

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

Helena, Montana  
April 20, 2021

Senate Chambers  
State Capitol

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

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

**BILLS AND JOURNALS** (Keenan, Chair):

4/20/2021

Correctly engrossed: **SJ 28, HB 267, HB 637, HB 648, HB 651, HB 681, HB 705.**

Correctly enrolled: **SB 47, SB 106, SB 163, SB 257, SB 270, SB 280, SB 309, SJ 5.**

Examined by the sponsor and found to be correct: **SB 47, SB 63, SB 83, SB 99, SB 106, SB 121, SB 136, SB 157, SB 163, SB 166, SB 167, SB 190, SB 206, SB 223, SB 234, SB 238, SB 239, SB 258, SB 261, SB 265, SB 266, SB 270, SB 280, SB 283, SB 286, SB 302, SB 307, SB 309, SB 345, SB 348, SB 351, SB 364, SJ 5, SJ 19, SJ 21, SR 74, SR 88, SR 95, SR 97.**

Transmitted to the House: **HB 206, HB 229, HB 273, HB 341, HB 358, HB 380, HB 429, HB 430, HB 444, HB 447, HB 472, HB 475, HB 481, HB 504, HB 506, HB 520, HB 537, HB 559, HB 576, HB 630, HB 632, HB 669, HJ 5, HJ 16.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Lang, Chair):

4/15/2021

**HB 660**, be concurred in.

**HB 681**, be amended as follows:

1. Title, line 5.

**Following:** "BENEFIT"

**Insert:** "CERTAIN"

2. Page 2, line 13.

**Following:** "(8)"

**Insert:** "for an authority with a truck/train transloading facility,"

3. Page 3, line 16.

**Following:** "authorities"

**Insert:** "with a truck/train transloading facility"

4. Page 3.

**Following:** line 21

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**Insert:** "COORDINATION SECTION. Section 6. Coordination instruction. The appropriation in [section 4] to the department of agriculture to distribute grants to port authorities with a truck/train transloading facility to enhance the transportation of agricultural products to and from the state pursuant to [this act] is void if:

- (1) (a) both House Bill No. 632 and [this act] are passed and approved; and
- (b) an appropriation pursuant to [section 12 of House Bill No. 632] is authorized to include grants pursuant to [this act]; or
- (2) an appropriation by the legislature from federal funds received pursuant to an act of Congress before July 1, 2023, is authorized to include grants pursuant to [this act]."

**Renumber:** subsequent section

And, as amended, be concurred in.

**ENERGY AND TELECOMMUNICATIONS** (Ankney, Chair): 4/15/2021  
**HB 606**, be concurred in.

**FISH AND GAME** (Hinebauch, Chair): 4/15/2021  
**SR 93**, be adopted.  
**SR 99**, be adopted.  
**HB 367**, be concurred in.  
**HB 637**, be amended as follows:

1. Page 4, line 14.  
Strike: "\$25,000"  
Insert: "\$17,500"

And, as amended, be concurred in.

**HB 647**, be concurred in.

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair): 4/15/2021  
**HB 247**, be concurred in.  
**HB 267**, be amended as follows:

1. Title, line 7.  
Following: "RIGHT;"  
Strike: "REQUIRING CERTAIN SIGNAGE;"
2. Title, line 11 through line 13.  
Following: "STREET;" on line 11  
Strike: "REQUIRING" on line 11 through "SHERIFF;" on line 13

3. Page 3, line 5.  
**Following:** "must"  
**Strike:** ":",

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4. Page 3, line 6.

Strike: "(a)"

5. Page 3, line 7 through line 9.

Following: "height" on line 7

Strike: "; and" on line 7 through "(9)(b)" on line 9

6. Page 4, line 13.

Strike: "72"

Insert: "54"

7. Page 5, line 4.

Following: "~~and~~"

Insert: "and"

8. Page 5, line 5 through line 7.

Strike: "; and" on line 5 through "violation" on line 7

And, as amended, be concurred in.

**HB 464**, be concurred in.

**JUDICIARY** (Regier, Chair):

4/20/2021

**SJ 26**, do pass.

**LOCAL GOVERNMENT** (Gauthier, Chair):

4/16/2021

**HB 694**, be amended as follows:

1. Title, line 12 through line 13.

Strike: "INCLUDING" on line 12 through "MISCONDUCT;" on line 13

2. Title, line 14.

Following: "FEES;"

Insert: "CREATING THE OFFENSE OF DERELICTION AND PROVIDING PENALTIES;"

3. Title, line 15.

Strike: "SECTIONS 45-7-401 AND"

Insert: "SECTION"

4. Title, line 16.

Following: line 15

Insert: "AN APPLICABILITY DATE AND"

5. Page 1, line 24.

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Strike: "residing within the boundaries of"  
Insert: "that are served by"

6. Page 2, line 3.  
Strike: "or"  
Insert: "and"

7. Page 2, line 5.  
Following: line 4  
Strike: "those"  
Following: "claims"  
Insert: "received pursuant to subsection (2)"

8. Page 2, line 9.  
Following: "center"  
Insert: "or the department"

9. Page 2, line 10.  
Strike: "department"  
Insert: "board of the local government entity"

10. Page 2, line 11 through line 13.  
Following: "center." on line 11  
Strike: remainder of line 11 through line 13 in their entirety

11. Page 2, line 14.  
Following: "center"  
Insert: "and the department"

12. Page 2, line 17.  
Following: "section"  
Insert: ", the following definitions apply"

13. Page 2, line 19 through line 20.  
Strike: "2-7-501(7)" on line 19 through line 20  
Insert: "subsection (6)"

14. Page 2, line 20.  
Following: "(b)(ii)"  
Insert: "of this section"

15. Page 2.  
Following: line 22  
Insert: "NEW SECTION. Section 2. Dereliction -- removal from office. (1) A member of the board of a local government entity, as defined in [section 1(6)], commits the offense of dereliction if the member purposefully or knowingly fails to convene regular meetings in compliance with any

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adopted bylaw or statutory requirement if the failure is regular, repeated, and negatively impacts the:

- (a) opportunity for meaningful public participation; or
- (b) operation or function of the local government entity.

(2) The district court has exclusive jurisdiction in prosecutions under this section. An action for dereliction must be commenced by an information filed after leave to file has been granted by the district court or after a grand jury indictment has been found.

(3) A member convicted of the offense of dereliction must be removed from office.

(4) This section does not affect any power conferred by law to impeach or remove any public servant or any proceeding authorized by law to carry into effect an impeachment or removal.

16. Page 2, line 24 through page 3, line 22.

Strike: section 2 in its entirety

Renumber: subsequent sections

17. Page 4, line 13.

Following: "**instruction.**"

Insert: "(1)"

18. Page 4.

Following: line 14

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 7, part 4, and the provisions of Title 45, chapter 7, part 4, apply to [section 2]."

19. Page 4.

Following: line 15

Insert: "**NEW SECTION.** **Section 5. Applicability.** [Section 2] applies to actions taken on or after [the effective date of this act]."

Renumber: subsequent section

And, as amended, be concurred in.

**NATURAL RESOURCES** (Welborn, Chair):

4/16/2021

**SJ 28**, introduced joint resolution, be amended as follows:

1. Page 2, line 21.

Following: "Parks,"

Insert: "the Confederated Salish and Kootenai Tribes, the National Park Service or Glacier National Park, the cities and towns in the Flathead River basin,"

And, as amended, do pass.

**HB 648**, be amended as follows:

1. Page 2.

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Following: line 25

Insert: "**NEW SECTION. Section 3. Cost benefit analysis required.** (1) The department shall establish guidelines to compare costs and benefits of continued disposal of coal combustion residues at electrical generation facilities versus economical ways to reuse coal combustion residues.

(2) The guidelines must include requirements for promptly determining when a cost-benefit analysis under this section is appropriate and necessary.

(3) Proposals for analysis under this section must be consistent with the size and scope of the waste disposal options under consideration or at least demonstrate significant quantifiable environmental impacts, economic impacts, or both and meet other beneficial use requirements.

(4) An analysis under this section that favors a beneficial use must be transmitted to the governor. The governor may:

(a) approve the document and order the prompt execution of the proposal;

(b) return the document to the department for suggested revisions and resubmission to the governor; or

(c) deny the proposal."

Renumber: subsequent sections

2. Page 3, line 4.

Following: "**instruction.**"

Insert: "(1)"

3. Page 3.

Following: line 5

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

And, as amended, be concurred in.

**STATE ADMINISTRATION** (Kary, Chair):  
**HB 651**, be amended as follows:

4/19/2021

1. Title, line 6 through line 8.

Strike: "REQUIRING" on line 6 through "STATED" on line 8

Insert: "DEFINING APPROPRIATION FOR THE PURPOSES OF A BALLOT INITIATIVE"

2. Title, line 13.

Following: "GATHERING;"

Insert: "REQUIRING THE ATTORNEY GENERAL TO REVIEW BALLOT INITIATIVES FOR REGULATORY TAKINGS AND DETERMINATIONS TO BE PLACED ON THE PETITION PRIOR TO SIGNATURE GATHERING;"

3. Page 1, line 22 through line 23.

Following: "(2)" on line 22

Strike: remainder of line 22 through line 23 in their entirety

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Insert: "For the purposes of this section, "appropriation" includes, but is not limited to, the act of designating or setting aside budgetary authority, or directly or indirectly incurring a financial obligation with the expectation that a certain amount of money will be expended or directed for a specific use or purpose. The term also includes increasing or expanding eligibility to a government program."

4. Page 4, line 12.

Following: the first "OF"

Insert: "not more than"

5. Page 5, line 18.

Following: "meet"

Insert: "and hold a public hearing"

6. Page 6, line 15.

Following: "following"

Insert: ", including the language provided for in subsection (2)(b),"

7. Page 7.

Following: line 12

Insert: "(2) (a) If the attorney general determines the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana pursuant to 13-27-312(9), the statement in subsection (2)(b) must appear on the front page of the petition form before the information set forth in subsection (1).

(b)

WARNING

The Attorney General of Montana has determined the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana."

**Renumber:** subsequent subsections

8. Page 8, line 26.

Following: "electors"

Insert: ", the substantive legality of the proposed issue if approved by the voters, and whether the proposed issue constitutes an appropriation as set forth in [section 1]"

9. Page 8, line 26 through line 27.

Strike: "Review" on line 26 through "voters." on line 27

10. Page 9.

Following: line 1

Insert: "(9) (a) The attorney general shall review the proposed ballot issue as to whether the proposed issue could cause a regulatory taking under Montana law or otherwise will likely cause significant material harm to one or more business interests in Montana if approved by the voters.

(b) If the attorney general determines the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana, the attorney general shall notify

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the secretary of state, which must include the finding set forth in 13-27-204(2) on the final form of the petition."

**Renumber:** subsequent subsections

And, as amended, be concurred in.

**TAXATION** (Hoven, Chair):  
**HB 629**, be amended as follows:

4/15/2021

1. Title, line 10.

Following: "PROVIDING"

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

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

2. Page 2.

Following: line 17

Insert: "(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage."

**Renumber:** subsequent subsections

3. Page 2, line 26.

Strike: "2021"

Insert: "2022"

Strike: "2027"

Insert: "2028"

4. Page 3.

Following: line 1

Insert: "(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021."

**Renumber:** subsequent subsections

5. Page 3, line 3.

Strike: "2021"

Insert: "2022"

6. Page 3, line 4.

Strike: "2027"

Insert: "2028"

7. Page 3, line 5.

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Strike: "2020"

Insert: "2021"

8. Page 3, line 10.

Strike: "~~(9)(H)(I)(B)~~"

Insert: "(10)(i)(i)(B)"

9. Page 3, line 22.

Strike: "2021"

Insert: "2022"

10. Page 3, line 23.

Strike: "2027"

Insert: "2028"

11. Page 5.

Following: line 19

Insert: "**NEW SECTION. Section 4. Employer job growth incentive tax credit --**

- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.
- (2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 5 and 6].
- (3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:
- (a) identifies and describes the number of qualifying new employees hired;
- (b) provides necessary details to calculate the net employee growth and qualifying net employee growth;
- (c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and
- (d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.
- (4) After receiving an application, the department shall:
- (a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or
- (b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.
- (5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees

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- that were utilized during the issuance of a credit certificate.
- (6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.
  - (7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.
  - (8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.
  - (9) The department may adopt rules necessary to administer this section.
  - (10) For the purposes of this section, the following definitions apply:
    - (a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.
    - (b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.
    - (c) "Department" means the department of labor and industry provided for in 2-15-1701.
    - (d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.
    - (e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.
    - (f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.
    - (g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.
    - (h) "Qualifying employer" means an employer with qualifying net employee growth.
    - (i) (i) "Qualifying net employee growth" means:
      - (A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;
      - (B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.
    - (ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.
  - (j) (i) "Qualifying new employee" means an employee of a qualifying employer:
    - (A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

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(B) who is employed for at least 6 months during the year for which the credit is granted; and  
(C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor in the preceding 12 months; or

(B) hired to replace an employee of a predecessor."

Insert: "**NEW SECTION. Section 5. Grow Montana jobs -- annual job growth incentive tax**

**credit.** (1) Subject to the provisions of [section 4], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 4]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-

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30-2618 or 15-31-511.

- (10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 4]."

Insert: "**NEW SECTION. Section 6. Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 5] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 4 and 5] and this section.

- (2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Insert: "**NEW SECTION. Section 7. Employer job growth incentive tax credit -- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

- (2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 8 and 9].
- (3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:
- (a) identifies and describes the number of qualifying new employees hired;
  - (b) provides necessary details to calculate the net employee growth and qualifying net employee growth;
  - (c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and
  - (d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.
- (4) After receiving an application, the department shall:
- (a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or
  - (b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.
- (5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.
- (6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.
- (7) The department may audit an employer applying for a credit certificate or who has obtained

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- a credit certificate.
- (8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.
- (9) The department may adopt rules necessary to administer this section.
- (10) For the purposes of this section, the following definitions apply:
- (a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.
- (b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.
- (c) "Department" means the department of labor and industry provided for in 2-15-1701.
- (d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.
- (e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.
- (f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.
- (g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.
- (h) "Qualifying employer" means an employer with qualifying net employee growth.
- (i) (i) "Qualifying net employee growth" means:
- (A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;
- (B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.
- (ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.
- (j) (i) "Qualifying new employee" means an employee of a qualifying employer:
- (A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;
- (B) who is employed for at least 6 months during the year for which the credit is granted; and
- (C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.
- (ii) The term does not include an employee:

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- (A) previously employed by the employer or a predecessor in the preceding 12 months; or
- (B) hired to replace an employee of a predecessor."

Insert: "**NEW SECTION. Section 8. Grow Montana jobs -- annual job growth incentive tax**

- credit.** (1) Subject to the provisions of [section 7], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.
- (2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).
  - (3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.
  - (4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 7]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.
  - (5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.
  - (6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.
  - (7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.
  - (8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.
  - (9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.
  - (10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 7]."

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Insert: "**NEW SECTION. Section 9. Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 8] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 7 and 8] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Insert: "**NEW SECTION. Section 10. Employer job growth incentive tax credit -- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 11 and 12].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;

(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that

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following tax year and must be used in calculating the minimum yearly wage.

- (9) The department may adopt rules necessary to administer this section.
- (10) For the purposes of this section, the following definitions apply:
  - (a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.
  - (b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.
  - (c) "Department" means the department of labor and industry provided for in 2-15-1701.
  - (d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.
  - (e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.
  - (f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.
  - (g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.
  - (h) "Qualifying employer" means an employer with qualifying net employee growth.
  - (i) (i) "Qualifying net employee growth" means:
    - (A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;
    - (B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.
  - (ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.
  - (j) (i) "Qualifying new employee" means an employee of a qualifying employer:
    - (A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;
    - (B) who is employed for at least 6 months during the year for which the credit is granted; and
    - (C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.
  - (ii) The term does not include an employee:
    - (A) previously employed by the employer or a predecessor in the preceding 12 months; or
    - (B) hired to replace an employee of a predecessor."

Insert: "NEW SECTION. **Section 11. Grow Montana jobs -- annual job growth incentive tax**

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- credit.** (1) Subject to the provisions of [section 10], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.
- (2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).
- (3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.
- (4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 10]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.
- (5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.
- (6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.
- (7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.
- (8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.
- (9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.
- (10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 10]."

Insert: "NEW SECTION. Section 12. Grow Montana jobs -- annual job growth incentive tax credit. (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant

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to [section 11] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 10 and 11] and this section.

- (2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Insert: "**NEW SECTION. Section 13. Employer job growth incentive tax credit --**

**administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

- (2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 14 and 15].
- (3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:
- (a) identifies and describes the number of qualifying new employees hired;
  - (b) provides necessary details to calculate the net employee growth and qualifying net employee growth;
  - (c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and
  - (d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.
- (4) After receiving an application, the department shall:
- (a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or
  - (b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.
- (5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.
- (6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.
- (7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.
- (8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest \$10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.
- (9) The department may adopt rules necessary to administer this section.
- (10) For the purposes of this section, the following definitions apply:

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- (a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.
  - (b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.
  - (c) "Department" means the department of labor and industry provided for in 2-15-1701.
  - (d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.
  - (e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.
  - (f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.
  - (g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.
  - (h) "Qualifying employer" means an employer with qualifying net employee growth.
  - (i) (i) "Qualifying net employee growth" means:
    - (A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;
    - (B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.
  - (ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.
  - (j) (i) "Qualifying new employee" means an employee of a qualifying employer:
    - (A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;
    - (B) who is employed for at least 6 months during the year for which the credit is granted; and
    - (C) with a yearly wage of at least \$50,000, plus any benefits paid to other employees of the employer.
  - (ii) The term does not include an employee:
    - (A) previously employed by the employer or a predecessor in the preceding 12 months; or
    - (B) hired to replace an employee of a predecessor."
- Insert: "NEW SECTION. Section 14. Grow Montana jobs -- annual job growth incentive tax credit. (1) Subject to the provisions of [section 13], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

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- (2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).
  - (3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.
  - (4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 10]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.
  - (5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.
  - (6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.
  - (7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.
  - (8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.
  - (9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.
  - (10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 13]."
- Insert: **NEW SECTION. Section 15. Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 14] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 13 and 14] and this section.
- (2) If the credit allowed under this section is claimed by a small business corporation as defined

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in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Renumber: subsequent sections

12. Page 7, line 5.

Following: "sections 2"

Insert: ","

Strike: "and"

Following: "3"

Insert: ", 5, 6, 8, 9, 11, 12, 14, and 15"

13. Page 8, line 3.

Strike: "section"

Insert: "sections"

Following: "2(8)"

Insert: ", 5(8), 8(8), 11(8), and 14(8)"

14. Page 9, line 21.

Strike: "section"

Insert: "sections"

Following: "2"

Insert: ", 5, 8, 11, and 14"

15. Page 11, line 7.

Strike: "section"

Insert: "sections"

Following: "1"

Insert: ", 4, 7, 10, and 13"

16. Page 11, line 8.

Following: "sections 2"

Insert: ","

Strike: "and"

Following: "3"

Insert: ", 5, 6, 8, 9, 11, 12, 14, and 15"

17. Page 12, line 24.

Strike: "section"

Insert: "sections"

Following: "2"

Insert: ", 5, 8, 11, and 14"

18. Page 14, line 8.

Strike: "section"

Insert: "sections"

Following: "1"

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Insert: ", 4, 7, 10, and 13"

19. Page 14, line 9.

Following: "sections 2"

Insert: ", "

Strike: "and"

Following: "3"

Insert: ", 5, 6, 8, 9, 11, 12, 14, and 15"

20. Page 15, line 27.

Strike: "section"

Insert: "sections"

Following: "2"

Insert: ", 5, 8, 11, and 14"

21. Page 16, line 26.

Following: "through"

Strike: "3"

Insert: "15"

22. Page 17, line 14.

Strike: "Section"

Insert: "Sections"

Following: "1"

Insert: ", 4, 7, 10, and 13"

Strike: "is"

Insert: "are"

23. Page 17, line 15.

Strike: "section"

Insert: "sections"

Following: "1"

Insert: ", 4, 7, 10, and 13"

24. Page 17, line 16.

Strike: "Section"

Insert: "Sections"

25. Page 17, line 16.

Following: "2"

Insert: ", 5, 8, 11, and 14"

Strike: "is"

Insert: "are"

26. Page 17, line 17.

Strike: "section"

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Insert: "sections"  
Following: "2"  
Insert: ", 5, 8, 11, and 14"

27. Page 17, line 18.  
Strike: "Section"  
Insert: "Sections"  
Following: "3"  
Insert: ", 6, 9, 12, and 15"  
Strike: "is"  
Insert: "are"

28. Page 17, line 19.  
Strike: "section"  
Insert: "sections"  
Following: "3"  
Insert: ", 6, 9, 12, and 15"

29. Page 17.  
Following: line 20  
Insert: "NEW SECTION. Section 22. {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."  
Renumber: subsequent sections

30. Page 17, line 21.  
Strike: "**date**"  
Insert: "**dates -- applicability**"

31. Page 17, line 21.  
Following: "**date.**"  
Insert: "(1)"  
Strike: "[This act]"  
Insert: "Except as provided in subsections (2) through (6), [this act]"

32. Page 17, line 21.  
Strike: "on passage and approval"  
Insert: "July 1, 2021"

33. Page 17.  
Following: line 21  
Insert: "(2) [Sections 1 through 3] are effective October 1, 2021, and apply to the income tax year beginning after December 31, 2021.  
(3) [Sections 4 through 6] are effective October 1, 2022, and apply to the income tax year

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beginning after December 31, 2022.

- (4) [Sections 7 through 9] are effective October 1, 2023, and apply to the income tax year beginning after December 31, 2023.
- (5) [Sections 10 through 12] are effective October 1, 2024, and apply to the income tax year beginning after December 31, 2024.
- (6) [Sections 13 through 15] are effective October 1, 2025, and apply to income tax years beginning after December 31, 2025."

34. Page 17, line 23 through line 24.

**Strike:** section 11 in its entirety

**Renumber:** subsequent sections

35. Page 17, line 26.

Following: "**Termination.**"

Insert: "(1)"

Strike: "[This act]"

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

36. Page 17, line 26.

Strike: "2027"

Insert: "2028"

37. Page 17.

Following: line 26

Insert: "(2) [Sections 1 through 3] terminate December 31, 2022.

(3) [Sections 4 through 6] terminate December 31, 2023.

(4) [Sections 7 through 9] terminate December 31, 2024.

(5) [Sections 10 through 12] terminate December 31, 2025.

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

Insert: "**NEW SECTION. Section 25. Contingent termination -- legislative intent -- specific findings – report to legislative finance committee.** (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

(2) [Sections 1 through 3] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.

(3) [Sections 4 through 6] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.

(4) [Sections 7 through 9] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must

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- be made between October 1, 2023, and December 31, 2023.
- (5) [Sections 10 through 12] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
- (6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
- (i) result in a reduction of funds from the American Rescue Plan Act; or
  - (ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
- (b) The budget director shall consider guidance from:
- (i) the federal government about the American Rescue Plan Act;
  - (ii) court decisions about the American Rescue Plan Act;
  - (iii) amendments to the American Rescue Plan Act;
  - (iv) any information provided by the attorney general; and
  - (v) other relevant information about the American Rescue Plan Act.
- (c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.
- (7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

**HB 661**, be amended as follows:

**Following:** line 10

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 15-36-303, MCA, is amended to read:

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

- (1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
- (2) "Department" means the department of revenue provided for in 2-15-1301.
- (3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
- (4) "Existing enhanced recovery project" means an enhanced recovery project that

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began development before January 1, 1994.

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

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

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

(8) "Horizontally completed well" means:

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

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

(9) "Incremental production" means:

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

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

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

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

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

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

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

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

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

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

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

(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of

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producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

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

~~(17)~~ "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces 10 barrels a day or less. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

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

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

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

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

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

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

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

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

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

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

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

~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that

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produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

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

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

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

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

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

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

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

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

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

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

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

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well or wells."''

**Insert: "Section 2.** Section 15-36-304, MCA, is amended to read:

**"15-36-304. Production tax rates imposed on oil and natural gas -- exemption. (1)**

The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

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

		Working Interest
Nonworking		
Interest		
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

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

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

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

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

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<del>(e)</del> (ii) <del>(i)</del> <u>(A) post-1999 stripper well exemption production</u>	0.5%	14.8%
<del>(ii)</del> (B) <u>post-1999 stripper well bonus production</u>	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	5.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

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

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

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

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

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

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

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produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than \$54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account . The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

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

**Insert: "NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2021."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

### MESSAGES FROM THE GOVERNOR

April 19, 2021

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

Dear President Blasdel:

On Monday, April 19th, I signed **Senate Bill 169** - Cuffe.

The bill has been delivered to the Secretary of State.

Sincerely,

Greg Gianforte  
Governor

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**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate: 4/15/2021

**SB 185**, introduced by D. Howard

**Senate joint resolutions** concurred in and returned to the Senate: 4/15/2021

**SJ 7**, introduced by J. Welborn

**SJ 17**, introduced by B. Bennett

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

4/15/2021

**SB 165**, introduced by C. Glimm

**SB 172**, introduced by D. Howard

**SB 173**, introduced by D. Howard

**Senate joint resolutions** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/15/2021

**SJ 1**, introduced by C. Smith

**SJ 18**, introduced by B. Gillespie

**Senate bill not** concurred in and returned to the Senate: 4/15/2021

**SB 318**, introduced by T. Manzella

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJ 29**, introduced by S. O'Brien, referred to Public Health, Welfare and Safety.

**SJ 30**, introduced by G. Hertz, referred to Public Health, Welfare and Safety.

**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 Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on

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second reading, recommend as follows:

**HB 427** - Majority Leader Smith moved consideration of **HB 427** be passed for the day. Without objection, so ordered.

**HB 620** - Majority Leader Smith moved consideration of **HB 620** be passed for the day. Without objection, so ordered.

**SR 82** - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 82**. 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: Brown, Aye.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**SR 85** - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 85**. 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: Brown, Aye.

Excused: Brown.

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Total 1

Absent or not voting: None.

Total 0

**SR 86** - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 86**. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**SR 96** - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 96**. 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: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

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Total 0

**SR 76** - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 76**. 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: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 397** - Senator Hoven moved **HB 397** be concurred in. Motion carried as follows:

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

Total 29

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

Total 21

Voted absentee: Brown, No.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 593** - Senator Ellsworth moved consideration of **HB 593** be passed for the day. Without objection, so ordered.

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**HB 688** - Senator Gillespie moved **HB 688** be concurred in. Motion carried as follows:

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

Nays: Esp, Glimm, Hinebauch, Lang, McGillvray, Molnar, Regier K, Smith C, Tempel, Vance.  
Total 10

Voted absentee: Brown, Aye.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 705** - Senator Fitzpatrick moved **HB 705** be concurred in. Motion carried as follows:

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

Nays: Cuffe, Esp, Glimm, Howard, Keenan, Lang, McGillvray, Smith C.  
Total 8

Voted absentee: Brown, Aye.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 181** - Senator Hertz moved **HB 181** 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: Brown, Aye.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 644** - Senator O'Brien moved **HB 644** be concurred in.

**HB 644** - Senator Tempel moved **HB 644**, second reading copy, be amended as follows:

1. Title, line 4.

**Following:** "THE"  
**Strike:** "TRIBAL"

2. Page 1, line 14.

**Strike:** "Tribal computer"  
**Insert:** "Computer"

3. Page 1, line 15.

**Following:** "is a"  
**Strike:** "tribal"

4. Page 1, line 16 through line 17.

**Strike:** "on Indian" on line 16 through "state" on line 17  
**Insert:** "in rural Montana"

5. Page 1, line 18.

**Following:** "among"  
**Strike:** "Indian"

6. Page 1, line 20.

**Strike:** "Indian country"  
**Insert:** "rural Montana"

7. Page 1, line 25 through line 26.

**Strike:** "located" on line 25 through "tribe" on line 26

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**Insert:** "that is classified as an impacted school pursuant to 20-4-502"

8. Page 2, line 8.

**Strike:** "TRIBAL"

**Insert:** "rural"

9. Page 2, line 24.

**Following:** "SUBSECTION (3)"

**Strike:** ", "

**Insert:** ":

(i)"

10. Page 2, line 25.

**Following:** "32"

**Insert:** "; and

(ii) the term "rural community" means a community served by a high school classified as an impacted school pursuant to 20-4-502"

11. Page 2, line 28 through page 3, line 3.

**Strike:** "THE EDUCATION" on page 2, line 28 through "PROGRAM" on page 3, line 3

12. Page 3, line 7.

**Following:** "THE"

**Strike:** "tribal"

13. Page 3, line 8.

**Following:** "funding"

**Insert:** "each year of the biennium"

14. Page 3, line 8.

**Strike:** "two"

**Insert:** "16"

15. Page 3, line 9 through line 11.

**Strike:** "located" on line 9 through "tribe" on line 11

**Insert:** "classified as an impacted school pursuant to 20-4-502"

16. Page 3, line 13 through line 14.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

Amendment **not** adopted as follows:

Yeas: Ankney, Bogner, Brown, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Smith C,

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Tempel, Vance, Welborn.

Total 23

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

Total 27

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 644** - Thereupon, the Senate reverted to the original motion of Senator O'Brien which passed as follows:

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

Total 30

Nays: Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance.

Total 20

Voted absentee: Brown, No.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HJ 9** - Senator Bogner moved **HJ 9** be concurred in. Motion carried as follows:

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

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Nays: Esp, Fitzpatrick, Hoven.  
Total 3

Voted absentee: Brown, Aye.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 7** - Senator Cuffe moved **HB 7** 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: Brown, Aye.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 9** - Senator Cuffe moved **HB 9** be concurred in. Motion carried as follows:

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

Nays: Brown, Esp, Gillespie, Glimm, Hinebauch, Keenan, McGillvray, Regier K, Smith C, Vance.  
Total 10

Voted absentee: Brown, No.

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Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 5** - Senator Cuffe moved **HB 5** 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: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 6** - Senator Cuffe moved **HB 6** 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: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

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**HB 8** - Senator Cuffe moved **HB 8** be concurred in.

**HB 8** - Senator Cuffe moved **HB 8**, second reading copy, be amended as follows:

1. Page 4, line 1.

**Strike:** "\$78,595,000"

**Insert:** "\$101,695,000"

Amendment **adopted** as follows:

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

Total 46

Nays: Cohenour, Howard, Molnar, Webber.

Total 4

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 8** - As amended, **HB 8** was 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: Brown, Aye.

Excused: Brown.

Total 1

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Absent or not voting: None.

Total 0

**HB 10** - Senator Cuffe moved **HB 10** 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, 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: Esp, Glimm, Keenan, Molnar.

Total 4

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 11** - Senator Cuffe moved **HB 11** 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: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 12** - Senator Cuffe moved **HB 12** be concurred in. Motion carried as follows:

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

Total 39

Nays: Bogner, Brown, Glimm, Hinebauch, Keenan, Manzella, Molnar, Regier K, Smith C, Tempel, Vance.

Total 11

Voted absentee: Brown, No.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 14** - Senator Cuffe moved **HB 14** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, 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 47

Nays: Brown, Glimm, Keenan.

Total 3

Voted absentee: Brown, No.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 602** - Senator McGillvray moved **HB 602** 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, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

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Total 49

Nays: Regier K.

Total 1

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 495** - Senator McGillvray moved **HB 495** be concurred in. Motion carried as follows:

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

Total 42

Nays: Brown, Cuffe, Esp, Glimm, Kary, Keenan, Smith C, Vance.

Total 8

Voted absentee: Brown, No.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**SJ 23** - Senator Jacobson moved **SJ 23** do pass. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

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Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**SJ 25** - Senator Hoven moved **SJ 25** do pass. Motion **failed** as follows:

Yeas: Ankney, Boldman, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Lang, McGillvray, McNally, Osmundson, Regier K, Sales, Salomon, Tempel, Vance, Welborn.

Total 18

Nays: Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Glimm, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Smith C, Sweeney, Webber, Mr. President.

Total 32

Voted absentee: Brown, No.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**SJ 25** - Majority Leader Smith moved **SJ 25** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Glimm, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sands, Small, Smith C, Sweeney, Webber, Mr. President.

Total 35

Nays: Ankney, Boldman, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Regier K, Sales, Salomon, Tempel, Vance, Welborn.

Total 14

Voted absentee: None.

Excused: Brown.

Total 1

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Absent or not voting: None.

Total 0

**HB 610** - Senator Fox moved **HB 610** be concurred in. Motion carried as follows:

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

Total 44

Nays: Esp, Hinebauch, Howard, Kary, Lang, Regier K.

Total 6

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 267** - Senator Glimm moved **HB 267** 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, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 47

Nays: Lang, Smith C, Vance.

Total 3

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**SB 191 - House Amendments** - Senator Osmundson moved House amendments to **SB 191** be **not** 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: Brown, Aye.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

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

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

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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, Pope, Regier K, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 47

Nays: Pomnichowski, Salomon.  
Total 2

Voted absentee: None.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

Senate recessed at 3:15 p.m. and reconvened at 3:31 p.m., President Pro Tempore Ellsworth presiding.

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**REPORTS OF STANDING COMMITTEES**

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

4/20/2021

**HB 702**, be amended as follows:

1. Page 2, line 5 through line 8.  
Strike: subsection (2) in its entirety  
**Renumber:** subsequent subsections

And, as amended, be concurred in.

Without objection, the committee report was adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJ 31**, introduced by E. Boldman, referred to Business, Labor, and Economic Affairs.

**SJ 32**, introduced by E. Boldman, referred to Business, Labor, and Economic Affairs.

**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 249** concurred in as follows:

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

Total 38

Nays: Boland, Cohenour, Ellis, Flowers, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber, Mr. President.

Total 11

Voted absentee: None.

Excused: Brown.

Total 1

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Absent or not voting: None.

Total 0

Vote totals include two changes of votes from No to Yes, made by Senator Boldman and Senator Morigeau under Motions.

**HB 255 failed** as follows:

Yeas: Ankney, Ellis, Ellsworth, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lynch, McGillvray, McNally, Molnar, Morigeau, Osmundson, Sands.

Total 19

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Esp, Fox, Glimm, Hertz, Hinebauch, Howard, Keenan, Lang, Manzella, McClafferty, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 30

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

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

**HB 588 failed** as follows:

Yeas: Bogner, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.

Total 19

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

Total 30

Voted absentee: None.

Excused: Brown.

Total 1

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Absent or not voting: None.

Total 0

**HB 640** concurred in as follows:

Yeas: Ankney, Bogner, 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 30

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

Total 19

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 46** concurred in as follows:

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

Total 42

Nays: Hinebauch, Howard, Keenan, Manzella, McGillvray, Smith C, Vance.

Total 7

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 92** concurred in as follows:

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

Total 43

Nays: Cuffe, Fitzpatrick, Howard, Osmundson, Vance, Welborn.

Total 6

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 115** concurred in as follows:

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

Total 32

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

Total 17

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 277** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 497** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, 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 48

Nays: Glimm.

Total 1

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 553** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.

Total 0

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Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 578** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 688** concurred in as follows:

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

Total 34

Nays: Cuffe, Esp, Glimm, Hinebauch, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.

Total 15

Voted absentee: None.

Excused: Brown.

Total 1

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Absent or not voting: None.

Total 0

**HB 181** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 644** concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.  
Total 30

Nays: Bogner, Cuffe, Esp, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance.  
Total 19

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HJ 9** concurred in as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.  
Total 47

Nays: Fitzpatrick, Welborn.  
Total 2

Voted absentee: None.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 7** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.  
Total 0

Voted absentee: None.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 9** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.  
Total 38

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Nays: Esp, Gillespie, Glimm, Hinebauch, Keenan, Manzella, McGillvray, Molnar, Regier K, Smith C, Vance.  
Total 11

Voted absentee: None.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 5** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.  
Total 0

Voted absentee: None.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 6** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.  
Total 0

Voted absentee: None.

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Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 10** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, 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 45

Nays: Esp, Glimm, Hinebauch, Keenan.

Total 4

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 11** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

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**HB 12** concurred in as follows:

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

Total 34

Nays: Ankney, Bogner, Esp, Glimm, Hinebauch, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Smith C, Tempel, Vance.

Total 15

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 14** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, 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 45

Nays: Esp, Glimm, Keenan, Molnar.

Total 4

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 602** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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,

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

Nays: Regier K.  
Total 1

Voted absentee: None.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 495** concurred in as follows:

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

Nays: Esp, Glimm, Kary, Keenan, Smith C, Vance.  
Total 6

Voted absentee: None.

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**SJ 23** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.  
Total 48

Nays: Vance.

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Total 1

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 610** concurred in as follows:

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

Total 41

Nays: Esp, Friedel, Hinebauch, Howard, Kary, Keenan, Lang, Regier K.

Total 8

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 267** concurred in as follows:

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

Total 45

Nays: Lang, Smith C, Vance, Welborn.

Total 4

Voted absentee: None.

Excused: Brown.

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Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Smith moved that **HB 705**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 397**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 178**. Without objection, so ordered. President Pro Tempore Ellsworth appointed Senator Kary, Chair, and Senators Bennett and Cuffe.

Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SB 191**, and request the House appoint a like committee. President Pro Tempore Ellsworth appointed Senator Smith, Chair, and Senators Lynch and Osmundson.

Senator Bennett moved to indefinitely postpone **HB 427**. Motion carried as follows:

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

Total 27

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

Total 22

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

Senator Salomon moved that **HB 235** be taken from the Public Health, Welfare and Safety Committee and placed on second reading Wednesday, April 21, 2021, the seventy-fourth legislative day. Motion carried as follows:

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

Total 27

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

Total 22

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

Senator Boldman moved to change her third-reading vote on **HB 249** from No to Yes. Without objection, so ordered.

Senator Morigeau moved to change his third-reading votes on **HB 255** and **HB 249** from No to Yes. Without objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Senator Kary introduced the Pages for the coming week:

Grace Johnson from Helena, Montana, sponsored by Senator Esp  
Timothy Cuddy from Helena, Montana, sponsored by Senator Bennett

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, April 21, 2021, the seventy-fourth legislative day. Motion carried.

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Senate adjourned at 4:14 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President Pro Tempore of the Senate