

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

Helena, Montana
February 25, 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. Forty-nine members present, Senator Ankney excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

2/25/2021

Correctly printed: **SB 29, SB 51, SB 91, SB 154, SB 158, SB 175, SB 183, SB 192, SB 211, SB 216, SB 219, SB 222, SB 223, SB 230, SB 249, SB 252, SB 261, SB 360, SB 361, SB 362, SB 363, SB 364, SB 365, SB 366, SB 367, SB 368, SB 369, SB 370, SB 371, SJ 10, SJ 19, SJ 20, SJ 21, SR 75, SR 83, HB 143.**

Correctly engrossed: **SB 76, SB 133, SB 247, SB 260, SB 265, SB 266, SB 282.**

Correctly enrolled: **SB 28, SB 56, SB 70, SR 42, SR 56, SR 63, SR 65, SR 66, SR 68, SR 70, SR 71.**

Examined by the sponsor and found to be correct: **SR 56, SR 63, SR 65, SR 66, SR 68, SR 70, SR 71.**

Transmitted to the House: **SB 163, SB 174, SB 182, SB 184, SB 190, SB 193, SB 196, SB 231.**

Signed by the Secretary of the Senate at 9:45 a.m., February 25, 2021: **SB 17, SB 54, SB 74, SB 102, SB 110, SR 69, SR 73.**

Signed by the President at 10:00 a.m., February 25, 2021: **SR 69, SR 73.**

Signed by the President at 10:10 a.m., February 25, 2021: **SB 17, SB 54, SB 74, SB 102, SB 110.**

Signed by the Speaker at 3:46 p.m., February 25, 2021: **SB 17, SB 54, SB 74, SB 102, SB 110.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

2/24/2021

SB 188, introduced bill, be amended as follows:

1. Title, line 5.

Following: "MCA;"

Insert: "AMENDING SECTION 4, CHAPTER 307, LAWS OF 2019;"

2. Page 1, line 15.

Strike: "7"

Insert: "5"

3. Page 2, line 23.

Strike: "2025"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Insert: "2026"

4. Page 2, line 23 through line 24.

Strike: "--sec." on line 23 through "2019" on line 24

5. Page 2, line 25.

Strike: "**2025**"

Insert: "**2026**"

6. Page 4.

Following: line 4

Insert: "**Section 3.** Section 4, Chapter 307, Laws of 2019, is amended to read:

"Section 4. Termination [This act] terminates June 30, ~~2025~~ 2026."

Renumber: subsequent sections

7. Page 4, line 8.

Strike: "2025"

Insert: "2026"

And, as amended, do pass.

JUDICIARY (Regier, Chair):

2/25/2021

SB 259, do pass.

SB 271, do pass.

SB 277, do pass.

SB 280, do pass.

SB 318, do pass.

NATURAL RESOURCES (Welborn, Chair):

2/24/2021

SB 233, introduced bill, be amended as follows:

1. Title, line 7.

Following: "7-13-4517,"

Strike: "15-24-3001, 37-42-102, 37-42-321,"

2. Title, line 8

Following: "50-2-116,"

Strike: "50-79-401, 50-79-403, 75-1-220,"

Following: "75-1-1001,"

Strike: "75-2-103, 75-2-104,"

Following: "75-2-105,"

Insert: "75-2-111,"

3. Title, line 9.

Following: "75-2-212,"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Strike: "75-2-213,"

4. Title, line 10 through line 11.

Following: "75-2-302," on line 10

Strike: "75-2-401," on line 10 through "421," on line 11

5. Title, line 11.

Following: "75-2-422,"

Strike: "75-2-425, 75-2-426,"

Strike: "75-2-515,"

Following: "75-5-103,"

Strike: "75-5-105,"

Following: "75-5-201,"

Strike: "75-5-202,"

6. Title, line 13.

Following: "75-5-313,"

Strike: "75-5-314,"

Following: "75-5-402,"

Strike: "75-5-403, 75-5-404,"

7. Title, line 14.

Strike: "75-5-611," through "75-5-702,"

Following: "75-5-802,"

Strike: "75-6-102,"

8. Title, line 15.

Strike: "75-6-109,"

Strike: "75-6-113,"

9. Title, line 16.

Strike: "75-10-103,"

Strike: "75-10-203, 75-10-206,"

10. Title, line 16 through line 19.

Strike: "75-10-223," on line 16 through "75-11-503," on line 19

11. Title, 20.

Strike: "75-11-509," through "75-20-104,"

12. Title, line 20 through line 21.

Following: "75-20-105,"

Strike: "75-20-201," on line 20 through "75-20-215," on line 21

13. Title, line 21 through 22.

Strike: "75-20-219," on line 21 through "401," on line 22

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

14. Title, line 22.

Strike: "75-20-410, 75-20-411,"

Strike: "75-20-1202,"

15. Title, line 22 through line 23.

Strike: "75-26-301, 75-26-304,"

16. Title, line 23.

Strike: "76-4-102," through "76-4-126,"

17. Title, line 23.

Following: "76-4-1001,"

Strike: "80-15-102,"

18. Title, line 24.

Following: "82-4-102,"

Strike: "82-4-103,"

19. Title, line 24.

Following: "82-4-129,"

Strike: "82-4-130, 82-4-203,"

Following: "82-4-205,"

Strike: "82-4-206,"

20. Title, line 25.

Following: "82-4-226,"

Strike: "82-4-227,"

Following: "82-4-239,"

Strike: "82-4-251,"

Following: "82-4-254,"

Strike: "82-4-303,"

21. Title, line 26.

Following: "82-4-304,"

Strike: "82-4-305,"

22. Title, line 26 through line 27.

Following: "82-4-342,"

Strike: "82-4-353," on line 26 through "82-4-362," on line 27

23. Title, line 27.

Following: "82-4-371,"

Strike: "82-4-403,"

Following: "82-4-422,"

Strike: "82-4-427,"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Following: "82-4-437,"
Strike: "82-4-441, 82-4-442,"

24. Title, page 2, line 1.
Following: "4-1001,"
Insert: "AND"
Following: "82-15-102,"
Strike: "AND 82-15-120,"
Following: "MCA;"
Strike: "AND"
Following: "SECTIONS"
Strike: "2-15-3502, 75-2-111,"

25. Title, page 2, line 2.
Following: "MCA"
Insert: "AND PROVIDING AN EFFECTIVE DATE"

26. Page 4, line 10 through page 7, line 21.
Strike: sections 4 through 6 in their entirety
ReNUMBER: subsequent sections

27. Page 10, line 7 through page 12, line 20.
Strike: sections 8 through 10 in their entirety
ReNUMBER: subsequent sections

28. Page 13, line 25 through page 18, line 17.
Strike: sections 12 and 13 in their entirety
ReNUMBER: subsequent sections

29. Page 19.
Following: line 7

Insert: "**Section 7.** Section 75-2-111, MCA, is amended to read:

"75-2-111. Powers of board. The board shall, subject to the provisions of 75-2-207:

~~(1) adopt, amend, and repeal rules for the administration, implementation, and enforcement of this chapter, for issuing orders under and in accordance with 42 U.S.C. 7419, and for fulfilling the requirements of 42 U.S.C. 7420 and regulations adopted pursuant to that section, except that, for purposes other than agricultural open burning, the board may not adopt permitting requirements or any other rule relating to:~~

~~(a) any agricultural activity or equipment that is associated with the use of agricultural land or the planting, production, processing, harvesting, or storage of agricultural crops by an agricultural producer and that is not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661a;~~

~~(b) a commercial operation relating to the activities or equipment referred to in subsection (1)(a) that remains in a single location for less than 12 months and is not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661a; or~~

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

~~(c) forestry equipment and its associated engine used for forestry practices that remain in a single location for less than 12 months and are not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661a;~~

(2)(1) hold hearings relating to any aspect of or matter in the administration of this chapter at a place designated by the board. The board may compel the attendance of witnesses and the production of evidence at hearings. The board shall designate an attorney to assist in conducting hearings and shall appoint a reporter who must be present at all hearings and take full stenographic notes of all proceedings, transcripts of which will be available to the public at cost.

~~(3)(2) issue orders necessary to effectuate the purposes of this chapter;~~

~~(4) by rule require access to records relating to emissions;~~

~~(5) by rule adopt a schedule of fees required for permits, permit applications, and registrations consistent with this chapter;~~

~~(6)(3) have the power to issue orders under and in accordance with 42 U.S.C. 7419."~~

30. Page 19, line 13.

Following: "chapter,"

Strike: "for issuing orders under and in accordance with 42 U.S.C. 7419"

31. Page 19, line 24 through line 28.

Strike: subsection (b) in its entirety

Renumber: subsequent sections

32. Page 20, line 2.

Following: "emissions;"

Insert: "and"

33. Page 20, line 4 through line 5.

Following: "chapter"

Strike: ";" on line 4 through "7419" on line 5

34. Page 20, line 8.

Following: "the"

Strike: "former"

Following: "board"

Strike: "of environmental review"

35. Page 22, line 4.

Strike: "shall"

Insert: "must"

36. Page 22, line 25.

Strike: "has obtained"

Insert: "obtains"

37. Page 23, line 4.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Following: "study"
Strike: shall
Insert: "must"

38. Page 28, line 3.
Strike: "department"
Insert: "board"

39. Page 28, line 6.
Strike: "department"
Insert: "board"

40. Page 28, line 11.
Strike: "department"
Insert: "board"

41. Page 28, line 16.
Strike: "department"
Insert: "board"

42. Page 28, line 15.
Strike: "department"
Insert: "board"

43. Page 28, line 16.
Strike: "department"
Insert: "board"

44. Page 31, line 3 through page 33, line 12.
Strike: section 24 in its entirety
Renumber: subsequent sections

45. Page 33, line 16.
Strike: "has issued"
Insert: "issues"

46. Page 33, line 24.
Strike: "has provided"
Insert: "provides"

47. Page 34, line 9.
Strike: "has reached"
Insert: "reaches"

48. Page 34, line 12.
Strike: "has issued"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Insert: "issues"
49. Page 37, line 8.
Strike: "department"
Insert: "**board**"

50. Page 37, line 11.
Following: "all"
Strike: "of"

51. Page 38, line 12.
Strike: "department"
Insert: "board"

52. Page 38, line 14.
Following: "hearing"
Strike: "before the"

53. Page 38, line 15.
Following: "~~board~~"
Strike: "department"

54. Page 38, line 19.
Strike: "department"
Insert: "board"

55. Page 38, line 24.
Strike: "department"
Insert: "board"

56. Page 38, line 26.
Strike: "department"
Insert: "board"

57. Page 38, line 27.
Strike: "department"
Insert: "board"

58. Page 39, line 4.
Strike: "department"
Insert: "board"

59. Page 41, line 2.
Following: "~~board~~"
Strike: "department"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

60. Page 41, line 28.

Following: "board"

Insert: "to the board"

61. Page 42, line 8.

Strike: "department"

Insert: "board"

62. Page 49, line 16 through page 53, line 20.

Strike: sections 35 through 38 in their entirety

Renumber: subsequent sections

63. Page 54, line 25 through page 55, line 19.

Strike: sections 40 and 41 in their entirety

Renumber: subsequent sections

64. Page 56, line 4 through page 57, line 5.

Strike: section 43 in its entirety

Renumber: subsequent sections

65. Page 57.

Following: line 24

Insert: "(3) "Board" means the board of environmental review provided for in 2-15-3502."

Renumber: subsequent subsections

66. Page 61, line 13.

Strike: "(29)(b)(iii)"

Insert: "(30)(b)(iii)"

67. Page 63.

Following: line 16

Insert: "(3) "Board" means the board of environmental review provided for in 2-15-3502."

Renumber: subsequent subsections

68. Page 67, line 8.

Strike: "(29)(b)(iii) and (29)(b)(iv)"

Insert: "(30)(b)(iii) and (30)(b)(iv)"

69. Page 68, line 25 through page 69, line 10.

Strike: section 45 in its entirety

Renumber: subsequent sections

70. Page 69, line 13.

Following: "council"

Insert: ", board"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

71. Page 69, line 19.

Following: "council"

Insert: ", board"

72. Page 70, line 10 through line 13.

Strike: section 48 in its entirety

Renumber: subsequent sections

73. Page 71, line 5.

Strike: "department"

Insert: "board"

74. Page 71, line 6.

Strike: "department"

Insert: "board"

75. Page 71, line 12.

Strike: "department"

Insert: "board"

76. Page 72, line 13.

Strike: "giving consideration to"

Insert: "considering"

77. Page 72, line 15.

Following: "Standards"

Strike: "adopted by the ~~board~~ department"

78. Page 75, line 12.

Strike: "department"

Insert: "board"

79. Page 75, line 18.

Strike: "department"

Insert: "board"

80. Page 79, line 3.

Strike: "department"

Insert: "board"

81. Page 79, line 4.

Strike: "department 's"

Insert: "board's"

82. Page 87, line 1 through line 14.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Strike: section 62 in its entirety

Renumber: subsequent sections

83. Page 97, line 13 through page 98, line 10.

Strike: section 68 and section 69 in their entirety

Renumber: subsequent sections

84. Page 101, line 4.

Strike: "department"

Insert: "board"

85. Page 101, line 11.

Strike: "department"

Insert: "board"

86. Page 101, line 26 through page 110, line 16.

Strike: sections 74 through 78 in their entirety

Renumber: subsequent sections

87. Page 111, line 1 through page 112, line 28.

Strike: Section 80 in its entirety

Renumber: subsequent sections

88. Page 115, line 2.

Following: "department"

Insert: "or the board"

89. Page 117, line 4.

Strike: "department"

Insert: "board"

90. Page 117, line 25.

Following: "~~board~~"

Insert: "to the board"

91. Page 118, line 3 through page 119, line 6.

Strike: section 86 in its entirety

Renumber: subsequent sections

92. Page 119, line 20 through line 24.

Strike: section 88 in its entirety

Renumber: subsequent sections

93. Page 122, line 5 through page 123, line 10.

Strike: section 92 in its entirety

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Renumber: subsequent sections

94. Page 127, line 3 through page 129, line 9.

Strike: Sections 96 and 97 in their entirety

Renumber: subsequent sections

95. Page 130, line 1 through page 157, line 18.

Strike: Section 99 through section 127 in their entirety

Renumber: subsequent sections

96. Page 159, line 7.

Following: "considered"

Strike: "to be"

97. Page 159, line 16 through page 168, line 10.

Strike: Section 130 through section 135 in their entirety

Renumber: subsequent sections

98. Page 168, line 16 through page 172, line 28.

Strike: section 137 through section 141 in their entirety

Renumber: subsequent sections

99. Page 174, line 17 through page 183, line 20.

Strike: section 143 through section 148 in their entirety

Renumber: subsequent sections

100. Page 183, line 23.

Following: "~~board~~"

Strike: "department"

101. Page 183, line 24.

Following: "department"

Insert: "or board"

102. Page 184, line 14.

Following: "~~board~~"

Insert: "board or"

103. Page 184, line 16.

Following: "issued"

Strike: "hereunder"

104. Page 184, line 19 through page 185, line 9.

Strike: section 151 and section 152 in their entirety

Renumber: subsequent sections

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

105. Page 185, line 24 through page 186, line 6.

Strike: section 154 in its entirety

Renumber: subsequent sections

106. Page 187, line 17 through page 191, line 20.

Strike: section 157 and 158 in their entirety

Renumber: subsequent sections

107. Page 193, line 28 through page 197, line 15.

Strike: section 160 through section 162 in their entirety

Renumber: subsequent sections

108. Page 198, line 20 through page 200, line 20.

Strike: section 164 in its entirety

Renumber: subsequent sections

109. Page 202, line 16.

Following: "board"

Strike: "of environmental review"

110. Page 202, line 18.

Strike: "department of environmental quality"

Insert: "board"

111. Page 202, line 19.

Strike: "department of environmental quality"

Insert: "board"

112. Page 202, line 20.

Strike: "it"

Insert: "the department"

113. Page 202, line 23 through line 24.

Strike: "department" on line 23 through "quality" on line 14

Insert: "board"

114. Page 202, line 25.

Strike: "department of environmental quality"

Insert: "board"

115. Page 202, line 26.

Following: "board"

Strike: "of environmental review"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

116. Page 205, line 13 through page 206, line 14.

Strike: Section 169 in its entirety

Renumber: subsequent sections

117. Page 207, line 8.

Strike: "department"

Insert: "board"

118. Page 208, line 2.

Following: "department"

Insert: "and the board"

119. Page 208, line 4.

Strike: "department"

Insert: "board"

120. Page 208, line 15 through page 216, line 16.

Strike: Sections 173 and 174 in their entirety

Renumber: subsequent sections

121. Page 216, line 19.

Following: "**department**"

Insert: "**and board**"

122. Page 217, line 14.

Strike: "(i) shall conduct contested case hearings under this part;"

Renumber: subsequent subsections

123. Page 217, line 18.

Following: "part:"

Insert: "(2) The board shall conduct contested case hearings under this part."

124. Page 217, line 20 through page 3.

Strike: section 176 in its entirety

Renumber: subsequent sections

125. Page 222, line 12 through page 226, line 24.

Strike: section 180 in its entirety

Renumber: subsequent sections

126. Page 229, line 24.

Strike: "record"

Insert: "notify the board"

127. Page 229, line 28.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Strike: "department"

Insert: "board"

128. Page 230, line 1

Strike: "department"

Insert: "board"

129. Page 244, line 6 through page 247, line 2.

Strike: section 186 in its entirety

Renumber: subsequent sections

130. Page 248, line 6.

Strike: "department"

Insert: "board"

131. Page 248, line 6.

Following: the second "board"

Strike: "department"

Insert: "board"

132. Page 248, line 8.

Strike: "department"

Insert: "board"

133. Page 248, line 10.

Strike: "department" in two places

Insert: "board" in two places

134. Page 248, line 12.

Strike: "department"

Insert: "board"

135. Page 250, line 2 through page 255, line 10.

Strike: section 188 in its entirety

Renumber: subsequent sections

136. Page 255, line 22 through page 260, line 9.

Strike: section 190 in its entirety

Renumber: subsequent sections

137. Page 268, line 3.

Strike: "department"

Insert: "board"

138. Page 268, line 11.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Strike: "department"

Insert: "board"

139. Page 268, line 13.

Strike: "department"

Insert: "board"

140. Page 270, line 20.

Following: "may"

Strike: "thereafter"

141. Page 274, line 8 through page 277, line 22.

Strike: section 198 through section 200 in their entirety

Renumber: subsequent sections

142. Page 279, line 13 through page 281, line 8.

Strike: section 202 in its entirety

Renumber: subsequent sections

143. Page 282, line 7.

Strike: "; and"

Insert: "."

144. Page 282, line 8.

Strike: "(c)"

Insert: "(3) The board shall"

145. Page 282, line 13 through page 283, line 17.

Strike: section 205 in its entirety

Renumber: subsequent sections

146. Page 284, line 13 through page 287, line 3.

Strike: sections 207 and 208 in their entirety

Renumber: subsequent sections

147. Page 290, line 13 through page 291, line 15.

Strike: section 212 in its entirety

Renumber: subsequent sections

148. Page 291, line 19 through line 20.

Strike: lines 19 and 20 in their entirety

149. Page 291, line 26 through page 292, line 1.

Strike: section 214 in its entirety

Insert: "NEW SECTION. Section 112. Transition. Rulemaking authority and existing rules

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

under the jurisdiction of the board of environmental review are transferred to the department of environmental quality on [the effective date of this act].

NEW SECTION. **Section 208. Effective date.** [This act] is effective July 1, 2021."

And, as amended, do pass.

SB 284, do pass.

SB 348, do pass.

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

2/24/2021

SB 199, introduced bill, be amended as follows:

1. Title, line 8.

Following: "AUTHORITY;"

Strike: "AND"

2. Title, line 9.

Following: "50-50-301,"

Strike: "81-2-101,"

3. Title, line 11.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 2, line 21.

Following: "gathering;"

Strike: "or"

5. Page 2, line 22.

Following: "social"

Insert: "; or

(i) youth or adult outdoor club or sporting event"

6. Page 3, line 10.

Following: "21,"

Strike: "or"

Following: "22"

Insert: ", or 23"

7. Page 3, line 24.

Following: "products"

Strike: "sold pursuant to [sections 1 through 3] must be"

8. Page 3, line 25.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Following: "establishment"

Insert: "may not be used in preparation of homemade food"

9. Page 3, line 27.

Following: "year"

Insert: "except that the producer is subject to the requirements of 9 CFR 381. The poultry or poultry products must not be adulterated or misbranded"

10. Page 8, line 5 through line 12.

Strike: section 10 in its entirety

Renumber: subsequent sections

11. Page 10, line 1.

Following: "(1)(f)"

Insert: "as those relate to the licensure, permitting, certification, packaging, labeling, or inspection that pertains to the preparation, serving, use, consumption, delivery, or storage of homemade food or a homemade food product"

12. Page 12, line 8.

Following: "[section 3]"

Insert: "except that the producer is subject to the requirements of 9 CFR 381"

13. Page 19, line 28.

Strike: "The"

Insert: "Except as provided in 81-22-303, the"

14. Page 20, line 21.

Strike: "not sample, test, or retest"

Insert: "require a sample, test, or retest every 6 months for standard plate count, coliform count, and somatic cell count of"

15. Page 20, line 22.

Following: "through 3."

Insert: "A small dairy shall maintain records of all previous samples, tests, or retests, which must be provided to the department if the department suspects the small dairy is causing a foodborne illness."

16. Page 25.

Following: line 26

Insert: "NEW SECTION. Section 34. {standard} Effective date. [This act] is effective on passage and approval."

And, as amended, do pass.

SB 204, do pass.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

SB 236, do pass.

SB 250, introduced bill, be amended as follows:

1. Page 1, line 11.

Strike: "physician licensed under this chapter"

Insert: "person licensed or certified under this title to provide health care"

2. Page 1, line 22 through page 2, line 4.

Strike: section 2 in its entirety

Renumber: subsequent sections

3. Page 2, line 6.

Following: "**instruction.**"

Strike: "(1)"

4. Page 2, line 7.

Following: the first "chapter"

Strike: "3"

Insert: "2"

5. Page 2, line 7.

Following: the second "chapter"

Strike: "3"

Insert: "2"

6. Page 2, line 8 through line 9.

Strike: subsection (2) in its entirety

And, as amended, do pass.

SB 332, do pass.

STATE ADMINISTRATION (Kary, Chair):

2/24/2021

SB 224, introduced bill, be amended as follows:

1. Title, line 8.

Following: "CONTRIBUTION;"

Insert: "REVISING REPORTING DEADLINES AND REQUIREMENTS; PROVIDING CERTAIN REPORTING EXCEPTIONS; REVISING INCIDENTAL COMMITTEE FILING REQUIREMENTS;"

2. Title, line 11.

Following: "13-1-101"

Insert: ","

Strike: "AND"

Insert: "13-37-226,"

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

3. Title, line 11.

Following: "13-37-229"

Insert: ", AND 13-37-232"

4. Page 9.

Following: line 21

Insert: "**Section 2.** Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Except as provided in 13-37-206 and 13-37-225(3), a candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which the candidate participates;

(b) the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates;

(c) within 2 business days of receiving a contribution of ~~\$100~~ \$250 or more if the candidate is a candidate for a statewide office or \$125 or more for any other candidate if the contribution is received between the 15th day of the month preceding an election in which the candidate participates and the day ~~of~~ before the election;

(d) within 2 business days of making an expenditure of ~~\$100~~ \$250 or more if the candidate is a candidate for statewide office or \$125 or more for any other candidate if made between the 15th day of the month preceding an election in which the candidate participates and the day ~~of~~ before the election;

(e) semiannually on the 10th day of March and September, starting in the year following an election in which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and

(f) as provided by subsection (3).

(2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee shall file reports required by 13-35-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which the political committee receives a contribution or makes an expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and ending in the final quarter of the year preceding the year in which the candidate or the ballot issue appears on the ballot;

(b) the 30th day of March, April, May, June, August, September, October, and November in the year of an election in which the political committee participates;

(c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or more if received between the 25th day of the month before an election in which the political committee participates and the day ~~of~~ before the election; and

(d) within 2 business days of making an expenditure of \$500 or more that is made between the 25th day of the month before an election in which the political committee participates and the day ~~of~~ before the election;

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

(e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter following a year of an election in which the political committee participates until the political committee files a closing report as specified in 13-37-228(3); and

(f) as provided by subsection (3).

(3) In addition to the reports required by subsections (1) and (2), if a candidate or a political committee participates in a special election, the candidate or political committee shall file reports as follows:

(a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

(b) 20 days after the special election.

(4) Except as provided by 13-37-206, candidates for a local office and political committees that receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the reports specified in subsections (1) through (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign exceeds \$500.

(5) A report required by this section must cover contributions received and expenditures made pursuant to the time periods specified in 13-37-228.

(6) A political committee may file a closing report prior to the date in 13-37-228(3) and after the complete termination of its contribution and expenditure activity during an election cycle.

(7) For the purposes of this section:

(a) a candidate participates in an election by attempting to secure nomination or election to an office that appears on the ballot; and

(b) a political committee participates in an election by receiving a contribution or making an expenditure." "

Renumber: subsequent sections

5. Page 11, line 22.

Following: "candidate."

Insert: "(3) (a) Neither a candidate nor a political committee is required to report the following expenditures under the 2-business-day reporting requirements in 13-37-226(1)(d) and 13-37-226(2)(d):

(i) bookkeeping expenses paid to track and ensure campaign finance compliance; and

(ii) payroll expenditures.

(b) A candidate and a political committee is not relieved of the duty to report the expenditures listed in subsection (3)(a) in the next periodic report.

(4) A candidate is not required to report contributions received from a political party committee for compensation of the personal services of another person that are rendered to the candidate if the political party committee reports the amount of contributions made to the candidate in the form of personal services."

6. Page 11.

Following: line 23

Insert: "**Section 4.** Section 13-37-232, MCA, is amended to read:

"13-37-232. Disclosure requirements for incidental committees. (1) A combination of two or more individuals or a person other than an individual that would otherwise qualify as an incidental committee but that receives less than \$250 in contributions or that makes less than

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

\$250 in expenditures does not form a political committee and is not required to file as an incidental committee.

(2) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning contributions to the committee that are designated by the contributor for a specified candidate, ballot issue, or petition for nomination or that are made by the contributor in response to an appeal by the incidental committee for contributions to support incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications:

(a) the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions during the reporting period for a specified candidate, ballot issue, or petition for nomination of \$35 or more;

(b) for each person identified under subsection ~~(1)(a)~~ (2)(a), the aggregate amount of contributions made by that person for all reporting periods;

(c) each loan received from any person during the reporting period for a specified candidate, ballot issue, or petition for nomination, together with the full names, mailing addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of each loan;

(d) the amount and nature of debts and obligations owed to an incidental committee for a specified candidate, ballot issue, or petition for nomination in the form prescribed by the commissioner;

(e) an account of proceeds that total less than \$35 per person from mass collections made at fundraising events sponsored by the incidental committee for a specified candidate, ballot issue, or petition for nomination; and

(f) the total sum of all contributions received by or designated for the incidental committee for a specified candidate, ballot issue, or petition for nomination during the reporting period.

~~(2)~~ (3) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning expenditures made:

(a) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom expenditures have been made during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

(b) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made during the reporting period, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

(c) the total sum of expenditures made during the reporting period;

(d) the name and address of each political committee or candidate to which the reporting committee made any transfer of funds together with the amount and dates of all transfers;

(e) the name of any person to whom a loan was made during the reporting period, including the full name, mailing address, occupation, and principal place of business, if any, of that person, and the full names, mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date and amount of each loan;

(f) the amount and nature of debts and obligations owed by a political committee in the form prescribed by the commissioner; and

(g) other information that may be required by the commissioner to fully disclose the disposition of funds used to make expenditures.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

~~(3)~~ (4) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of an incidental committee must be itemized and described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made.

~~(4)~~ (5) An incidental committee that does not receive contributions for a specified candidate, ballot issue, or petition for nomination and that does not solicit contributions for incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications, is required to report only its expenditures."
"

Renumber: subsequent section

And, as amended, do pass.

SB 226, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 25, 2021

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

Dear President Blasdel:

On Tuesday, February 23, 2021, I signed the following bills:

Senate Bill 21 - McClafferty

Senate Bill 24 - Salomon

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/24/2021

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

HB 115, introduced by B. Mercer
HB 188, introduced by D. Loge
HB 201, introduced by K. Holmlund
HB 231, introduced by M. Regier
HB 280, introduced by M. Regier
HB 285, introduced by J. Trebas
HB 318, introduced by K. Holmlund
HB 341, introduced by M. Regier
HB 353, introduced by S. Gunderson
HB 368, introduced by S. Greef
HB 379, introduced by S. Vinton
HB 386, introduced by S. Gist
HB 398, introduced by D. Lenz
HB 426, introduced by D. Lenz

House joint resolution passed and transmitted to the Senate for concurrence: 2/24/2021

HJ 7, introduced by C. Knudsen

FIRST READING AND COMMITMENT OF BILLS

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

SB 372, introduced by E. McClafferty, referred to Highways and Transportation.
SB 373, introduced by D. Sands, referred to Judiciary.

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

HB 115, introduced by B. Mercer, D. Skees, T. McGillvray, M. Lang, B. Usher, M. Stromswold, C. Friedel, referred to Judiciary.
HB 188, introduced by D. Loge, referred to Highways and Transportation.
HB 201, introduced by K. Holmlund, L. Jones, F. Garner, T. Welch, M. Hopkins, J. Dooling, K. Bogner, D. Bedey, B. Ler, B. Phalen, J. Schillinger, K. Whitman, referred to Business, Labor, and Economic Affairs.
HB 231, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 280, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 318, introduced by K. Holmlund, D. Salomon, D. Bartel, J. Dooling, D. Bedey, K. Whitman, referred to Agriculture, Livestock and Irrigation.
HB 341, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 353, introduced by S. Gunderson, referred to Fish and Game.
HB 368, introduced by S. Greef, referred to Judiciary.
HB 379, introduced by S. Vinton, R. Knudsen, L. Brewster, referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

HB 386, introduced by S. Gist, D. Skees, J. Read, M. Lang, W. Curdy, V. Ricci, S. Gunderson, D. Loge, M. Hopkins, D. Harvey, J. Kassmier, S. Greef, B. Ler, K. Zolnikov, P. Fielder, E. Hill, J. Schillinger, C. Hinkle, S. Novak, G. Frazer, M. Binkley, R. Marshall, referred to Judiciary.

HB 398, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

HB 426, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

The following House bill was introduced and read first time:

HB 285, introduced by J. Trebas, G. Vance, M. Blasdel, C. Glimm, W. Galt, S. Berglee, B. Brown, C. Knudsen, J. Small, J. Ellsworth, K. Bogner, J. Kassmier, K. Zolnikov, M. Stromswold, C. Hinkle, R. Marshall, referred to Committee of the Whole.

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

HJ 7, introduced by C. Knudsen, S. Fitzpatrick, R. Osmundson, J. Windy Boy, K. Regier, M. Blasdel, M. Lang, W. Galt, S. Berglee, J. Hinkle, S. Hinebauch, R. Fitzgerald, L. Sheldon-Galloway, S. Vinton, R. Tempel, J. Ellsworth, R. Knudsen, T. Running Wolf, B. Ler, B. Phalen, K. Zolnikov, E. Hill, J. Schillinger, M. Stromswold, referred to Agriculture, Livestock and Irrigation.

**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 Bogner in the chair.

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

SR 72 - Senator Howard moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 72**. 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: Ankney, Aye.

Excused: Ankney.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Total 1

Absent or not voting: None.

Total 0

SR 77 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 77**. 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SR 78 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 78**. 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Total 0

SR 79 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 79**. Motion carried as follows:

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

Total 34

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

Total 16

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SR 80 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 80**. 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

HB 136 - Senator K. Regier moved **HB 136** be concurred in. Motion carried as follows:

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

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: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 171 - Senator Manzella moved **HB 171** be concurred in. Motion carried as follows:

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

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

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 140 - Senator K. Regier moved **HB 140** be concurred in. Motion carried as follows:

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

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

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: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 167 - Senator McGillvray moved **HB 167** be concurred in. Motion carried as follows:

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

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

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 8 - Senator K. Regier moved **SJ 8** do pass. Motion carried as follows:

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

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

Voted absentee: Ankney, Aye.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 240 - Senator Manzella moved **SB 240** do pass. 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 286 - Senator Hinebauch moved **SB 286** 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, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Tempel.

Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

SB 294 - Senator Esp moved **SB 294** do pass.

SB 294 - Senator Esp moved **SB 294** , second reading copy, be amended as follows:

1. Title, line 7.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 14.

Strike: "15%"

Insert: "20%"

3. Page 3.

Following: line 10

Insert: "NEW SECTION. Section 5. Applicability. [This act] applies to zoning districts created pursuant to Title 76, chapter 2, part 2, on or after January 1, 2021."

Amendment **adopted** as follows:

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

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 294 - As amended, **SB 294** passed as follows:

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

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Nays: Flowers, Pomnichowski, Pope, Sands, Webber.

Total 5

Voted absentee: Ankney, Aye.

Excused: Ankney.

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 Blasdel presiding.

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

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

Total 32

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

Total 17

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):
SB 234, introduced bill, be amended as follows:

2/25/2021

1. Title, line 7.

Strike: "A DELAYED"

Insert: "AN IMMEDIATE"

2. Page 1, line 15.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Following: "utilize a"
Insert: "government or"

3. Page 1, line 17.
Following: "check"
Strike: "federal,"

4. Page 1, line 24 through line 26.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

5. Page 2, line 10.
Strike: "new hire records"
Insert: "the unemployment insurance rolls"

6. Page 2, line 10.
Strike: "directorate"
Insert: "directory"

7. Page 2, line 23.
Strike: "January 1, 2022"
Insert: "on passage and approval"

And, as amended, do pass.

SB 251, introduced bill, be amended as follows:

1. Page 3, line 18.
Following: "(1)"
Insert: "(a)"

2. Page 3.
Following: line 20
Insert: "(b) This section does not modify duties owed in accordance with 33-18-201."

3. Page 4, line 15.
Strike: "Evidence"
Insert: "Subject to subsection (6), evidence"

4. Page 5.
Following: line 22
Insert: "(6) A health care provider may not attempt to recover more than the amounts allowed as damages under this section from a plaintiff."

And, as amended, do pass.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

SB 278, do pass.

TAXATION (Hoven, Chair):

2/25/2021

SB 253, do pass.

SB 262, introduced bill, be amended as follows:

1. Title, line 6.

Following: "FOR"

Insert: "FULL"

Following: "AND"

Insert: "RECOMMENDATION OF"

2. Title, line 6.

Following: "CHANGES"

Strike: "OF"

Insert: "TO"

3. Title, line 7.

Following: "VALUATIONS;"

Strike: "PROVIDING RULEMAKING AUTHORITY;"

4. Page 1, line 13.

Following: "**zones**"

Strike: "**-- rulemaking**"

5. Page 3, line 3 through line 4.

Strike: "or" on line 3 through "committee" on line 4

6. Page 3, line 23.

Following: "attained;"

Strike: "and"

7. Page 3, line 24.

Following: "department"

Insert: "; and

(vi) report biennially on committee activity, in accordance with 5-11-210, to the revenue interim committee provided for in 5-5-227"

8. Page 3, line 26.

Following: "reviewing"

Strike: "and establishing"

9. Page 3, line 28.

Following: "department to"

Strike: ":",

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Insert: "fulfill the requirements of the committee as outlined in subsection (10)(c) and bring forward updates to the revenue interim committee and any recommended changes to the 2023 legislature. If the committee does not meet, the department or the committee shall inform the revenue interim committee."

10. Page 4, line 1 through line 13.

Strike: subsections (a) through (e) in their entirety

11. Page 4, line 14 through line 15.

Strike: subsection 12 in its entirety

And, as amended, do pass.

HB 129, be amended as follows:

1. Title, line 5.

Following: "ACT;"

Strike: "LIMITING MONTANA TAX BENEFITS TO THE MONTANA FAMILY EDUCATION SAVINGS PROGRAM;"

2. Title, line 6.

Strike: "K-12 TUITION, CERTAIN"

Insert: "ANY"

3. Title, line 6 through line 7.

Strike: "FOR" on line 6 through "LOANS" on line 7

Insert: "PERMITTED UNDER SECTION 529 OF THE INTERNAL REVENUE CODE"

4. Page 3, line 21.

Following: "~~529(b)(1)(A)(ii);~~"

Insert: "or from a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C.

529(b)(1)(A)(ii),"

5. Page 6, line 15.

Following: "~~529(b)(1)(A)(ii);~~"

Insert: "or to a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C.

529(b)(1)(A)(ii),"

6. Page 9.

Following: line 17

Insert: "(7) "Education expense" means expenses for tuition, fees, books, supplies, equipment required for an education program, principal or interest on any qualified education loan, and any other typical education expense associated with an education program up the

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

maximum amount allowable under section 529 of the Internal Revenue Code, 26 U.S.C. 529, as amended."

Renumber: subsequent subsections

7. Page 10, line 13.

Strike: "qualified higher education expenses as defined in"

Insert: "any education expense permitted by"

8. Page 10, line 14 through line 23.

Strike: "1" on line 14 through "years" on line 23

And, as amended, be concurred in.

Without objection, committee reports were adopted.

THIRD READING OF BILLS

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

SB 51 passed as follows:

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

Total 35

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

Total 15

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

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

SB 154 passed as follows:

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

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

Nays: Ellis, Gross, McClafferty, O'Brien, Pomnichowski, Sands, Webber.
Total 7

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 158 failed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 24

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gross, Jacobson, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 26

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 183 passed as follows:

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

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Total 50

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 211 passed as follows:

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

Total 31

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

Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 216 passed as follows:

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

Total 50

Nays: None.

Total 0

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 219 passed as follows:

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

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 222 passed as follows:

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

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

Total 12

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Absent or not voting: None.

Total 0

SB 223 passed as follows:

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

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 29 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Fitzpatrick, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Molnar, Morigeau, Osmundson, Pomnichowski, Sales, Salomon, Small, Sweeney, Tempel, Welborn.
Total 26

Nays: Brown, Cuffe, Ellis, Ellsworth, Esp, Flowers, Fox, Friedel, Glimm, Hertz, Hinebauch, Keenan, Manzella, McClafferty, McGillvray, McNally, O'Brien, Pope, Regier K, Sands, Smith C, Vance, Webber, Mr. President.
Total 24

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 91 passed as follows:

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

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

Total 38

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

Total 12

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 175 passed as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

HB 143 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.

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

Total 50

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Senator Boldman moved to change her third-reading vote on **SB 51** from No to Yes. Without objection, so ordered.

Senator Small moved that **SB 16** be taken from the Judiciary Committee and placed on second reading tomorrow, February 26, 2021. Motion carried as follows:

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

Total 31

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

Total 18

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 25, 2021

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, February 26, 2021, the forty-first legislative day. Motion carried.

Senate adjourned at 3:11 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate