

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

Helena, Montana
April 8, 2021

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Sweeney and Tempel excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

4/8/2021

Correctly printed: **SB 333, SB 398, SB 400, SJ 25, SR 96, HB 90, HB 264, HB 334, HB 337, HB 426, HB 502, HB 527, HB 555, HB 586, HB 598, HJ 4.**

Correctly engrossed: **HB 188, HB 257, HB 365, SR 95.**

Transmitted to the House: **SB 86, SB 323, SB 333, SB 376, SB 379, SB 384, SB 385, SB 388, SB 392, SB 395, SB 396, SB 398, SB 399, SB 400, SB 402, SB 403, HB 90, HB 170, HB 264, HB 334, HB 426, HB 502, HB 527, HB 555, HB 586, HB 598, HJ 4.**

Delivered to the Secretary of State at 3:44 p.m., April 8, 2021: **SR 38, SR 84, SR 87, SR 89, SR 90.**

Delivered to the Governor for information April 8, 2021: **SR 38, SR 84, SR 87, SR 89, SR 90.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):

4/7/2021

SB 398, do pass.

Without objection, the committee report was adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 661, introduced by J. Kassmier, W. Galt, D. Bartel, C. Knudsen, B. Ler, referred to Taxation.

HB 663, introduced by B. Ler, D. Skees, J. Read, L. Jones, D. Lenz, W. Galt, S. Berglee, F. Garner, M. Noland, B. Tschida, S. Gunderson, M. Regier, L. Sheldon-Galloway, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, T. Welch, B. Beard, R. Knudsen, J. Kassmier, B. Putnam, B. Phalen, J. Carlson, K. Zolnikov, B. Mitchell, P. Fielder, S. Galloway, S. Gist, J. Schillinger, M. Malone, J. Gillette, C. Hinkle, R. Marshall, referred to Education and Cultural Resources.

HB 681, introduced by J. Kassmier, W. Galt, C. Knudsen, B. Ler, referred to Agriculture, Livestock and Irrigation.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

HB 705, introduced by E. Buttrey, D. Salomon, R. Fitzgerald, M. Hopkins, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced and read first time:

HB 340, introduced by W. Galt, G. Hertz, C. Knudsen.

HB 683, introduced by B. Mercer, M. Regier, T. Moore.

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 379 passed as follows:

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

Total 27

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

Total 21

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

SB 400 passed as follows:

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

Total 28

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

Total 20

Voted absentee: None.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

HB 334 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, Vance, Mr. President.

Total 29

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

Total 19

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

SB 176 failed as follows:

Yeas: Bogner, Glimm, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, McGillvray, Molnar, Regier K, Small.

Total 12

Nays: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Kary, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Smith C, Vance, Webber, Welborn, Mr. President.

Total 36

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

SB 385 passed as follows:

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

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

SB 395 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, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

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

HB 20, Conference Committee Report No. 1, 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,

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Howard, Jacobson, Kary, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.

Total 46

Nays: Keenan, Lynch.

Total 2

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

HB 90 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, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: None.

Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

HB 264 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, Hoven, Howard, Jacobson, Kary, Lang, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Vance, Webber, Welborn, Mr. President.

Total 42

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Nays: Hinebauch, Keenan, Lynch, Manzella, Molnar, Smith C.

Total 6

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

HB 426 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, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: None.

Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

HB 502 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, Sands, Small, Smith C, Vance, Welborn, Mr. President.

Total 31

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

Total 17

Voted absentee: None.

Excused: Sweeney, Tempel.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Total 2

Absent or not voting: None.

Total 0

HB 527 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, Salomon, Small, Smith C, Vance, Mr. President.

Total 28

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

Total 20

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

HB 555 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, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: None.

Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.

Total 0

HB 586 concurred in as follows:

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

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, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 598 concurred in as follows:

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

Nays: Cuffe, Kary, Keenan.
Total 3

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

Senator Tempel present at this time.

HJ 4 concurred in 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, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien,

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

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

Total 45

Nays: Cuffe, Hinebauch, Howard, Vance.

Total 4

Voted absentee: None.

Excused: Sweeney.

Total 1

Absent or not voting: None.

Total 0

SB 333 passed as follows:

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

Total 40

Nays: Cuffe, Ellis, Fitzpatrick, Kary, Osmundson, Pope, Salomon, Vance, Welborn.

Total 9

Voted absentee: None.

Excused: Sweeney.

Total 1

Absent or not voting: None.

Total 0

SB 398 passed 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, Welborn, Mr. President.

Total 26

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

Total 23

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Voted absentee: None.

Excused: Sweeney.

Total 1

Absent or not voting: None.

Total 0

**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:

HB 2 - Senator Osmundson moved **HB 2** be concurred in.

Senator Osmundson, Chair of the Finance and Claims Committee, made opening comments, thanked the subcommittees for their work, and gave an overview of **HB 2**.

Senator Ellis, Vice-Chair of the Finance and Claims Committee, thanked staff for their expertise and assistance, and thanked subcommittees for their work.

SECTION A. General Government

Senator Osmundson moved to open **Section A**. Without objection, so ordered.

Senator Lang acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section A: Legislative Branch, Consumer Counsel, Governor's Office, Commissioner of Political Practices, Office of the State Auditor, Department of Revenue, Department of Administration, Department of Commerce, Department of Labor and Industry, and the Department of Military Affairs.

Senator Sweeney present at this time.

HB 2 - Senator Lang moved **HB 2**, second reading copy, be amended with amendment **A002** as follows:

1. Page A-5:

Strike: Lines 8 through 9 in their entirety

2. Page A-6:

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Strike: Lines 10 through 11 in their entirety

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: Hinebauch, Aye.

Excused: Hinebauch.
Total 1

Absent or not voting: None.
Total 0

Senator Osmundson moved to close **Section A**. Without objection, so ordered.

Senate recessed at 9:52 a.m. and reconvened at 10:00 a.m., Senator Fitzpatrick in the chair.

SECTION B. Department of Public Health and Human Services

Senator Osmundson moved to open **Section B**. Without objection, so ordered.

Senator Keenan thanked fellow committee members and staff and then reviewed the budget of the Department of Public Health and Human Services.

Senators Cuffe and Howard, excused.

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended with amendment **B006** as follows:

1. Page B-5: .

Following: line 20

Insert: "The department shall transmit a written report to the legislative fiscal analyst by the December 1, 2021. This report must include a detailed accounting of the initial establishment of the contingency funding, by division, 1st level expenditure, SABHRS subclass, and fund. The department shall transmit two further written reports to the

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

legislative fiscal analyst by September 1, 2022 and September 1, 2023. These reports must include a detailed accounting of the manner in which the department utilized the contingency funding, by division, 1st level expenditure, SABHRS subclass, and fund, in the most recently completed fiscal year."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, 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 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Cuffe, Howard.
Total 2

Absent or not voting: None.
Total 0

Senator Cuffe present at this time.

Senator Howard present at this time.

HB 2 - Senator Gross moved **HB 2**, second reading copy, be amended with amendment **B001** as follows:

1. Page B-3, line 17:

Strike: "11,592,903 11,642,545"	[General Fund FY22 FY23]
Insert: "12,177,967 13,007,694"	[General Fund FY22 FY23]
Strike: "29,338,297 29,288,655"	[Federal Special Fund FY22 FY23]
Insert: "30,421,983 31,817,256"	[Federal Special Fund FY22 FY23]

Amendment **not** adopted as follows:

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

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Nays: 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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended with amendment **B005** as follows:

1. Page B-2, line 13:

Strike: "46,319,421 47,630,491" [General Fund FY22 FY23]

Insert: "48,281,752 49,602,655" [General Fund FY22 FY23]

Strike: "91,526,072 93,509,030" [Federal Special Fund FY22 FY23]

Insert: "95,182,441 97,155,566" [Federal Special Fund FY22 FY23]

Amendment **not** adopted as follows:

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

Nays: 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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

HB 2 - Senator Morigeau moved **HB 2**, second reading copy, be amended with amendment **B002** as follows:

1. Page B-3, line 26:

Strike: "9,662,945 11,064,470" [General Fund FY22 FY23]

Insert: "10,162,945 11,564,470" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

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

Total 22

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

Total 28

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended with amendment **B004** as follows:

1. Page B-2, line 26:

Strike: "16,955,429 16,129,236" [General Fund FY22 FY23]

Insert: "22,236,653 21,510,999" [General Fund FY22 FY23]

Strike: "433,932,376 437,942,238" [Federal Special Fund FY22 FY23]

Insert: "428,651,152 432,560,475" [Federal Special Fund FY22 FY23]

Amendment **not** adopted as follows:

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

Total 19

Nays: 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.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

President.

Total 31

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Senator O'Brien moved **HB 2**, second reading copy, be amended with amendment **B007** as follows:

1. Page B-3, line 24: .

Strike: "12,038,326 12,049,130" [General Fund FY22 FY23]

Insert: "13,238,326 13,249,130" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

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

Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, 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 30

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Senator Molnar moved **HB 2**, second reading copy, be amended with amendment **B008** as follows:

1. Page B-2, line 26: .

Strike: "16,955,429 16,129,236" [General Fund FY22 FY23]

Insert: "0 0" [General Fund FY22 FY23]

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Strike: "23,400,934 24,502,375" [State Special Fund FY22 FY23]

Insert: "0 0" [State Special Fund FY22 FY23]

2. Page B-3, line 19: .

Strike: "858,021 865,204" [General Fund FY22 FY23]

Insert: "0 0" [General Fund FY22 FY23]

3. Page B-4, line 5: .

Strike: "6,555,207 6,833,564" [General Fund FY22 FY23]

Insert: "0 0" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

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

Total 20

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

Total 30

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Osmundson moved to close **Section B**. Without objection, so ordered.

Senate recessed at 11:20 a.m. and reconvened at 11:32 a.m., Senator Fitzpatrick in the chair.

SECTION C. Natural Resources and Transportation

Senator Osmundson moved to open **Section C**. Without objection, so ordered.

Senator Ankney acknowledged and thanked fellow committee members and staff then reviewed agencies in Section C: Department of Fish, Wildlife, and Parks, Department of Environmental Quality, Department of Transportation, Department of Livestock, Department of Natural Resources and Conservation, and the Department of Agriculture.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with amendment **C001** as follows:

1. Page C-3, line 11:

Strike: "837,179 847,650" [General Fund FY22 FY23]
Insert: "802,742 813,125" [General Fund FY22 FY23]
Strike: "2,758,251 2,761,005" [State Special Fund FY22 FY23]
Insert: "2,598,843 2,601,100" [State Special Fund FY22 FY23]
Strike: "709,518 712,682" [Federal Special Fund FY22 FY23]
Insert: "620,943 623,860" [Federal Special Fund FY22 FY23]

2. Page C-4:

Following: line 15

Insert: "The Central Management Program includes a reduction in general fund of \$34,437 in FY 2022 and \$34,525 in FY 2023, state special revenue of \$159,408 in FY 2022 and \$159,905 in FY 2023, and federal special revenue of \$88,575 in FY 2022 and \$88,822 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

3. Page C-5, line 4: .

Strike: "135,104,044 135,391,799" [State Special Fund FY22 FY23]
Insert: "133,394,730 133,678,343" [State Special Fund FY22 FY23]
Strike: "8,969,540 8,973,763" [Federal Special Fund FY22 FY23]
Insert: "8,081,261 8,082,641" [Federal Special Fund FY22 FY23]

Following: line 22

Insert: "The Maintenance Program includes a reduction in state special revenue of \$1,709,314 in FY 2022 and \$1,713,456 in FY 2023 and federal special revenue of \$888,279 in FY 2022 and \$891,122 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

4. Page C-6, line 9:

Strike: "3,000,805 3,063,845" [General Fund FY22 FY23]
Insert: "2,981,572 3,044,546" [General Fund FY22 FY23]
Strike: "2,171,582 2,175,133" [State Special Fund FY22 FY23]
Insert: "2,102,073 2,105,933" [State Special Fund FY22 FY23]
Strike: "1,988,699 1,992,962" [Federal Special Fund FY22 FY23]
Insert: "1,977,276 1,981,500" [Federal Special Fund FY22 FY23]

Following: line 27

Insert: "The Animal Health Division includes a reduction in general fund of \$19,233 in FY 2022 and \$19,299 in FY 2023, state special revenue of \$69,506 in FY 2022 and \$69,200 in FY 2023, and federal special revenue of \$11,423 in FY 2022 and \$11,462 in FY 2023."

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

5. Page C-9, line 10:

Strike: " <u>248,240</u> "	<u>252,961</u> "	[General Fund FY22 FY23]
Insert: "240,834	245,540"	[General Fund FY22 FY23]
Strike: " <u>1,435,162</u> "	<u>1,438,415</u> "	[State Special Fund FY22 FY23]
Insert: "1,367,370	1,370,421"	[State Special Fund FY22 FY23]
Strike: " <u>142,263</u> "	<u>141,413</u> "	[Federal Special Fund FY22 FY23]
Insert: "128,571	127,682"	[Federal Special Fund FY22 FY23]
Strike: " <u>138,297</u> "	<u>138,561</u> "	[Proprietary FY22 FY23]
Insert: "134,382	134,639"	[Proprietary FY22 FY23]

6. Page C-10:

Following: line 1

Insert: "The Central Management Division includes a reduction in general fund of \$7,406 in FY 2022 and \$7,421 in FY 2023, state special revenue of \$67,792 in FY 2022 and \$67,994 in FY 2023, federal special revenue of \$13,692 in FY 2022 and \$13,731 in FY 2023, and proprietary funds of \$3,915 in FY 2022 and \$3,922 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

Amendment **adopted** 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, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 39

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Pomnichowski, Pope, Sweeney, Webber.

Total 11

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Osmundson moved to close **Section C**. Without objection, so ordered.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Senate recessed at 12:02 p.m. and reconvened at 1:10 p.m., Senator Fitzpatrick in the chair.

SECTION D. Corrections and Public Safety

Senator Osmundson moved to open **Section D**. Without objection, so ordered.

Senator Howard acknowledged and thanked fellow committee members and staff then reviewed agencies in Section D: Judiciary, Department of Justice, Public Service Commission, Office of State Public Defender, and the Department of Corrections.

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with amendment **D001** as follows:

1. Page D-2, line 14: .

Strike: "a. Montana Highway Patrol Boulder Campus"

Insert: "a. Montana Highway Patrol Boulder Campus (Restricted)"

2. Page D-3: .

Following: "line 25"

Insert: "The Montana Highway Patrol Boulder Campus may only be used for expenditures related to the Boulder Campus."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, 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, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 47

Nays: Cohenour, Ellis, Gross.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Osmundson moved to close **Section D**. Without objection, so ordered.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Senate recessed at 1:26 p.m. and reconvened at 1:30 p.m., Senator Fitzpatrick in the chair.

SECTION E. Education

Senator Osmundson moved to open **Section E**. Without objection, so ordered.

Senator Salomon acknowledged and thanked fellow committee members and staff then reviewed agencies in Section E: Office of Superintendent of Public Instruction, Board of Public Education, Commissioner of Higher Education, School for the Deaf and Blind, Montana Arts Council, Montana State Library Commission, and the Montana Historical Society.

HB 2 - Senator Morigeau moved **HB 2**, second reading copy, be amended with amendment **E001** as follows:

1. Page E-8:

Following: line 20

Insert: "b. Montana Promise Grant Program (Restricted/Biennial/OTO)"

Insert: "500,000 500,000" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

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

Total 21

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

Total 29

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Senator McClafferty moved **HB 2**, second reading copy, be amended with amendment **E002** as follows:

1. Page E-2, line 7:

Strike: "663,862 663,862" [General Fund FY22 FY23]

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Insert: "1,263,862 1,263,862" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

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

Total 22

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, 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 28

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Osmundson moved to close **Section E**. Without objection so ordered.

HB 2 - As amended, **HB 2** was concurred in as follows:

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

Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Keenan, Lang, McGillvray, McNally, Molnar, O'Brien, Pomnichowski, Sands, Webber.

Total 16

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

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

Total 42

Nays: Boland, Cohenour, Fox, Gross, Molnar, Pomnichowski, Sands, Webber.

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

HB 2, as amended by the Senate, concurred in as follows:

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

Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Keenan, Lang, McGillvray, McNally, Molnar, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

MOTIONS

Senator Bennett moved to change his third-reading vote on **SB 395** from No to Yes. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/7/2021

HB 46, be concurred in.

HB 181, be concurred in.

HB 206, be concurred in.

HB 403, be concurred in.

HB 572, be amended as follows:

1. Title, line 8.

Following: "COSTS;"

Strike: "EXEMPTING SCHOOL MARSHALS FROM CERTAIN CONCEALED CARRY PROHIBITIONS;"

2. Title, line 9.

Strike: "SECTIONS 45-8-328 AND"

Insert: "SECTION"

3. Page 3, line 1 through line 2.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

4. Page 3, line 21 through page 4, line 10.

Strike: section 5 in its entirety

Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/7/2021

HB 509, be amended as follows:

1. Page 1, line 11.

Strike: "A"

Insert: "Except as provided in subsection (2), a"

2. Page 1, line 13 through line 19.

Strike: "if" on line 13 through the second "campaign" on line 19

3. Page 1, line 21.

Following: "(1)"

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Insert: "for emergency purposes or"

And, as amended, be concurred in.

STATE ADMINISTRATION (Kary, Chair):

4/7/2021

HB 72, be concurred in.

HB 362, be concurred in.

HB 483, be amended as follows:

1. Page 1.

Following: line 28

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If both House Bill No. 588 and [this act] are passed and approved, then [section 1(4)] of [this act] must be amended as follows:

"(4) The number of members of the personal staff of the leadership of the legislature who are exempted by ~~subsection (1)~~ this section may not exceed:

- (a) one personal staff for the speaker of the house of representatives;
- (b) one personal staff for the minority leader of the house of representatives;
- (c) one personal staff for the president of the senate; and
- (d) one personal staff for the minority leader of the senate."

Renumber: subsequent section

And, as amended, be concurred in.

HB 491, be concurred in.

HB 590, be concurred in.

HJ 21, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SR 97, introduced by C. Smith, referred to Judiciary.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, April 9, 2021, the sixty-eighth legislative day. Motion carried.

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - APRIL 8, 2021

Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate