

**SENATE JOURNAL  
67TH LEGISLATURE  
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 30, 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):

3/30/2021

Correctly printed: **SB 320, SB 401, SB 402, SR 94, HB 50, HB 307, HB 328, HB 364, HB 368, HB 386, HB 398, HB 459, HB 494, HB 499, HB 556, HJ 6.**

Correctly engrossed: **SB 374, SB 378, SR 91, HB 231, HB 382, HB 423, HB 426.**

Correctly enrolled: **SB 101, SB 131, SB 161, SB 339.**

Examined by the sponsor and found to be correct: **SB 101, SB 131, SB 161.**

Transmitted to the House: **HB 31, HB 63, HB 146, HB 159, HB 192, HB 318, HB 333, HB 336, HB 346, HB 416, HB 432, HB 614, HJ 14.**

Signed by the Secretary of the Senate at 11:00 a.m., March 29, 2021: **SB 58, SB 60, SB 113, SB 120, SB 145, SB 193, SB 221, SB 305.**

Signed by the Secretary of the Senate at 4:45 p.m., March 29, 2021: **SB 127.**

Signed by the President at 9:10 a.m., March 30, 2021: **SB 58, SB 60, SB 113, SB 120, SB 145, SB 221, SB 305.**

Signed by the President at 9:15 a.m., March 30, 2021: **SB 127, SB 193.**

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Regier, Chair):

3/25/2021

**HB 501**, be amended as follows:

1. Title, line 6.

Following: "TRESPASS;"

Strike: "AND"

2. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

Following: line 25

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

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And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair): 3/26/2021  
**HB 439**, be amended as follows:

1. Page 1, line 28 through page 2, line 1.

Following: "sheriff" on line 28

Strike: remainder of line 28 through "court." on page 2, line 1

Insert: ":

(a) within 5 business days of the sheriff receiving the writ of assistance, excluding of the date of receipt by the sheriff; or

(b) at a time no more than 5 business days after the sheriff receives the writ of assistance or as otherwise agreed to by the landlord and the sheriff."

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair): 3/30/2021  
**HB 380**, be concurred in.  
**HB 451**, be concurred in.  
**HB 463**, be concurred in.  
**HB 480**, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair): 3/29/2021  
**SJ 22**, do pass.  
**HB 549**, be concurred in.  
**HJ 19**, be concurred in.

**STATE ADMINISTRATION** (Kary, Chair): 3/29/2021  
**SR 74**, be adopted.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 3/29/2021

**SB 72**, introduced by K. Regier

**SB 175**, introduced by D. Kary

**SB 275**, introduced by J. Welborn

**Senate joint resolution** concurred in and returned to the Senate: 3/29/2021

**SJ 15**, introduced by J. Ellsworth

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**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/29/2021

**SB 300**, introduced by C. Glimm

**Senate amendments to House bill** concurred in: 3/29/2021

**HB 43**, introduced by R. Knudsen

**House bills** passed and transmitted to the Senate for concurrence: 3/29/2021

**HB 5**, introduced by L. Jones

**HB 6**, introduced by M. Hopkins

**HB 7**, introduced by M. Hopkins

**HB 9**, introduced by M. Hopkins

**HB 11**, introduced by W. McKamey

**HB 643**, introduced by G. Custer

**HB 367**, introduced by P. Fielder, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 3/29/2021

Yeas - 66      Nays - 34

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 403**, introduced by B. Keenan, referred to Local Government.

**SB 404**, introduced by G. Hertz, referred to Natural Resources.

**SB 405**, introduced by G. Hertz, referred to Natural Resources.

**SB 406**, introduced by B. Brown, referred to Natural Resources.

**SB 407**, introduced by S. O'Brien, referred to Business, Labor, and Economic Affairs.

**SB 408**, introduced by M. Cuffe, referred to Natural Resources.

The following Senate bill, previously introduced, was referred to committee:

**SB 401**, introduced by D. Howard, C. Smith, J. Ellsworth, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, M. Lang, T. McGillvray, K. Regier, C. Smith, G. Vance, referred to Business, Labor, and Economic Affairs.

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

**HB 5**, introduced by L. Jones, K. Holmlund, M. Hopkins, referred to Finance and Claims.

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**HB 6**, introduced by M. Hopkins (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 7**, introduced by M. Hopkins (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 9**, introduced by M. Hopkins (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 11**, introduced by W. McKamey, M. Hopkins, referred to Finance and Claims.

**HB 367**, introduced by P. Fielder, M. Cuffe, D. Skees, J. Read, K. Regier, C. Smith, M. Blasdel, L. Jones, B. Keenan, C. Glimm, D. Lenz, W. Galt, B. Brown, F. Garner, J. Hinkle, M. Noland, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, M. Regier, F. Anderson, L. Sheldon-Galloway, J. Trebas, C. Knudsen, B. Usher, J. Patelis, S. Vinton, J. Ellsworth, N. Duram, J. Fuller, R. Knudsen, J. Kassmier, B. Ler, B. Phalen, J. Carlson, B. Mitchell, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Malone, C. Hinkle, K. Walsh, M. Binkley, R. Marshall, referred to Fish and Game.

**HB 643**, introduced by G. Custer, referred to State Administration.

The following House bill, previously introduced, was referred to committee:

**HB 624**, introduced by A. Buckley, E. Buttrey, D. Salomon, F. Anderson, W. Sales, T. Welch, S. O'Brien, referred to Business, Labor, and Economic Affairs.

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

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

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

Majority Leader Smith moved that **SB 211 HA** be moved to the bottom of the board. Without objection, so ordered.

**SB 196 - House Amendments** - Senator McGillvray moved House amendments to **SB 196** 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.

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Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 169 - House Amendments** - Senator Cuffe moved House amendments to **SB 169** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 230 - House Amendments** - Senator Lang moved House amendments to **SB 230** 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.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 66** - Senator Glimm moved **HB 66** 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, Webber, Welborn, Mr. President.

Total 49

Nays: Vance.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 357** - Senator O'Brien moved **HB 357** be concurred in. Motion carried as follows:

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

Total 41

Nays: Cuffe, Esp, Hinebauch, Howard, Kary, McGillvray, Regier K, Smith C, Vance.

Total 9

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 482** - Senator Fox moved **HB 482** 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 57** - Senator Sands moved **HB 57** 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 280** - Senator Howard moved **HB 280** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien,

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Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance,  
Webber, Welborn, Mr. President.  
Total 43

Nays: Ankney, Esp, Gross, Hertz, Lynch, Pomnichowski, Sweeney.  
Total 7

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 609** - Senator Small moved **HB 609** 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 407** - Senator Gauthier moved **HB 407** be concurred in. Motion carried as follows:

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

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



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Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

**HB 558** - Senator Gauthier moved **HB 558** 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 112** - Senator K. Regier moved **HB 112** be concurred in.

**HB 112** - Senator Salomon moved **HB 112**, second reading copy, be amended as follows:

1. Title, line 7.

**Following:** "ACT;"

**Insert:** "PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 4.

**Following:** line 15

**Insert:** "NEW SECTION. **Section 6. Contingent voidness.** [This act] is void on the date that the office for civil rights of the United States department of education issues a letter of

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impending enforcement action due to the enforcement of [this act]."

**Renumber:** subsequent sections

Amendment **adopted** as follows:

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

Total 27

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

Total 23

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Vote totals include vote changes by Senator Cuffe from Yes to No, and by Senator O'Brien from No to Yes made under Motions.

**HB 112** - As amended, **HB 112** was concurred in as follows:

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

Total 29

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

Total 21

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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President Blasdel assumed the chair.

**HB 211 - House Amendments** - Senator Fitzpatrick moved House amendments to **HB 211** 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, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 30

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

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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

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

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.  
Total 18

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**THIRD READING OF BILLS**

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

**SB 168** 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 269** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.  
Total 46

Nays: Friedel, Kary, Smith C, Vance.  
Total 4

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 320** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 33

Nays: Cuffe, Ellsworth, Esp, Fitzpatrick, Glimm, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Salomon, Small, Smith C, Vance.

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 50** concurred in as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 307** concurred in as follows:

Yeas: Ankney, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lynch, McClafferty, McGillvray, McNally, O'Brien, Pomnichowski, Pope, Sales, Sands, Small,

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Sweeney, Tempel, Webber.

Total 33

Nays: Bogner, Boldman, Esp, Friedel, Gross, Hoven, Lang, Manzella, Molnar, Morigeau, Osmundson, Regier K, Salomon, Smith C, Vance, Welborn, Mr. President.

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 328** 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, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.

Total 45

Nays: Lang, Manzella, Regier K, Vance, Welborn.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 364** concurred in as follows:

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

Total 50

Nays: None.

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Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 368 failed** as follows:

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

Total 21

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

Total 29

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

**HB 386 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, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 46

Nays: Pomnichowski, Pope, Sands, Webber.

Total 4

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 459** concurred in as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 494** concurred in as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0



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Absent or not voting: None.

Total 0

**HB 499** 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 556** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 49

Nays: Keenan.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJ 6** concurred in as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.  
Total 46

Nays: Gross, Pomnichowski, Sands, Webber.  
Total 4

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES** (Welborn, Chair):  
**HB 599**, be amended as follows:

3/26/2021

1. Title, line 6.

Following: "SECTIONS"  
Insert: "76-2-209,"

2. Page 1.

Following: line 11

Insert: "**Section 1.** Section 76-2-209, MCA, is amended to read:

**"76-2-209. Effect on natural resources.** (1) Except as provided in 82-4-431, 82-4-432, and subsection (2) of this section, a resolution or rule adopted pursuant to the provisions of this part, except 76-2-206, may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner of any mineral, forest, or agricultural resource.

(2) The complete use, development, or recovery of a mineral by an operation that mines sand and gravel or an operation that mixes concrete or batches asphalt may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432.

(3) Zoning regulations adopted under this chapter and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432 may reasonably condition, but not prohibit, the complete use, development, or recovery of a mineral by an operation that mines sand and gravel and

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may condition an operation that mixes concrete or batches asphalt in all zones other than residential.""

**Renumber:** subsequent sections

3. Page 3.

Following: line 9

Insert: "(16) "Water conveyance facilities" means existing diversions, aqueducts, canals, ditches, drains, flumes, headgates, syphons, or other structures or infrastructure actively used to facilitate the beneficial use of a water right under Title 85."

4. Page 3, line 19.

Following: "streams"

Insert: ", "

Strike: "or"

5. Page 3, line 19.

Following: the second "water"

Insert: ", or water conveyance facilities"

6. Page 4, line 15.

Strike: "intercept"

Insert: "affect"

7. Page 4, line 15.

Following: the second "water"

Insert: ", a water conveyance facility"

8. Page 5, line 11.

Following: "permit"

Insert: ", unless the removal affects surface water, including intermittent or perennial streams, ground water, or water conveyance facilities"

9. Page 6, line 25.

Strike: "intercept"

Insert: "affect"

10. Page 6, line 25.

Following: "streams"

Insert: ", or water conveyance facilities"

11. Page 12, line 10.

Strike: "30"

Insert: "60"

12. Page 12, line 11.

Strike: "and"

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- Insert: "(x) certification from the operator that notice of the proposed opencut operation was:  
(A) published at least twice in a newspaper of general circulation in the locality of the proposed opencut operation;  
(B) mailed to surface owners of land located within one-half mile of the boundary of the proposed opencut permit area using the most current known owners of record as shown in the paper or electronic records of the county clerk and recorder for the county where the proposed opencut operation is located. If the notice does not include a map, the applicant shall promptly provide a copy to a requestor.  
(C) posted in at least two prominent locations at the site of the proposed opencut operation, including near a public road if possible;"

**Renumber:** subsequent subsection

13. Page 12, line 19.

Following: "section"

Insert: ". Public comment may be submitted throughout the review period"

14. Page 15, line 5.

Following: "operation;"

Strike: "and"

15. Page 15, line 7.

Following: "boundary"

Insert: "; and

(l) procedures to prevent physical harm to water conveyance facilities, or that allow the owner of a water conveyance facility to authorize in writing the relocation or disturbance of the water conveyance facility"

16. Page 17, line 4.

Strike: "2"

Insert: "3"

17. Page 17, line 4.

Strike: "4"

Insert: "5"

18. Page 17, line 5.

Following: "act]"

Insert: "that propose to change the reclamation date or the post mine land use"

And, as amended, be concurred in.

Without objection, the committee report was adopted.

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**MOTIONS**

Majority Leader Smith moved that **HB 357**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Cuffe moved to change his second-reading vote on the **amendment to HB 112** from Yes to No. Without objection, so ordered.

Senator O'Brien moved to change her second-reading vote on the **amendment to HB 112** from No to Yes. Without objection, so ordered.

Senator Molnar moved to change his third-reading vote on **HB 368** from Yes to No. Without objection, so ordered.

Senator McGillvray moved to change his second-reading vote on **HB 407** from No to Yes. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, March 31, 2021, the sixty-third legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate