line 7: .

Strike: "134,962 262,725" [General Fund FY22 FY23]

Insert: "67,903 132,184" [General Fund FY22 FY23]

38. Page D-8, line 2: .

Following: "community."

Strike: "The department may not place offenders based on an ASAM score and shall primarily rely on the risk and needs assessment and the underlying offense when placing offenders."

Insert: "In placing offenders in treatment facilities, the department shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender's treatment dosage and needs."

39. Page D-8, line 4: .

Following: "placement."

Insert: "Pre-screening is not required for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered. Contracted treatment and pre-release centers should simultaneously screen an offender's application."

40. Page D-8, line 6: .

Following: "branch."

Insert: "Pre-screening and providing placement recommendations will begin no later than July 1, 2021."

41. Page D-8, line 9: .

Strike: "for the previous 18 months."

Insert: "each month of the biennium beginning on July 1, 2021. Funds will be certified on a monthly basis by the budget director."
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42. Page D-8, line 20: .

Following: "approved"

Insert: "as introduced"

43. Page E-1, line 5:

Strike: "11,273,957 11,427,175" [General Fund FY22 FY23]

Insert: "8,739,997 8,882,546" [General Fund FY22 FY23]

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Following: line 5

Insert: "a. Audiology (Restricted)
533,460 544,129" [General Fund FY22 FY23]

Insert: "b. Montana Digital Academy (Restricted)
2,000,500 2,000,500" [General Fund FY22 FY23]

Renumber: subsequent subsections

44. Page E-1, line 13: .

Following: line 13

Insert: "e. Medicaid Services to Schools Director (RST)"

Insert: "67,500 67,500" [General Fund FY22 FY23]

Insert: "67,500 67,500" [Federal Special Fund FY22 FY23]

Following: line 13

Insert: "f. Medicaid Services to Schools Technical Support (RST)
(OTO)"

Insert: "55,000 55,000" [General Fund FY22 FY23]

Insert: "55,000 55,000" [Federal Special Fund FY22 FY23]

45. Page E-1, line 22:

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

Insert: "784,643,285 823,021,316" [General Fund FY22 FY23]

46. Page E-3:

Strike: line 26 in its entirety

47. Page E-5, line 10:

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

Insert: "4,978,887 5,139,719" [General Fund FY22 FY23]

48. Page E-8: .

Following: line 11

Insert: "c. Bureau of Business and Economic Research Study
(Restricted/Biennial/OTO)"

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

49. Page E-8, line 22: .

Strike: "13,741,815" [General Fund FY22]

Insert: "14,041,815" [General Fund FY22]

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50. Page E-8: .

Following: line 24

Insert: "b. Flathead Valley Community College (OTO)"

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

Insert: "c. Bitterroot Community College (Restricted/Biennial)"

Insert: "400,000" [General Fund FY22]

51. Page E-9, line 9: .

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

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

52. Page E-9, line 11: .

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

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

53. Page E-9, line 13: .

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

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

54. Page E-9, line 15: .

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

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

55. Page E-9: .

Strike: line 16 through line 17 in their entirety

For the Senate:

Osmundson, Chair
Ellis
C. Smith

For the House:

Jones, Vice Chair
Bartel
Caferro

FREE CONFERENCE COMMITTEE
on **House Bill 5**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 5** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 5** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

Following: "DEFINITIONS;"

Insert: "PROVIDING FOR A TRANSFER OF FUNDS;"

2. Page 5.

Following: line 20

Insert: "COVID-19 Remote and Office Workspace Study and Planning Fund

1,400,000	1,400,000
-----------	-----------

Legislative Staff Workspace Renovation and Reorganization

500,000	500,000
---------	---------

Removal and Replacement of Legislative Chambers Carpeting

1,000,000	1,000,000"
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3. Page 8.

Following: line 8

Insert: "MAES Greenhouse Laboratories

2,000,000	2,000,000
-----------	-----------

Capitol Complex Building Renovations for Remote and Office Workspace Improvements

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SEVENTY-NINTH LEGISLATIVE DAY - APRIL 28, 2021

10,000,000	10,000,000
Mazurek Building Renovations	
3,000,000	3,000,000"

4. Page 10, line 17 through line 20.
Strike: "(A)" on line 17 through "210." on line 20

5. Page 10, line 21.
Strike: "(B)"
Insert: "(a)"
Renumber: subsequent subsections

6. Page 10, line 28.
Strike: "(3)(E)"
Insert: "(3)(d)"

7. Page 11, line 17.
Strike: "(3)(C)"
Insert: "(3)(b)"

8. Page 11, line 18.
Strike: "(3)(C)"
Insert: "(3)(b)"

9. Page 11.
Following: line 18
Insert: "(4)(a) As part of the COVID-19 remote and office workspace study and planning, the department of justice, the Montana state library, and the judicial branch shall participate in a working group for the Mazurek building led by the department of administration.
(b) The working group shall:
(i) determine the minimum space needs of the current occupants of the Mazurek building, including whether the footprint of the state law library can be reduced and opportunities exist to move department of justice staff to the building from private leased space. Tenants should determine whether remote work is a viable option for employees, and the working group should look for opportunities to reduce agency space.
(ii) determine the space configuration that is most efficient and effective for each tenant and its mission. To minimize disruption to the agencies and minimize costs, the configurations should minimize moves from current space and remodeling costs.
(iii) consider how to use the unoccupied space in the building for the needs of the agencies to meet their minimum space needs. If the agencies do not use all of the unoccupied space, then the remaining space should be maintained in a sufficient block to allow for an additional agency tenant.
(c) Prior to the commencement of any renovations on the Mazurek building, the budget director must approve the renovation plan."

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10. Page 13, line 17.

Insert: "600,000" [state special revenue]

Strike: "600,000" [federal special revenue]

11. Page 14.

Following: line 23

Insert: "(6) The following money is appropriated to the department of environmental quality in the indicated amount for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable:

Agency/Project [stack these 6 lines as column heads per AIC]

LRBP MR Fund

State Special Revenue

Federal Special Revenue

Authority Only Sources

Total

Remediation of Leaking Petroleum Tanks

2,000,000 [state special revenue]

2,000,000 [total]"

[note: bracketed labels not to be included in actual inserted text]

12. Page 18.

Following: line 17

Insert: "NEW SECTION. Section 12. Transfer of funds. By July 1, 2021, the state treasurer shall transfer \$2,000,000 from the general fund to a state special account for the purpose of leaking petroleum tank remediation."

Renumber: subsequent sections

For the Senate:

Cuffe, Chair

Boldman

Osmundson

For the House:

Jones, Vice Chair

Hamilton

Hopkins

FREE CONFERENCE COMMITTEE

on **House Bill 632**

Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 632** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 632** (reference copy -- salmon) be amended as follows:

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The amendments are available at HB0632.004.006.docx, and will be incorporated into the Journal

For the Senate:

Osmundson, Chair
Cuffe
Lynch

For the House:

Garner, Vice Chair
Bartel
Keane

Journal Note: The document referenced in the Free Conference Committee report contains the amendments in context and will be attached to this Journal following the signature page.

FREE CONFERENCE COMMITTEE
on **House Bill 663**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 663** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 663** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "TAXES;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 3.

Following: line 16

Insert: "NEW SECTION. Section 2. Appropriation. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 1]:

Fiscal year 2022	\$10,245,460
------------------	--------------

Fiscal year 2023	\$10,439,655
------------------	--------------

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session."

Renumber: subsequent sections

3. Page 4, line 24.

Strike: "252%"

Insert: "254%"

4. Page 5, line 28.

Strike: "2"

Insert: "4"

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5. Page 6.

Following: line 6

Insert: "COORDINATION SECTION. Section 4. Coordination instruction. If both House Bill No. 303 and [this act] are passed and approved, then [section 2 of this act] is void and must be replaced with:

"NEW SECTION. Appropriation. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 3]:

Fiscal year 2022	\$10,245,460
Fiscal year 2023	\$12,889,751

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session.""

Renumber: subsequent section

For the Senate:

Salomon, Chair
Bogner
McClafferty

For the House:

Ler, Vice Chair
Jones
Novak

SPECIAL ORDERS OF THE DAY

Senator Howard and Senator McNally, both term limited, addressed the Senate with remembrances and final remarks.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until the hour of 4:30 p.m. Senate recessed at 2:50 p.m.

Senate reconvened at 4:52 p.m., President Blasdel presiding.

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REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 689**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 689** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 689** (reference copy -- salmon) be amended as follows:

1. Page 4, line 5.

Following: "communication"

Insert: "not for distribution to the general public"

2. Page 5, line 11.

Following: "communication"

Insert: "not for distribution to the general public"

3. Page 6, line 7.

Following: "communication"

Insert: "not for distribution to the general public"

4. Page 6, line 26.

Following: "communication"

Insert: "not for distribution to the general public"

5. Page 9.

Following: line 11

Insert: "(43) "Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach, and support, and the production and distribution of religious literature developed by the organization."

Renumber: subsequent subsections

For the Senate:

Kary, Chair
Bennett
Howard

For the House:

Dooling, Vice Chair
Hayman
McKamey

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**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 Glimm in the chair.

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

HB 435 - Senator Fitzpatrick moved **HB 435** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 47 - Governor's Amendments - Senator Lynch moved Governor's amendments to **SB 47** be concurred in. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 98 - Governor's Amendments - Senator Gillespie moved Governor's amendments to **SB 98** be 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, 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

SB 231 - Free Conference Committee Report No. 1 - President Blasdel moved the Free Conference Committee report to **SB 231** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, 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, Tempel, Vance, Welborn, Mr. President.

Total 36

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

Total 14

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 693 - Free Conference Committee Report No. 1 - Senator Howard moved the Free Conference Committee report to **HB 693** 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, Hertz, Hinebauch, 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 46

Nays: Gross, Hoven, Keenan, Manzella.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 663 - Free Conference Committee Report No. 1 - Senator Osmundson moved the Free Conference Committee report to **HB 663** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 632 - Free Conference Committee Report No. 1 - Senator Osmundson moved the Free Conference Committee report to **HB 632** be adopted. Motion carried as follows:

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

Nays: Esp, Flowers, Manzella, McGillvray, Smith C.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 - Free Conference Committee Report No. 1 - Senator Brown moved the Free Conference Committee report to **HB 637** be adopted. Motion carried as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Free Conference Committee Report No. 1 - Senator Osmundson moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

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Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Bennett, Boland, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 - Free Conference Committee Report No. 1 - Senator Cuffe moved the Free Conference Committee report to **HB 5** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 49

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Ellsworth.
Total 1

HJ 27 - Senator Welborn moved **HJ 27** be concurred in. Motion carried as follows:

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

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

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 37 - Senator Cuffe moved **HJ 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Boland, Gross, Lynch, McClafferty, Morigeau, Pomnichowski, Webber.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 191 - Free Conference Committee Report No. 1 - Senator Osmundson moved the Free Conference Committee report to **SB 191** 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, 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, Webber, Welborn, Mr. President.
Total 47

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Nays: Gross, McClafferty, Pomnichowski.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 - Free Conference Committee Report No. 1 - Senator Hertz moved the Free Conference Committee report to **SB 388** be adopted. Motion carried as follows:

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

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

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

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

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that second reading bills heard this date be placed on third reading this date. Without objection, so ordered.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 402**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 402** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 402** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

Following: "PROCEEDING"

Insert: "involving the constitutionality of a provision of a bill if"

2. Page 1, line 16.

Following: "(A)"

Strike: "WHEN"

3. Page 1, line 18.

Strike: "OR A SIMILAR POLICY MATTER THAT LATER COMES BEFORE THE COURT"

Insert: "legislation if it is at issue in a case"

4. Page 1, line 19.

Following: "(B)"

Strike: "WHEN"

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5. Page 1, line 19.

Strike: "THE LEGISLATIVE"

Insert: "a"

6. Page 1, line 19 through line 21.

Strike: "OF" on line 19 through "COMMITTEE" on line 21

Insert: "or group designed to evaluate legislation when the committee or group expressed support or opposition on a bill during the judicial officer's service on the committee or other group"

7. Page 1, line 21 through line 22.

Strike: "OR" on line 21 through "PRESIDES" on line 22

Insert: "legislation is pending before the judicial officer"

8. Page 1, line 23.

Following: "(C)"

Strike: "WHEN"

9. Page 1, line 24 through line 25.

Strike: "SAME" on line 24 through "PRESIDES" on line 25

Insert: "legislation is pending before the judicial officer"

For the Senate:

C. Smith, Chair
Esp
Sands

For the House:

Ler, Vice Chair
Berglee
Bishop

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 4/28/2021

SJ 33, introduced by C. Pope

Senate amendments to House bills concurred in: 4/28/2021

HB 303, introduced by J. Kassmier

HB 340, introduced by W. Galt

HB 661, introduced by J. Kassmier

Conference Committee Report No.1 adopted: 4/28/2021

HB 188, introduced by D. Loge

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Free Conference Committee Report No.1 adopted:

4/28/2021

SB 231, introduced by M. Blasdel

SB 278, introduced by G. Hertz

SB 319, introduced by G. Hertz

SJ 1, introduced by C. Smith

HB 555, introduced by M. Regier

HB 637, introduced by S. Berglee

HB 648, introduced by J. Kassmier

HB 678, introduced by D. Bartel

HB 693, introduced by B. Mercer

Governor's amendments to House bills concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/28/2021

HB 92, introduced by K. Kelker

HB 459, introduced by D. Lenz

HB 702, introduced by J. Carlson

THIRD READING OF BILLS

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

HB 188 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

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HB 656 concurred in as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Welborn, 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, Small, Sweeney, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 29 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 35 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,

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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

HJ 39 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber.
Total 35

Nays: Ellsworth, Esp, Glimm, Hertz, Hinebauch, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Tempel, Welborn, Mr. President.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 44 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.

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Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 45 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 47 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.

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Total 0

Absent or not voting: None.

Total 0

HJ 48 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 49 concurred in as follows:

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

Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 278, passed as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319 passed as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 1 passed as follows:

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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 435 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.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47, as amended by the Governor, passed as follows:

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

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Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 98, as amended by the Governor, passed 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

SB 231 passed as follows:

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

Total 38

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

Total 12

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 693 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, 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 47

Nays: Gross, Hoven, Keenan.

Total 3

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, 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

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Absent or not voting: None.

Total 0

HB 632 concurred in as follows:

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

Total 43

Nays: Esp, Flowers, Glimm, Hinebauch, Manzella, McGillvray, Smith C.

Total 7

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 637 concurred in as follows:

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

Total 27

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

Total 23

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 concurred in as follows:

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

Total 41

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

Total 9

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 5 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

HJ 27 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.

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Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 37 concurred in as follows:

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

Total 42

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

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 191 passed as follows:

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

Total 46

Nays: Gross, McClafferty, Pomnichowski, Sands.

Total 4

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 388 passed as follows:

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

Total 28

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

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.

Senator Morigeau moved the Senate adjourn sine die. Motion **failed** as follows:

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

Total 18

Nays: Ankney, Bogner, Brown, Cuffe, 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 32

Voted absentee: None.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the Senate adjourn until 10:00 a.m., Thursday, April 29, 2021, the eightieth legislative day. Motion carried.

Senate adjourned at 4:37 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate