

**SENATE JOURNAL
67TH LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana
January 26, 2021

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/26/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth through the tenth legislative days, find the same to be correct.

Correctly printed: **SB 54, SB 57, SB 82, SB 90, SB 139, SB 140.**

Correctly engrossed: **SB 39.**

Transmitted to the House: **SB 3, SB 9, SB 68, SB 74, SB 79, SB 97.**

Senator Cohenour requested Senators pay tribute to and give a moment of silence for Alex Betz, Montana Highway Patrol trooper, who died January 16, 2021.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/25/2021

SB 18, do pass.

SB 22, introduced bill, be amended as follows:

1. Title, line 6 through line 9.

Strike: "ESTABLISHING" on line 6 through "PROGRAM;" on line 9

Insert: "CLARIFYING STATE SUPPORT FOR SECONDARY K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION AND FOR STATE-LEVEL STRENGTHENING CAREER AND TECHNOLOGY STUDENT ORGANIZATIONS;"

2. Title, line 9.

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 9.

Following: "20-7-305"

Strike: "AND 20-7-320"

4. Page 1, line 18.

Strike: ":"

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5. Page 1, line 19.

Strike: "(a)"

6. Page 1, line 20 through line 22.

Strike: "; and" on line 20 through "education" on line 22

7. Page 2, line 6 through page 3, line 13.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass.

SB 75, introduced bill, be amended as follows:

1. Title, line 5.

Following: "EMERGENCIES;"

Insert: "ALLOWING INSTRUCTION ON A SATURDAY TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY; REDEFINING WHAT CONSTITUTES A REASONABLE EFFORT TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY;"

2. Title, line 6.

Following: "20-1-301,"

Insert: "20-1-303, 20-9-802,"

3. Page 1.

Following: line 28

Insert: "**Section 2.** Section 20-1-303, MCA, is amended to read:

"20-1-303. Conduct of school on Saturday or Sunday prohibited -- exceptions. (1)

Except as provided in subsections (2) and (3), pupil instruction may not be conducted on Saturday or Sunday.

(2) In emergencies, including during reasonable efforts of the trustees to make up aggregate hours of instruction lost during a declaration of emergency by the trustees under 20-9-806, pupil instruction may be conducted on a Saturday when it is approved by the trustees of the school district in accordance with the policies adopted by the board of public education.

(3) Pupil instruction may also be held on a Saturday at the discretion of a school district for the purpose of providing additional pupil instruction beyond the minimum aggregate hours of instruction required in 20-1-301, provided that:

~~(a) Saturday school is not a pupil-instruction day and does not count toward minimum aggregate hours of pupil instruction provided for in 20-1-301; and~~

~~(b) student attendance is voluntary."~~

Insert: "**Section 3.** Section 20-9-802, MCA, is amended to read:

"20-9-802. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Declaration of emergency" means a declaration by a board of trustees that an

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unforeseen emergency has occurred in the district.

(2) "Reasonable effort" means the rescheduling or extension of the school district's instructional calendar ~~in an effort to attain the minimum aggregate hours required by law by to make up at least 75% of the hours of pupil instruction lost due to an unforeseen emergency through any combination of the following:~~

~~(a) extending the school year 12 hours for 1st through 3rd grades and 18 hours for 4th through 12th grades or the equivalent aggregate hours of pupil instruction beyond the last scheduled day; or~~

~~(b) the use of scheduled vacation days in the district's adopted school calendar pursuant to 20-1-302;~~

~~(c) the conduct of pupil instruction on Saturdays as provided in 20-1-303; or~~

~~(d) extending instructional hours during the school day as provided in 20-1-302.~~

(3) "School day" means the school day set by the trustees as provided in 20-1-302.

(4) "Unforeseen emergency" means a fire, flood, explosion, storm, earthquake, riot, insurrection, community disaster, or act of God or a combination of the foregoing that acts as a principal cause for a school district's inability to conduct ~~1 or more scheduled school days~~ a portion of the minimum aggregate hours of instruction required by 20-1-301."

Renumber: subsequent sections

4. Page 2, line 19.

Strike: "3 school days or the equivalent aggregate hours"

Insert: "75% of the pupil-instruction time lost due to the unforeseen emergency"

And, as amended, do pass.

JUDICIARY (Regier, Chair):

1/26/2021

SB 104, do pass.

HB 102, be amended as follows:

1. Page 2, line 27.

Following: "facility"

Insert: "or secure area of a law enforcement facility"

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair):

1/25/2021

SB 40, do pass.

SB 63, do pass.

SR 4, be adopted.

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

1/25/2021

SB 33, do pass.

SB 43, do pass.

SB 108, introduced bill, be amended as follows:

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1. Page 4, line 24.

Following: "~~(k)~~(i)"

Insert: "with the approval of a majority of the local governing body and"

2. Page 8, line 16.

Strike: "(1)(k)"

Insert: "(1)(i)"

3. Page 8, line 20.

Strike: "(1)(k)"

Insert: "(1)(i)"

And, as amended, do pass.

HB 38, be concurred in.

HB 60, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 25, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301, I submit to you and the Montana Senate the following board appointment for confirmation.

Board of Chiropractors

MCA § 2-15-1737

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- Dr. Julie Murack, Conrad. I support the confirmation of Dr. Murack.

I have included the appointee's resume, biography or other qualification documentation for your consideration.

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I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as this appointment moves through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 26, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301, I submit to you and the Montana Senate the following board appointment for confirmation:

Board of Aeronautics
MCA § 2-15-2506

I am submitting to the Senate for confirmation the following person:

- Greg Smith, 410 Skyline Drive, Lewistown MT 59457 for a term commencing January 26, 2021. Mr. Smith fulfills the AMAA requirements and replaces Darrold Hutchinson who resigned January 26, 2021 and whose term ends January 3, 2025.

I have included the appointee's qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as this appointment moves through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/25/2021

HB 22, introduced by F. Garner
HB 26, introduced by M. Funk
HB 32, introduced by S. Vinton
HB 153, introduced by R. Fitzgerald

FIRST READING AND COMMITMENT OF BILLS

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

SB 141, introduced by D. Howard, S. Berglee, M. Blasdel, K. Bogner, B. Brown, J. Ellsworth, S. Fitzpatrick, T. Gauthier, B. Gillespie, S. Hinebauch, D. Kary, T. Manzella, T. McGillvray, B. Molnar, K. Regier, W. Sales, J. Small, C. Smith, G. Vance, J. Welborn, referred to Judiciary.
SB 142, introduced by K. Bogner, referred to Public Health, Welfare and Safety.
SB 143, introduced by J. Ellsworth, S. Berglee, M. Blasdel, B. Brown, E. Buttrey, R. Fitzgerald, W. Galt, C. Glimm, S. Gunderson, S. Hinebauch, M. Hopkins, T. Jacobson, J. Kassmier, C. Knudsen, R. Marshall, V. Ricci, J. Small, referred to Fish and Game.
SB 144, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 145, introduced by S. Fitzpatrick, referred to Judiciary.
SB 146, introduced by S. Morigeau, referred to State Administration.
SB 147, introduced by M. McNally, referred to Energy and Telecommunications.
SB 148, introduced by B. Gillespie, referred to Highways and Transportation.

The following Senate bills were introduced and read first time:

SB 149, introduced by T. McGillvray, J. Ellsworth, C. Smith.
SB 150, introduced by D. Sands.
SB 151, introduced by D. Sands.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 3, introduced by T. Gauthier, referred to Energy and Telecommunications.

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

HB 22, introduced by F. Garner (by request of the Department of Military Affairs), referred to State Administration.
HB 26, introduced by M. Funk (by request of the Education Interim Committee), referred to Education and Cultural Resources.
HB 32, introduced by S. Vinton (by request of the Education Interim Committee), referred to Education and Cultural Resources.

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HB 153, introduced by R. Fitzgerald, referred to Business, Labor, and Economic Affairs.

**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 Gillespie in the chair.

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

SB 114 - Senator Ellsworth moved consideration of **SB 114** be passed for the day. Without objection, so ordered.

SB 112 - Senator Fitzpatrick moved **SB 112** 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, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 96 - Senator Webber moved **SB 96** do pass. 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, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 42

Nays: Esp, Glimm, Hinebauch, Kary, Keenan, Manzella, Regier K, Salomon.

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Total 8

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 56 - Senator Ellsworth moved **SB 56** 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, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

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

Total 50

Nays: None.

Total 0

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Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

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

SB 54 passed as follows:

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

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 57 passed as follows:

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

Total 47

Nays: McGillvray, Smith C, Vance.

Total 3

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Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 82 passed as follows:

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

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

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 90 passed as follows:

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

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, January 27, 2021, the eighteenth legislative day. Motion carried.

Senate adjourned at 1:32 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate