

**SENATE JOURNAL
67TH LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 18, 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):

3/18/2021

Correctly printed: **SB 208, SB 285, SB 377, SB 378, SB 379, SB 380, SB 381, SB 382, SB 383, SB 384, SB 385, SR 93, HB 20, HB 36, HB 49, HB 98, HB 139, HB 157, HB 198, HB 207, HB 217, HB 220, HB 226, HB 232, HB 242, HB 252, HB 266, HB 268, HB 270, HB 271, HB 305, HB 383, HB 396, HB 425, HB 446, HB 548, HJ 17.**

Correctly engrossed: **SB 269, SB 333, HB 35, HB 318.**

Correctly enrolled: **SR 32.**

Examined by the sponsor and found to be correct: **SB 125, SR 32.**

Transmitted to the House: **SB 76, SB 370, HB 213, HB 254, HB 282, HB 283, HB 294, HB 373, HB 374, HJ 7.**

Signed by the Secretary of the Senate at 4:00 p.m., March 17, 2021: **SB 18, SB 22, SB 62, SB 69, SB 80, SB 123, SB 130.**

Signed by the President at 5:20 p.m., March 17, 2021: **SB 18, SB 22, SB 69.**

Signed by the President at 5:30 p.m., March 17, 2021: **SB 62, SB 80, SB 123, SB 130.**

Signed by the Speaker at 9:50 a.m., March 18, 2021: **SB 18, SB 22, SB 62, SB 69, SB 80, SB 123, SB 130.**

Delivered to the Governor for signature at 10:41 a.m., March 18, 2021: **SB 18, SB 22, SB 62, SB 69, SB 80, SB 123, SB 130.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):

3/17/2021

SB 320, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ACT"

Strike: "CREATING THE"

Insert: "PROVIDING FOR AN"

3. Title, line 4.

Strike: "SERVICE LICENSE"

Insert: "ENDORSEMENT"

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4. Title, line 5.

Following: "REQUIREMENTS"

Insert: "FOR BEER AND WINE"

5. Title, line 5 through line 7.

Strike: "PROVIDING LICENSING" on line 5 through "AUTHORITY;" on line 7

Insert: "APPLYING THE DELIVERY REQUIREMENTS TO ON-PREMISES BEER AND WINE, ALL-BEVERAGES, AND RESTAURANT BEER AND WINE LICENSEES; REQUIRING THE DELIVERY TO BE PART OF THE DELIVERY OF FOOD THAT IS PREPARED BY THE LICENSEE; REQUIRING THE DELIVERY TO BE MADE BY THE LICENSEE;"

7. Title, line 7 through line 8.

Strike: "16-3-101," on line 7 through "4-1005" on line 8

Insert: "16-4-105, 16-4-201, AND 16-4-420"

8. Page 1, line 12 through page 7, line 26.

Strike: everything after the enacting clause

Following: line 11

Insert: "**Section 1.** Section 16-4-105, MCA, is amended to read:

"16-4-105. Limit on retail beer licenses -- wine license amendments -- limitation on use of license -- exceptions -- competitive bidding -- rulemaking. (1) Except as provided in 16-4-109, 16-4-110, 16-4-115, 16-4-420, and chapter 4, part 3, of this title, a license to sell beer at retail or beer and wine at retail, in accordance with the provisions of this code and the rules of the department, may be issued to any person or business entity that is approved by the department, subject to the following exceptions:

- (a) The number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated towns and within 5 miles of the corporate limits of the cities and towns must be determined on the basis of population prescribed in 16-4-502 as follows:
 - (i) in incorporated towns of 500 inhabitants or fewer and within 5 miles of the corporate limits of the towns, not more than one retail beer license;
 - (ii) in incorporated cities or incorporated towns of more than 500 inhabitants and not more than 2,000 inhabitants and within 5 miles of the corporate limits of the cities or towns, one retail beer license for every 500 inhabitants;
 - (iii) in incorporated cities of more than 2,000 inhabitants and within 5 miles of the corporate limits of the cities, four retail beer licenses for the first 2,000 inhabitants, two additional retail beer licenses for the next 2,000 inhabitants or major fraction of 2,000 inhabitants, and one additional retail beer license for each additional 2,000 inhabitants.
- (b) The number of inhabitants in each incorporated city or incorporated town, exclusive of the number of inhabitants residing within 5 miles of the corporate limits of the city or town, governs the number of retail beer licenses that may be issued for use within the city or town and within 5 miles of the corporate limits of the city or town. The distance of 5 miles from the corporate limits of an incorporated city or incorporated town must be measured in a straight line from the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of the city or town. A license that is restricted by quota limitations in this

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section may not be located farther than:

- (i) the county boundary within which the incorporated city or incorporated town is located; or
 - (ii) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section.
- (c) (i) When the 5-mile boundary of one incorporated city or incorporated town overlaps the 5-mile boundary of another incorporated city or incorporated town, the quota area for each city or town terminates in a straight line equidistant between each city or town.
- (ii) If there are more than two overlapping quota areas, the quota area for each city or town terminates from the center of the overlap in a straight line to the intersecting exterior point of overlap. Licenses existing as of November 24, 2017, will be designated as belonging to whichever quota area they are in as a result of the straight line equidistant between each city or town, except for the following:
- (A) In the Helena and East Helena previously combined quota area, the straight line will be drawn connecting the two outermost edges of the Helena corporate boundaries and extend outward to the quota area boundaries. Any license existing as of November 24, 2017, with a physical address of Helena will become a Helena license or with a physical address of East Helena will become an East Helena license, regardless of where it falls in the new quota areas.
- (B) In the Pinesdale and Hamilton previously combined quota area, the straight line will be drawn along Mill Creek road to the quota area boundaries.
- (C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas.
- (d) Retail beer licenses of issue on March 7, 1947, and retail beer licenses issued under 16-4-110 that are in excess of the limitations in this section are renewable, but new licenses may not be issued in violation of the limitations.
- (e) The limitations do not prevent the issuance of a nontransferable and nonassignable retail beer license to an enlisted persons', noncommissioned officers', or officers' club located on a state or federal military reservation on May 13, 1985, or to a post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization if the veterans' or fraternal organization has been in existence for a period of 5 years or more prior to January 1, 1949.
- (f) The number of retail beer licenses that the department may issue for use at premises situated outside of any incorporated city or incorporated town and outside of the area within 5 miles of the corporate limits or for use at premises situated within any unincorporated area must be determined by the department in its discretion, except that a retail beer license may not be issued for any premises so situated unless the department determines that the issuance of the license is required by public convenience and necessity pursuant to 16-4-203. Subsection (7) does not apply to licenses issued under this subsection (1)(f). The owner of the license whose premises are situated outside of an incorporated city or incorporated town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6.
- (2) (a) For a period of 12 years after November 24, 2017, existing licenses or licenses that resulted

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- from applications in process as of November 24, 2017, in either of two quota areas that were established as provided in subsection (1)(c) may be transferred between the two quota areas if they were part of the combined quota area prior to November 24, 2017.
- (b) If any new retail beer licenses are allowed by separating a combined quota area that existed as of November 24, 2017, as provided in subsection (1)(c), the department shall publish the availability of no more than one new beer license a year until the quota has been reached.
- (c) If any new retail beer licenses are allowed by license transfers as provided in subsection (2)(a), the department may publish the availability of more than one new license a year until the quota has been reached.
- (3) A license issued under subsection (1)(f) that becomes located within 5 miles of an incorporated city or town because of annexation after April 15, 2005, may not be transferred to another location within the city quota area any sooner than 5 years from the date of the annexation.
- (4) When the department determines that a quota area is eligible for a new retail beer license under subsection (1) or (2)(b), the department shall use a competitive bidding process as provided in 16-4-430 to determine the party afforded the opportunity to apply for the new license.
- (5) Except as provided in subsection (2)(b), when more than one new beer license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license.
- (6) (a) A person holding a license to sell beer for consumption on the premises at retail may apply to the department for an amendment to the license permitting the holder to sell wine as well as beer. The department may issue an amendment if it finds, on a satisfactory showing by the applicant, that the sale of wine for consumption on the premises would be supplementary to a restaurant or prepared-food business. Except for beer and wine licenses issued pursuant to 16-4-420, a person holding a beer and wine license may sell wine for consumption on or off the premises. Nonretention of the beer license, for whatever reason, means automatic loss of the wine amendment license.
- (b) A person licensed under this subsection (6) may apply to the department and pay a fee for an endorsement to, with the licensee's own equipment, trucks, and employees 21 years of age or older, deliver beer and wine in original packaging if the delivery includes food that is prepared by the licensee at the licensee's premises. The value of the delivered beer and wine may not exceed the value of the delivered food.
- (7) Except as provided in subsection (1)(f), a license issued pursuant to this section after October 1, 1997, must have a conspicuous notice that the license may not be used for premises where gambling is conducted.
- (8) An applicant for a license issued through a competitive bidding process in 16-4-430 shall pay a \$25,000 new license fee and in subsequent years pay the annual fee for the license as provided in 16-4-501.
- (9) The department may adopt rules to implement this section.""
- Insert: "**Section 2.** Section 16-4-201, MCA, is amended to read:
"**16-4-201. All-beverages license quota.** (1) Except as otherwise provided by law, a license to sell liquor, beer, and table wine at retail, an all-beverages license, in accordance with the provisions of this code and the rules of the department, may be issued to any person who is approved by the department as a fit and proper person to sell alcoholic beverages, except that the number of all-beverages licenses that the department may issue for

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premises situated within incorporated cities and incorporated towns and within 5 miles of the corporate limits of those cities and towns must be determined on the basis of population prescribed in 16-4-502 as follows:

- (a) in incorporated towns of 500 inhabitants or fewer and within 5 miles of the corporate limits of the towns, not more than two retail licenses;
 - (b) in incorporated cities or incorporated towns of more than 500 inhabitants and not more than 3,000 inhabitants and within 5 miles of the corporate limits of the cities and towns, three retail licenses for the first 1,000 inhabitants and one retail license for each additional 1,000 inhabitants;
 - (c) in incorporated cities of more than 3,000 inhabitants and within 5 miles of the corporate limits of the cities, five retail licenses for the first 3,000 inhabitants and one retail license for each additional 1,500 inhabitants.
- (2) The number of inhabitants in each incorporated city or incorporated town, exclusive of the number of inhabitants residing within 5 miles of the corporate limits of the city or town, governs the number of retail licenses that may be issued for use within the city or town and within 5 miles of the corporate limits of the city or town. The distance of 5 miles from the corporate limits of any incorporated city or incorporated town must be measured in a straight line from the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of the city or town. A license that is restricted by quota limitations in this section may not be located farther than:
- (a) the county boundary within which the incorporated city or incorporated town is located; or
 - (b) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section.
- (3) (a) When the 5-mile boundary of one incorporated city or incorporated town overlaps the 5-mile boundary of another incorporated city or incorporated town, the quota area for each city or town terminates in a straight line equidistant between each city or town.
- (b) If there are more than two overlapping quota areas, the quota area for each city or town terminates from the center of the overlap in a straight line to the intersecting exterior point of overlap. Licenses existing as of November 24, 2017, will be designated as belonging to whichever quota area they are in as a result of the straight line equidistant between each city or town, except for the following:
- (i) In the Helena and East Helena previously combined quota area, the straight line will be drawn connecting the two outermost edges of the Helena corporate boundaries and extend outward to the quota area boundaries. Any license existing as of November 24, 2017, with a physical address of Helena will become a Helena license or with a physical address of East Helena will become an East Helena license, regardless of where it falls in the new quota areas.
 - (ii) In the Pinesdale and Hamilton previously combined quota area, the straight line will be drawn along Mill Creek road to the quota area boundaries.
 - (iii) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas.
- (4) For a period of 12 years after November 24, 2017, existing licenses or licenses that resulted

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from applications in process as of November 24, 2017, in either of two quota areas that were established as provided in subsection (3) may be transferred between the two quota areas if they were part of the combined quota area prior to November 24, 2017.

- (5) (a) If any new retail all-beverages licenses are allowed by separating a combined quota area that existed as of November 24, 2017, as provided in subsection (3), the department shall publish the availability of no more than one new retail all-beverages license a year until the quota has been reached. The department shall use a competitive bidding process as provided in 16-4-430 to determine the party afforded the opportunity to apply for the new license.
- (b) If any new all-beverages licenses are allowed by license transfers as provided in subsection (4), the department may publish the availability of more than one new license a year until the quota has been reached.
- (6) Except as provided in subsection (5)(a), when more than one new all-beverages license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license.
- (7) Retail all-beverages licenses of issue on March 7, 1947, and all-beverages licenses issued under 16-4-209 that are in excess of the limitations in subsections (1) and (2) are renewable, but new licenses may not be issued in violation of the limitations.
- (8) The limitations in subsections (1) and (2) do not prevent the issuance of a nontransferable and nonassignable, as to ownership only, retail license to:
- (a) an enlisted personnel, noncommissioned officers', or officers' club located on a state or federal military reservation on May 13, 1985;
- (b) any post of a nationally chartered veterans' organization or any lodge of a recognized national fraternal organization if the veterans' or fraternal organization has been in existence for a period of 5 years or more prior to January 1, 1949; or
- (c) a continuing care retirement community as provided in 16-4-315.
- (9) The number of retail all-beverages licenses that the department may issue for use at premises situated more than 5 miles outside of any incorporated city or incorporated town may not be more than one license for each 750 in population of the county after excluding the population of incorporated cities and incorporated towns in the county.
- (10) An all-beverages license issued under subsection (9) that becomes located within 5 miles of an incorporated city or town because of annexation after April 15, 2005, may not be transferred to another location within the city quota area any sooner than 5 years from the date of annexation.
- (11) A person licensed under this section may apply to the department and pay a fee for an endorsement to, with the licensee's own equipment, trucks, and employees 21 years of age or older, deliver beer and wine in original packaging if the delivery includes food that is prepared by the licensee at the licensee's premises. The value of the delivered beer and wine may not exceed the value of the delivered food.

~~(11)~~(12) The department may adopt rules to implement this section."

Insert: "**Section 3.** Section 16-4-420, MCA, is amended to read:

"16-4-420. Restaurant beer and wine license -- competitive bidding -- rulemaking. (1) The department shall issue a restaurant beer and wine license to an applicant whenever the department determines that the applicant, in addition to satisfying the requirements of this section, meets the following qualifications and conditions:

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- (a) the applicant complies with the licensing criteria provided in 16-4-401 for an on-premises consumption license;
 - (b) the applicant operates a restaurant at the location where the restaurant beer and wine license will be used or satisfies the department that:
 - (i) the applicant intends to open a restaurant that will meet the requirements of subsection (6) and intends to operate the restaurant so that at least 65% of the restaurant's gross income during its first year of operation is expected to be the result of the sale of food;
 - (ii) the restaurant beer and wine license will be used in conjunction with that restaurant, that the restaurant will serve beer and wine only to a patron who orders food, and that beer and wine purchases will be stated on the food bill; and
 - (iii) the restaurant will serve beer and wine from a service bar, as service bar is defined by the department by rule;
 - (c) the applicant understands and acknowledges in writing on the application that this license prohibits the applicant from being licensed to conduct any gaming or gambling activity or operate any gambling machines and that if any gaming or gambling activity or machine exists at the location where the restaurant beer and wine license will be used, the activity must be discontinued or the machines must be removed before the restaurant beer and wine license takes effect; and
 - (d) the applicant states the planned seating capacity of the restaurant, if it is to be built, or the current seating capacity if the restaurant is operating.
- (2) (a) A restaurant that has an existing retail license for the sale of beer, wine, or any other alcoholic beverage may not be considered for a restaurant beer and wine license at the same location.
- (b) (i) An on-premises retail licensee who sells the licensee's existing retail license may not apply for a license under this section for a period of 1 year from the date that license is transferred to a new purchaser.
- (ii) A person, including an individual, with an ownership interest in an existing on-premises retail license that is being transferred to a new purchaser may not attain an ownership interest in a license applied for under this section for a period of 1 year from the date that the existing on-premises retail license is transferred to a new purchaser.
- (3) A completed application for a license under this section and the appropriate application fee, as provided in subsection (11), must be submitted to the department. The department shall investigate the items relating to the application as described in subsections (3)(a) and (3)(b). Based on the results of the investigation and the exercise of its sound discretion, the department shall determine whether:
- (a) the applicant is qualified to receive a license; and
 - (b) (i) the applicant's premises are suitable for the carrying on of the business;
 - (ii) the applicant is qualified to receive a license prior to a determination that the applicant's premises are suitable for carrying on with the business in accordance with 16-4-417; or
 - (iii) if the applicant has already been issued a license, the proposed premises are suitable for the carrying on of the business and the seating capacity stated on the application is correct.
- (4) An application for a beer and wine license submitted under this section is subject to the provisions of 16-4-203, 16-4-207, and 16-4-405.
- (5) If a premises proposed for licensing under this section is a new or remodeled structure, then the department may issue a license prior to completion of the premises based on reasonable evidence, including a statement from the applicant's architect or contractor

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confirming that the seating capacity stated on the application is correct, that the premises will be suitable for the carrying on of business as a bona fide restaurant, as defined in subsection (6). If a license is issued without a premises, the license will immediately be placed on nonuse status until the premises are approved subject to 16-4-417.

- (6) (a) For purposes of this section, "restaurant" means a public eating place:
- (i) where individually priced meals are prepared and served for on-premises consumption;
 - (ii) where at least 65% of the restaurant's annual gross income from the operation must be from the sale of food and not from the sale of alcoholic beverages. Each year after a license is issued, the applicant shall file with the department a statement, in a form approved by the department, attesting that at least 65% of the gross income of the restaurant during the prior year resulted from the sale of food.
 - (iii) that has a dining room, a kitchen, and the number and kinds of employees necessary for the preparation, cooking, and serving of meals in order to satisfy the department that the space is intended for use as a full-service restaurant; and
 - (iv) that serves an evening dinner meal at least 4 days a week for at least 2 hours a day between the hours of 5 p.m. and 11 p.m. The provisions of subsection (6)(b) and this subsection (6)(a)(iv) do not apply to a restaurant for which a restaurant beer and wine license is in effect as of April 9, 2009, or to subsequent renewals of that license.
- (b) The term does not mean a fast-food restaurant that, excluding any carry-out business, serves a majority of its food and drink in throw-away containers not reused in the same restaurant.
- (7) (a) A restaurant beer and wine license not issued through a competitive bidding process as provided in 16-4-430 may be transferred, on approval by the department, from the original applicant to a new owner of the restaurant only after 1 year of use by the original owner, unless that transfer is due to the death of an owner.
- (b) A license issued under this section may be jointly owned, and the license may pass to the surviving joint tenant upon the death of the other tenant. However, the license may not be transferred to any other person or entity by operation of the laws of inheritance or succession or any other laws allowing the transfer of property upon the death of the owner in this state or in another state.
- (c) An estate may, upon the sale of a restaurant that is property of the estate and with the approval of the department, transfer a restaurant beer and wine license to a new owner.
- (8) (a) The department shall issue a restaurant beer and wine license to a qualified applicant:
- (i) except as provided in subsection (8)(c), for a restaurant located in a quota area with a population of 5,000 persons or fewer, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 80% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;
 - (ii) for a restaurant located in a quota area with a population of 5,001 to 20,000 persons, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 160% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;
 - (iii) for a restaurant located in a quota area with a population of 20,001 to 60,000 persons, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 100% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;
 - (iv) for a restaurant located in a quota area with a population of 60,001 persons or more, as the

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- quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 80% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105; and
- (v) for a restaurant located in a quota area that is also a resort community, as defined in 7-6-1501, if the number of restaurant beer and wine licenses issued in the quota area that is also a resort community is equal to or less than 200% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105.
 - (b) In determining the number of restaurant beer and wine licenses that may be issued under this subsection (8) based on the percentage amounts described in subsections (8)(a)(i) through (8)(a)(v), the department shall round to the nearer whole number.
 - (c) If the department has issued the number of restaurant beer and wine licenses authorized for a quota area under subsection (8)(a)(i), there must be a one-time adjustment of four additional licenses for that quota area.
 - (d) (i) When the 5-mile boundary of one incorporated city or incorporated town overlaps the 5-mile boundary of another incorporated city or incorporated town, the quota area for each city or town terminates in a straight line equidistant between each city or town. A license that is restricted by quota limitations in this section may not be located farther than:
 - (A) the county boundary within which the incorporated city or incorporated town is located; or
 - (B) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section.
 - (ii) If there are more than two overlapping quota areas, the quota area for each city or town terminates from the center of the overlap in a straight line to the intersecting exterior point of overlap. Licenses existing as of November 24, 2017, will be designated as belonging to whichever quota area they are in as a result of the straight line equidistant between each city or town, except for the following:
 - (A) In the Helena and East Helena previously combined quota area, the straight line will be drawn connecting the two outermost edges of the Helena corporate boundaries and extend outward to the quota area boundaries. Any license existing as of November 24, 2017, with a physical address of Helena will become a Helena license or with a physical address of East Helena will become an East Helena license, regardless of where it falls in the new quota areas.
 - (B) In the Pinesdale and Hamilton previously combined quota area, the straight line will be drawn along Mill Creek road to the quota area boundaries.
 - (C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas.
 - (9) (a) For a period of 12 years after November 24, 2017, existing licenses or licenses that resulted from applications in process as of November 24, 2017, in either of two quota areas that were established as provided in 16-4-105 and subsection (8)(d) of this section may be transferred between the two quota areas if they were part of the combined quota area prior to November 24, 2017.
 - (b) If any new restaurant beer and wine licenses are allowed by separating a combined quota area that existed as of November 24, 2017, as provided in 16-4-105 and subsection (9)(a) of this

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- section, the department shall publish the availability of no more than one new restaurant beer and wine license a year until the quota has been reached.
- (c) If any new restaurant beer and wine licenses are allowed by license transfers as provided in subsection (9)(a), the department may publish the availability of more than one new license a year until the quota has been reached.
- (10) Except as provided in subsection (9)(b), when more than one new restaurant beer and wine license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license.
- (11) When a restaurant beer and wine license becomes available by the initial issuance of licenses under this section or as the result of an increase in the population in a quota area, the nonrenewal of a restaurant beer and wine license, or the lapse or revocation of a license by the department, then the department shall advertise the availability of the license in the quota area for which it is available.
- (12) When the department determines that a quota area is eligible for a new restaurant beer and wine license under subsection (9) or (11), the department shall use a competitive bidding process as provided in 16-4-430 to determine the party afforded the opportunity to apply for a new license.
- (13) ~~(a) Under Except as provided in subsection (13)(b), a restaurant beer and wine license, beer and wine may not be sold for off-premises consumption.~~
- (b) A restaurant beer and wine licensee may apply to the department and pay a fee for an endorsement to, with the licensee's own equipment, trucks, and employees 21 years of age or older, deliver beer and wine in original packaging if the delivery includes food that is prepared by the licensee at the licensee's premises. The value of the delivered beer and wine may not exceed the value of the delivered food.
- (14) An application for a restaurant beer and wine license must be accompanied by a fee equal to 20% of the initial licensing fee. If the department does not decide either to grant or to deny the license within 4 months of receipt of a complete application, the department shall pay interest on the application fee at the rate of 1% a month until a license is issued or the application is denied. Interest may not accrue during any period that the processing of an application is delayed by reason of a protest filed pursuant to 16-4-203 or 16-4-207. If the department denies an application, the application fee, plus any interest, less a processing fee established by rule, must be refunded to the applicant. Upon the issuance of a license, the licensee shall pay the balance of the initial licensing fee. The amount of the initial licensing fee is determined according to the following schedule:
- (a) \$5,000 for restaurants with a stated seating capacity of 60 persons or fewer;
- (b) \$10,000 for restaurants with a stated seating capacity of 61 to 100 persons; or
- (c) \$20,000 for restaurants with a stated seating capacity of 101 persons or more.
- (15) The annual fee for a restaurant beer and wine license is \$400.
- (16) If a restaurant licensed under this part increases the stated seating capacity of the licensed restaurant or if the department determines that a licensee has increased the stated seating capacity of the licensed restaurant, then the licensee shall pay to the department the difference between the fees paid at the time of filing the original application and issuance of a license and the applicable fees for the additional seating.
- (17) The number of beer and wine licenses issued to restaurants with a stated seating capacity of 101 persons or more may not exceed 25% of the total licenses issued.

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(18) Possession of a restaurant beer and wine license is not a qualification for licensure of any gaming or gambling activity. A gaming or gambling activity may not occur on the premises of a restaurant with a restaurant beer and wine license.

(19) The department may adopt rules to implement this section."

And, as amended, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/18/2021

HB 195, be concurred in.

HB 437, be concurred in.

HB 566, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/17/2021

SR 38, be adopted.

HB 454, be concurred in.

JUDICIARY (Regier, Chair): 3/18/2021

HB 112, be concurred in.

HB 218, be concurred in.

HB 243, be concurred in.

HB 349, be concurred in.

HB 427, be concurred in.

HB 430, be amended as follows:

1. Title, line 8.

Following: "POSSESSION;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 3.

Following: "part 4,"

Strike: "or Title 70,"

Following: "chapter 27"

Insert: ", or chapter 33"

3. Page 2.

Following: line 3

Insert: "NEW SECTION. Section 2. {standard} **Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 3/17/2021

HB 255, be amended as follows:

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1. Title, line 8.

Following: "DIRECTORS;"

Insert: "REQUIRING A PUBLIC HEARING FOR ANY PROPOSED WATER AND/OR SEWER DISTRICT RATE CHANGE;"

Strike: "PROVIDING THAT A DISTRICT"

2. Title, line 10 through line 12.

Strike: "SHALL" on line 10 through "PROTEST;" on line 12

3. Title, line 13.

Following: "7-13-2262,"

Insert: "AND"

Following: "7-13-2275,"

Strike: "7-13-2282, AND 7-13-2284,"

4. Page 2, line 13.

Following: "~~(b)~~"

Insert: "(a)"

5. Page 2, line 14.

Following: "7-13-2263"

Strike: "and must be filled as provided in subsections (2) and (3)"

6. Page 2, line 15.

Strike: "(2)"

Insert: "(b) A vacancy in the board of directors shall be filled by election except as provided in subsections (2) and (3).

(2)(a)"

Following: "are"

Strike: "no directors remaining on the board and"

7. Page 2, line 16.

Following: "appoint"

Insert: "up to"

8. Page 2.

Following: line 18

Insert: "(b) If the boundaries of the district include any unincorporated territory and the seat held by a board member originally appointed by the board of county commissioners under 7-13-2232(2) becomes vacant, the board shall allow the replacement director to be appointed by the board of county commissioners of each county containing the unincorporated territory."

9. Page 2, line 21.

Following: "municipality"

Insert: "as provided in 7-13-2232(2)"

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Following: "vacant"

Strike: "and no nominees exist for the director position to be elected"

10. Page 2, line 24 through line 25.

Strike: "subsections" on line 24 through "(3)" on line 25

Insert: "subsection (2)(a)"

11. Page 4, line 13 through line 20.

Strike: subsection (7) in its entirety

12. Page 4, line 22 through page 5, line 26.

Strike: sections 5 and 6 in their entirety

Re-number: subsequent section

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair):

3/17/2021

SB 153, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

Strike: "TRANSFERRING" on line 6 through "BOARD;" on line 8

2. Title, line 8.

Following: "TWO"

Insert: "STATE PARKS AND RECREATION"

3. Title, line 9.

Following: "OWNERS;"

Strike: "REVISING ENFORCEMENT PROVISIONS;"

4. Title, line 10.

Following: "PROJECT"

Insert: "AND BUDGET"

5. Title, line 10 through line 11.

Strike: "REQUIRING" on line 10 through "AUTHORITY;" on line 11

6. Title, line 13 through line 14.

Strike: "23-1-106," on line 13 through "87-1-294," on line 14

7. Title, line 15.

Following: "87-1-301,"

Strike: "87-1-303, 87-1-306, 87-1-502, 87-1-506,"

Following: "87-2-201,"

Insert: "AND"

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Following: "87-2-202,"
Strike: "AND 87-6-201,"

8. Page 2, line 19 through page 25, line 26.
Strike: sections 2 through 19 in their entirety

9. Page 25.
Following: line 27

Insert: "**Section 2.** Section 87-1-301, MCA, is amended to read:

"87-1-301. Powers of commission. (1) Except as provided in subsections (6) and (7), the commission:

- (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law;
 - (b) shall establish the hunting, fishing, and trapping rules of the department;
 - (c) except as provided in 23-1-111 and 87-1-303(3), shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;
 - (d) must have the power within the department to establish wildlife refuges and bird and game preserves;
 - (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as provided in 23-1-111 and 87-1-209(2) and (4);
 - (f) ~~except as provided in 23-1-111,~~ shall review and approve the budget of the department prior to its transmittal to the office of budget and program planning;
 - (g) except as provided in 23-1-111, shall review and approve construction projects that have an estimated cost of more than ~~\$1,000 but less than \$5,000~~ \$50,000;
 - (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting district where a restriction on elk hunting on public property is proposed.
 - (i) shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to 87-3-145; and
 - (j) shall comply with, adopt policies that comply with, and ensure the department implements in each region the provisions of state wildlife management plans adopted following an environmental review conducted pursuant to Title 75, chapter 1, parts 1 through 3.
- (2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.
- (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the commission considers

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appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

- (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:
- (i) separate deer licenses from nonresident elk combination licenses;
 - (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;
 - (iii) condition the use of the deer licenses; and
 - (iv) limit the number of licenses sold.
- (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:
- (i) for the biologically sound management of big game populations of elk, deer, and antelope;
 - (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and
 - (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321 through 87-1-325.
- (5) (a) Subject to the provisions of subsection (5)(b), the commission may adopt rules to:
- (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and
 - (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting districts.
- (b) The commission shall adopt rules for the use of and set quotas for the sale of Class D-4 nonresident hound handler licenses by hunting district, portions of a hunting district, group of districts, or administrative regions. However, no more than two Class D-4 licenses may be issued in any one hunting district per license year.
- (c) The commission shall consider, but is not limited to consideration of, the following factors:
- (i) harvest of lions by resident and nonresident hunters;
 - (ii) history of quota overruns;
 - (iii) composition, including age and sex, of the lion harvest;
 - (iv) historical outfitter use;
 - (v) conflicts among hunter groups;
 - (vi) availability of public and private lands; and
 - (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.
- (6) The commission may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:
- (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons;
 - (b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;
 - (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);
 - (d) the regulation of migratory game bird hunting pursuant to 87-3-403; or
 - (e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).
- (7) Pursuant to 23-1-111, the commission does not oversee department activities related to the administration of state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational

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resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9." "

Renumber: subsequent sections

10. Page 25, line 28 through page 29, line 24.

Strike: section 20 through section 23 in their entirety

Renumber: subsequent sections

11. Page 31, line 3 through line 9.

Strike: section 26 in its entirety

Renumber: subsequent sections

12. Page 31, line 13.

Strike: "25"

Insert: "4"

And, as amended, do pass.

HB 131, be concurred in.

HB 152, be concurred in.

HB 594, be concurred in.

HJ 15, be concurred in.

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

3/17/2021

HB 57, be concurred in.

HB 276, be amended as follows:

1. Page 1, line 13.

Strike: "11"

Insert: "nine"

2. Page 1, line 14.

Strike: "Three"

Insert: "Two"

3. Page 1, line 14.

Strike: "three"

Insert: "two"

And, as amended, be concurred in.

HB 280, be concurred in.

HB 341, be concurred in.

Without objection, committee reports were adopted.

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ADVERSE COMMITTEE REPORT

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/17/2021
SR 39, be **not** adopted. Adverse Committee Report adopted as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/17/2021

SB 53, introduced by J. Welborn

SB 129, introduced by G. Hertz

SB 133, introduced by G. Hertz

SB 193, introduced by S. Hinebauch

SB 205, introduced by B. Hoven

House bill passed and transmitted to the Senate for concurrence: 3/17/2021

HB 609, introduced by S. Kerns

FIRST READING AND COMMITMENT OF BILLS

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

HB 609, introduced by S. Kerns, referred to Business, Labor, and Economic Affairs.

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

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

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

SR 57 - Senator Howard moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 57**. Motion carried as follows:

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

Total 33

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

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 163 - Senator Brown moved **HB 163** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 224 - Senator Brown moved **HB 224** be concurred in. Motion carried as follows:

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

Total 28

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

Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 225 - Senator Brown moved **HB 225** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 260 - Senator Hertz moved **HB 260** be concurred in. Motion carried as follows:

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

Total 48

Nays: McGillvray, Molnar.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 353 - Senator Hinebauch moved **HB 353** 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, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Gross, Pomnichowski.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 281 - Senator Fitzpatrick moved **HB 281** be concurred in. Motion **failed** as follows:

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

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Total 25

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

Total 25

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Gross arose on a point of order and stated the side conversations in the chamber were making it difficult for other persons to hear the floor discussion.

HB 281 - Senator C. Smith moved **HB 281** be **indefinitely postponed**. Motion carried as follows:

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

Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, Osmundson, Regier K, Smith C, Vance, Mr.

President.

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 309 - Senator Hinebauch moved **HB 309** 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, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon,

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Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

HB 47 - Senator Ellis moved **HB 47** be concurred in. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 58 - Senator Cuffe moved **HB 58** be concurred in. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 71 - Senator Kary moved **HB 71** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, 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, Welborn, Mr. President.

Total 35

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

Total 15

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 178 - Senator Ellsworth moved **HB 178** 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, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.

Total 45

Nays: Kary, Lynch, McClafferty, Vance, Welborn.

Total 5

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 95 - Senator Bennett moved **HB 95** be concurred in. Motion carried as follows:

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

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 97 - Senator Bennett moved **HB 97** be concurred in. Motion carried as follows:

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

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 304 - Senator Fitzpatrick moved **HB 304** be concurred in. Motion carried as follows:

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

Nays: Glimm, Hinebauch, Keenan, Manzella, Regier K.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

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

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Cohenour, Gross, McClafferty, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 10

Voted absentee: 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

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disposed of in the following manner:

SB 38, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115, as amended by the House, passed as follows:

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

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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 208 passed as follows:

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

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Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 48

Nays: Keenan, Vance.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 20 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 98 concurred in as follows:

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

Total 38

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Nays: Ellsworth, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Regier K, Tempel, Vance, Welborn.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 198 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, 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.
Total 46

Nays: Glimm, Hinebauch, Keenan, Mr. President.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 220 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 38

Nays: Brown, Cuffe, Ellsworth, Glimm, Kary, Keenan, Manzella, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 12

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 232 concurred in as follows:

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

Total 46

Nays: Glimm, Hinebauch, Keenan, McGillvray.

Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 266 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 268 concurred in as follows:

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

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 270 concurred in as follows:

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

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 271 concurred in as follows:

Yeas: Ankney, Bogner, Boland, Brown, Ellis, 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,

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Welborn, Mr. President.

Total 33

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

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 425 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Senator Vance moved the Senate reconsider its action on **SB 335**, indefinitely postponed the previous legislative day, and that **SB 335** be re-referred to committee for amendment. Motion **failed** as follows.

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

Total 25

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Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hertz moved the Senate reconsider its action on **HB 281**, indefinitely postponed this legislative day, and that **HB 281** be re-referred to committee for amendment. Motion failed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Mr. President.
Total 25

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved that **HB 445** be taken from the Highways and Transportation Committee and and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 260**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, March 19, 2021, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 2:53 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate