

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

Helena, Montana  
April 1, 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): 4/1/2021  
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth through the sixtieth legislative days, find the same to be correct.

Correctly printed: **SB 86, SB 376, SR 88, SR 91, SR 94, HB 8, HB 170, HB 201, HB 258, HB 264, HB 298, HB 302, HB 382, HB 391, HB 394, HB 465, HB 586, HB 589, HB 598, HB 616.**

Correctly engrossed: **SB 384, SB 392, HB 555, HJ 4.**

Correctly enrolled: **SB 33, SB 43, SB 55, SB 98, SB 135, SB 156, SB 171, SB 178, SB 217, SB 222, SJ 9, SR 38, SR 84, SR 87, SR 89.**

Examined by the sponsor and found to be correct: **SB 33, SB 43, SB 55, SB 98, SB 135, SB 156, SB 171, SB 178, SB 217, SB 222, SJ 9, SR 38, SR 84, SR 87, SR 89.**

Transmitted to the House: **HB 57, HB 66, HB 231, HB 280, HB 407, HB 482, HB 558, HB 609.**

Signed by the Secretary of the Senate at 4:15 p.m., March 30, 2021: **SB 131, SB 161.**

Signed by the Secretary of the Senate at 11:30 a.m., March 31, 2021: **SB 339.**

Signed by the President at 6:15 a.m., April 1, 2021: **SB 131, SB 161, SB 339.**

Signed by the Speaker at 3:11 p.m., April 1, 2021: **SB 131, SB 161, SB 339.**

Delivered to the Governor for signature at 4:20 p.m., April 1, 2021: **SB 131, SB 161, SB 339.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 4/1/2021  
**SB 396**, do pass.  
**SB 398**, do pass.  
**HB 525**, be concurred in.

**JUDICIARY** (Regier, Chair): 3/31/2021  
**HB 92**, be amended as follows:

1. Page 1, line 19.

**Following:** "commit;"

**Strike:** "and"

2. Page 2, line 20.

**Following:** "STATE"

**Strike:** "OR FEDERAL"

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3. Page 2, line 23.

**Following:** "STATE"

**Strike:** "OR FEDERAL"

4. Page 3, line 11.

**Strike:** "CLEAR AND CONVINCING"

**Insert:** "a preponderance of the"

5. Page 4, line 8.

**Following:** "STATE"

**Strike:** "OR FEDERAL"

6. PAGE 7, LINE 5.

**FOLLOWING:** "EXCEPT"

**Insert:** "for other claims in state court"

7. PAGE 7, LINE 10 THROUGH LINE 11.

**FOLLOWING:** "AGREEMENT"

**STRIKE:** ", LESS" ON LINE 10 THROUGH "AGREEMENT," ON LINE 11

8. PAGE 7, LINE 15.

**FOLLOWING:** "EXCEPT"

**Insert:** "for other claims in state court"

9. PAGE 7, LINE 19 THROUGH LINE 21.

**FOLLOWING:** "[SECTION 5]"

**STRIKE:** ", LESS" ON LINE 19 THROUGH "AGREEMENT" ON LINE 21

And, as amended, be concurred in.

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

3/31/2021

**SB 403**, do pass.

**HB 450**, be amended as follows:

1. Title, line 6.

Following: "REGULATIONS;"

Insert: "PROVIDING ADDITIONAL REQUIREMENTS FOR COURT-ORDERED DIVISIONS OF LAND;"

2. Page 1, line 18.

Strike: "(4)"

Insert: "(6)"

3. Page 2.

Following: line 1

Insert: "(3) Except as provided in subsection (4), if a court of record orders a division of land under subsection (1)(a) that distributes real property as a result of the dissolution of a business entity, the court may:

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- (a) divide the real property according to the percentages of ownership of the business entity being dissolved;
  - (b) if more than one lot exists, divide each lot according to the percentages of ownership of the business entity being dissolved; and
  - (c) combine adjacent lots under the ownership of the business entity being dissolved and divide the aggregated lots by percentage of ownership.
- (4) A court may not:
- (a) approve a division of land as allowed in subsection (3) that creates more lots than persons receiving property; or
  - (b) authorize the division of land into a subdivision unless the subdivision has met the requirements of Title 76, chapter 3, parts 5 and 6, and chapter 4."

**Renumber:** subsequent subsections

4. Page 2, line 9.

**Strike:** "~~(5)~~"

**Insert:** "(7)"

5. Page 2, line 11.

**Strike:** "~~(4)(b)~~"

**Insert:** "(6)(b)"

And, as amended, be concurred in.

**HB 527**, be amended as follows:

1. Title, line 5 through line 7.

**Strike:** "REQUIRING" on line 5 through "DISTRICT;" on line 7

2. Title, line 9 through line 11.

**Following:** "COMMISSIONERS;" on line 9

**Insert:** "PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS;"

**Strike:** "PROVIDING" on line 9 through "OWNERS;" on line 11

3. Title, line 11.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

4. Title, line 11.

**Following:** "76-2-101"

**Insert:** ", 76-2-109, AND 82-11-112"

5. Page 1, line 17.

**Following:** "(1)"

**Strike:** "~~(a)~~"

6. Page 1, line 22 through line 25.

**Strike:** subsection (b) in its entirety

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7. Page 2, line 17 through line 19.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

8. Page 2, line 21.

**Following:** "be"

**Strike:** "substantially"

9. Page 2.

**Following:** line 23

**Insert:** "**Section 2.** Section 76-2-109, MCA, is amended to read:

**"76-2-109. Effect on natural resources.** (1) No planning district or recommendations Regulations adopted under this part shall may not regulate lands used for grazing, horticulture, agriculture, or the growing of timber, or the complete use, development, or recovery of any mineral.

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

**Insert:** "**Section 3.** Section 82-11-112, MCA, is amended to read:

**"82-11-112. Intergovernmental cooperation.** The Subject to 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."

**Renumber:** subsequent sections

And, as amended, be concurred in.

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

3/31/2021

**SB 377**, do pass.

**HB 90**, be amended as follows:

1. Page 1, line 14.

**Following:** "whether"

**Insert:** "there is probable cause"

2. Page 3, line 22.

**Following:** "filed"

**Insert:** "in accordance with 41-3-422"

And, as amended, be concurred in.

**HB 477**, be concurred in.

**HB 502**, be amended as follows:

1. Page 2, line 21.

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**Following:** "adopted"

**Insert:** ", provided that the attorney or health care provider shall also provide an expectant parent and prospective adoptive parent with a list of agencies licensed to assist with adoption support services and counseling"

And, as amended, be concurred in.

**HB 503**, be amended as follows:

1. Page 3, line 18.

**Following:** "hearing"

**Insert:** "within 5 days"

2. Page 3, line 19.

**Following:** "hearing"

**Insert:** "within 20 days"

3. Page 3, line 19.

**Following:** "hearings;"

**Strike:** "and"

4. Page 3.

**Following:** line 19

**Insert:** "(c) provide contact information for the social worker, the social worker's supervisor, and the office of state public defender; and"

5. Page 3, line 20.

**Following:** "(c)"

**Insert:** "(d)"

6. Page 3, line 21.

**Following:** the first "person"

**Insert:** ":

(i) has the right to receive a copy of the affidavit as provided in subsection (6);

(ii) has the right to attend and participate in an emergency protective services hearing, if one is requested, and the show-cause hearing, including providing statements to the judge;

(iii)"

7. Page 3, line 22.

**Following:** "services"

**Insert:** "; and

(iv) may request that the child be placed in a kinship foster home as defined in 52-2-602"

And, as amended, be concurred in.

**STATE ADMINISTRATION** (Kary, Chair):

3/31/2021

**HJ 8**, be concurred in.

**HJ 9**, be concurred in.

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Without objection, committee reports were adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 20**  
Report No. 002, April 1, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 20** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 20** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14.

**Following:** "available"

**Insert:** "for service at all times"

2. Page 1, line 26.

**Following:** "pilot"

**Insert:** "or an airplane passenger"

3. Page 2, line 6.

**Following:** "service"

**Insert:** "at all times"

For the Senate:

Vance, Chair  
Ellsworth  
Sands

For the House:

Beard, Vice Chair  
Berglee  
Harvey

Without objection, the select committee report was adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments to House bill** concurred in:

3/31/2021

**HB 223**, introduced by B. Mercer

**HB 14**, introduced by M. Hopkins, requiring adoption by an affirmative roll call vote of two-thirds of each house of the Legislature, passed the House and was transmitted to the Senate with the following vote: 3/31/2021

Yeas - 92    Nays - 5

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**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 14**, introduced by M. Hopkins (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**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 Sands in the chair.

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

**SR 74** - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 74**. 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

**SR 88** - Senator Hinebauch moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 88**.

**SR 88** - Senator Cohenour moved **SR 88**, second reading copy, be amended as follows:

1. Page 1, line 12.

**Strike:** "Patrick Tabor, Whitefish, Montana, appointed to a term ending January 1, 2025."

Amendment **failed** as follows:

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

Total 22

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

Total 28

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SR 88** - Thereupon, the Senate reverted to the original motion of Senator Hinebauch which passed as follows:

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

Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJ 22** - Senator McClafferty moved **SJ 22** do pass. Motion carried as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Glimm, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Webber.

Total 30

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Friedel, Gillespie, Hertz, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Small, Smith C, Tempel, Vance, Welborn, Mr. President.



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Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 374** - Majority Leader Smith moved **SB 374** do pass. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 378** - Senator Fitzpatrick moved **SB 378** do pass. Motion carried as follows:

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

Total 42

Nays: Cuffe, Hinebauch, Howard, Keenan, McGillvray, Sales, Smith C, Tempel.

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HJ 15** - Senator Cohenour moved **HJ 15** be concurred in. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.  
Total 23

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 27

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJ 15** - Majority Leader Smith moved **HJ 15** be **indefinitely postponed**. Motion carried as follows:

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

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.  
Total 18

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 574** - Senator McGillvray moved **HB 574** 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

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Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 333** - Senator Molnar moved **SB 333** do pass.

**SB 333** - Senator Molnar moved **SB 333**, second reading copy, be amended as follows:

1. Page 2, line 1.

**Following:** "\$50,000"

**Insert:** "from the account in 30-14-143"

2. Page 2, line 7.

**Strike:** "justice"

**Insert:** "transportation"

Amendment **adopted** as follows:

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

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 333** - As amended, **SB 333** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau,

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O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 45

Nays: Boldman, Cuffe, Kary, Osmundson, Sweeney.  
Total 5

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 354 - House Amendments** - Senator Hinebauch moved House amendments to **SB 354** be **not** 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 463** - Senator McGillvray moved **HB 463** 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 451** - Senator Brown moved **HB 451** be concurred in. Motion carried as follows:

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

Total 47

Nays: Cuffe, Glimm, Vance.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 480** - Senator Esp moved **HB 480** 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 155** - Senator McGillvray moved **HB 155** 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, 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

President Blasdel assumed the chair.

**HJ 19** - Senator Sands moved **HJ 19** 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

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

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

Yeas: Ankney, Bennett, 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, Morigeau, O'Brien,

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Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel,  
Vance, Welborn, Mr. President.  
Total 44

Nays: Boland, Cohenour, Gross, McClafferty, Pomnichowski, Webber.  
Total 6

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 disposed of in the following manner:

**HB 112** 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

**HB 201** 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,  
Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.  
Total 28

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

Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 258** 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, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 30

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

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 298** 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.



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Total 0

Absent or not voting: None.

Total 0

**HB 382** concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Webber.

Total 32

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Hertz, Howard, Kary, Keenan, Lang, Osmundson, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 18

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 394** 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Morigeau.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 589** 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,

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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 616** 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

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Osmundson, Chair): 4/1/2021  
**SB 232**, do pass.  
**SB 285**, do pass.  
**SB 336**, do pass.

**JUDICIARY** (Regier, Chair): 4/1/2021  
**SB 402**, do pass.  
**HB 244**, be concurred in.

**LOCAL GOVERNMENT** (Gauthier, Chair): 4/1/2021  
**SB 385**, introduced bill, be amended as follows:

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1. Title, line 7 through line 9.

**Strike:** "LIMITING" on line 7 through "LOANS;" on line 9

2. Page 8, line 27.

**Strike:** "subject to subsection (6),"

**Insert:** "whether the levy is permanent or"

3. Page 9, line 13 through line 18.

**Strike:** subsection (6) in its entirety

And, as amended, do pass.

**SB 388**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "OF A"

**Insert:** "FUTURE"

2. Title, line 9.

**Following:** "7-15-4288,"

**Insert:** "AND"

**Following:** "7-15-4292,"

**Strike:** "AND 7-15-4324,"

3. Page 3, line 9.

**Following:** "systems"

**Strike:** " "

**Insert:** "including natural gas, electrical and"

4. Page 3, line 9.

**Strike:** "systems"

**Insert:** "lines"

5. Page 3, line 10.

**Following:** "housing,"

**Insert:** "streets,"

6. Page 4, line 17.

**Following:** "subsections (2)(b)"

**Insert:** ", (2)(c),"

7. Page 4, line 21.

**Strike:** "The"

**Insert:** "For targeted economic development districts in existence prior to July 1, 2021, and urban renewal areas, the combined mill rates used to calculate the tax increment may not include mill rates for:

(i) the university system mills levied pursuant to 15-10-109 and 20-25-439; and

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- (ii) a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision.
- (c) For targeted economic development districts created after June 30, 2021, the"

9. Page 7, line 1.

**Strike:** ", but in no event may"

**Insert:** ". For targeted economic development districts created after June 30, 2021,"

10. Page 7, line 2.

**Following:** "bonds"

**Insert:** "may not"

11. Page 7, line 2.

**Strike:** "20"

**Insert:** "25"

12. Page 7, line 25 through page 8, line 10.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass.

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

3/31/2021

**HB 334**, be amended as follows:

1. Page 3, line 10 through line 13.

**Strike:** subsection (c) in its entirety

**Insert:** "(c) The medical exemption statement must be signed by a person who:

(i) is licensed, certified, or otherwise authorized by the laws of any state or Canada to provide health care as defined in 50-16-504;

(ii) is authorized within the person's scope of practice to administer the immunizations to which the exemption applies; and"

2. Page 3, line 14.

**Strike:** "(i)"

**Insert:** "(iii) has"

**Following:** "exemption"

**Strike:** "i"

3. Page 3, line 15.

**Strike:** "(ii)"

**Insert:** "has"

4. Page 3, line 15.

**Following:** "person"

**Insert:** "seeking an exemption"

And, as amended, be concurred in.

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4/1/2021

**TAXATION** (Hoven, Chair):

**SB 399**, introduced bill, be amended as follows:

1. Title, line 17.

Following: "15-31-162,"

Insert: "15-31-163,"

2. Title, line 18.

Following: "15-32-106,"

Insert: "15-32-610,"

3. Title, line 24.

**Following:** "15-30-2326,"

**Strike:** "15-30-2342,"

4. Title, line 25.

**Following:** "15-31-137,"

**Strike:** "15-31-151,"

5. Title, line 25 through line 26.

Strike: "15-31-163,"

6. Title, line 28 through page 2, line 1.

Following: "15-32-510," on line 28

Strike: remainder of line 28 through "15-32-611," on page 2, line 1

7. Page 3, line 12.

Strike: "(3)(l)"

Insert: "(3)(m)"

8. Page 4, line 26.

Following: "deducted;"

Strike: "and"

9. Page 5, line 1.

Following: "income"

Insert: "; and

(m) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163"

10. Page 11, line 13.

Strike: "2022"

Insert: "2021"

11. Page 21, line 21.

Following: "17-6-316;"

Strike: "and"

12. Page 21, line 23.

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Following: "15-31-162"

Insert: "; and

(c) the credit for property to recycle or manufacture using recycled material provided for in Title 15, chapter 32, part 6"

13. Page 21, line 24.

**Strike:** "credit for unlocking state lands provided for in 15-30-2380"

**Insert:** "following tax credits"

14. Page 21, line 25.

**Following:** "2025:"

**Insert:** ":"

15. Page 22, line 3.

**Following:** "~~in 15-30-2380~~"

**Insert:** "(a) the credit for preservation of historic buildings provided for in 15-30-2342 and 15-31-151; and

(b) the credit for unlocking state lands provided for in 15-30-2380"

16. Page 42.

Following: line 6

Insert: "**Section 28.** Section 15-31-163, MCA, is amended to read:

**"15-31-163. Capital gain exclusion from sale of mobile home park.** (1) The following amount of the gain recognized from the sale or exchange of a mobile home park as defined in 70-33-103 is excluded from ~~adjusted gross~~ Montana taxable income or gross income under chapter 30 or 31:

(a) 100% of the recognized gain for a mobile home park with 50 or fewer lots; or

(b) 50% of the recognized gain for a mobile home park with more than 50 lots.

(2) To qualify for the exclusion under this section, the sale must be made to:

(a) a tenants' association or a mobile home park residents' association;

(b) a nonprofit organization under section 501(c)(3) of the Internal Revenue Code that purchases a mobile home park on behalf of tenants' association or mobile home park residents' association;

(c) a county housing authority created under Title 7, chapter 15, part 21; or

(d) a municipal housing authority created under Title 7, chapter 15, parts 44 and 45.

(3) A corporation, an individual, a partnership, an S. corporation, or a disregarded entity qualifies for the exclusion under this section. If the exclusion allowed under this section is taken by a partnership, an S. corporation, or a disregarded entity, the exclusion must be attributed to shareholders, partners, or other owners using the same proportion used to report the partnership's, S. corporation's, or disregarded entity's income or loss for Montana income tax purposes.

(4) For the purpose of this section, "tenants' association" or "mobile home park residents' association" means a group of six or more tenants who reside in a mobile home park, have organized for the purpose of eventual purchase of the mobile home park, have established bylaws of the association, and have obtained the approval by vote of at least 51% of the residents of the mobile home park to purchase the mobile home park.

(5) Property subject to an income or corporate tax exclusion under this section is not eligible for a property tax exemption under Title 15, chapter 6, part 2, while the property is used as a mobile home park.""

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**Renumber:** subsequent sections

17. Page 45.

Following: line 10

Insert: "**Section 32.** Section 15-32-610, MCA, is amended to read:

**"15-32-610. Deduction for purchase of recycled material.** In addition to all other deductions from ~~adjusted gross individual~~ Montana taxable income allowed in computing taxable income under Title 15, chapter 30, or from gross corporate income allowed in computing net income under Title 15, chapter 31, part 1, a taxpayer may deduct an additional amount equal to 10% of the taxpayer's expenditures for the purchase of recycled material that was otherwise deductible by the taxpayer as business-related expense in Montana."

**Renumber:** subsequent sections

18. Page 92, line 21.

**Strike:** "15-30-2342. Credit for preservation of historic buildings."

19. Page 93, line 5.

**Strike:** "15-31-151. Credit for preservation of historic buildings."

20. Page 93, line 6.

**Strike:** "15-31-163. Capital gain exclusion from sale of mobile home park."

21. Page 94, line 1 through line 8.

**Strike:** line 1 through line 8 in their entirety

And, as amended, do pass.

Without objection, committee reports were adopted.

### MOTIONS

Majority Leader Smith moved **SB 333**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved to appoint a Free Conference Committee on **SB 354** and request the House to appoint a like committee. Motion carried. President Blasdel appointed:

4/1/2021

Senator Hinebauch, Chair

Senator Fitzpatrick

Senator McClafferty

Senator Hoven moved to take **SB 387** from the State Administration Committee and place it on second reading the sixty-fifth legislative day. Motion **failed** as follows:

Yeas: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, Molnar, Regier K, Salomon, Smith C, Mr. President.  
Total 20

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Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.  
Total 30

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Senator Hertz moved to take **SB 397** from the Local Government Committee and place it on second reading the sixty-fifth legislative day. Motion **failed** as follows:

Yeas: Boldman, Brown, Ellsworth, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Keenan, Lynch, Manzella, McGillvray, Morigeau, Regier K, Salomon, Smith C, Sweeney, Mr. President.  
Total 21

Nays: Ankney, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gillespie, Gross, Howard, Kary, Lang, McClafferty, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Tempel, Vance, Webber, Welborn.  
Total 29

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):  
**HB 158**, be amended as follows:

3/31/2021

1. Page 2, line 15 through line 16.  
Strike: "USING" on line 15 through "RESOURCES" on line 16

And, as amended, be concurred in.

**HB 276**, be amended as follows:

1. Page 2.  
Following: line 11



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**Insert:** "COORDINATION SECTION. Section 3. Coordination instruction. If House Bill No. 477 and [this act] are passed and approved and if both contain a section that amends 2-15-1744, then the sections amending 2-15-1744 are void and 2-15-1744 must be amended as follows:

**"2-15-1744. Board of behavioral health.** (1) (a) The governor shall appoint, with the consent of the senate, a board of behavioral health consisting of nine members.

(b) ~~Three~~ Two members must be licensed social workers, and ~~three~~ two must be licensed professional counselors. ~~At least one of these members who is licensed as a social worker or professional counselor must also be licensed as a marriage and family therapist.~~

(c) One member must be appointed from and represent the general public and may not be engaged in social work.

(d) Two members must be licensed addiction counselors.

(e) One member must be a certified behavioral peer support specialist.

(f) One member must be a licensed marriage and family therapist.

(2) The board is allocated to the department for administrative purposes only as provided in 2-15-121.

(3) Members shall serve staggered 4-year terms.""

And, as amended, be concurred in.

Without objection, committee reports were adopted.

### SPECIAL ORDERS OF THE DAY

Senator Glimm thanked the Pages for their service this week.

### ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, April 6, 2021, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 2:51 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate