

**SENATE JOURNAL  
67TH LEGISLATURE  
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 22, 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):

4/22/2021

Correctly printed: **SJ 26, SJ 28, SJ 33, SJ 34, SR 93, SR 99, HB 188, HB 191, HB 235, HB 247, HB 464, HB 522, HB 624, HB 641, HB 647, HB 665, HB 689, HB 696, HB 704.**

Correctly engrossed: **HB 4, HB 357, HB 655, HB 663, HB 671, HB 678, HB 701.**

Correctly enrolled: **SB 174, SB 185, SB 199, SB 201, SB 251, SB 294, SB 327, SB 328, SB 358, SJ 6, SJ 7, SJ 11, SJ 17.**

Examined by the sponsor and found to be correct: **SB 174, SB 185, SB 199, SB 201, SB 216, SB 251, SB 257, SB 294, SB 327, SB 328, SB 358, SB 372, SJ 6, SJ 7, SJ 10, SJ 11, SJ 17.**

Transmitted to the House: **SJ 26, SJ 28, HB 8, HB 188, HB 247, HB 464, HB 624, HB 641, HB 647, HB 665, HB 689, HB 696.**

Signed by the Secretary of the Senate at 11:15 a.m., April 21, 2021: **SJ 5, SJ 19, SJ 21, SR 74, SR 88, SR 95, SR 97.**

Signed by the Secretary of the Senate at 1:45 p.m., April 21, 2021: **SB 247, SB 253, SB 301, SB 314, SB 337, SB 338, SB 350, SB 360, SJ 8, SR 98.**

Signed by the President at 6:15 a.m., April 22, 2021: **SJ 5, SJ 19, SJ 21, SR 74, SR 88, SR 95, SR 97.**

Signed by the President at 6:30 a.m., April 22, 2021: **SB 247, SB 253, SB 301, SB 314, SB 337, SB 338, SB 350, SB 360, SJ 8, SR 98.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Lang, Chair):

4/20/2021

**SJ 27**, do pass.

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

4/22/2021

**SJ 31**, do pass.

**SJ 32**, introduced joint resolution, be amended as follows:

1. Title, line 5 through line 6.

Strike: "ON" on line 5 through "REDEVELOPMENT" on line 6

Insert: "OF LOCAL ZONING AND STATE AND LOCAL SUBDIVISION AND WATER AND

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SANITATION LAWS AND REGULATORY PROCESSES AND HOW THEY AFFECT  
DEVELOPMENT AND THE AVAILABILITY OF WORKFORCE HOUSING"

2. Page 2, line 16.

Strike: ":"

Insert: "examine local zoning and state and local subdivision and water sanitation review laws, regulations, fees, and processes that affect development and that impact the availability of workforce housing.

BE IT FURTHER RESOLVED, that the study include review of:

- (1) statutes governing county and municipal zoning;
- (2) statutes governing local government and state agency subdivision review;
- (3) local zoning and subdivision regulations;
- (4) local growth policies and area plans;
- (5) state agency and local government processes and review fees and state agency administrative rules that govern review of subdivision applications;
- (6) the need for and availability of workforce housing in Montana;
- (7) costs to local governments, developers, and state agencies for local and state subdivision review and how those costs affect housing prices; and
- (8) ways to improve land use planning and other regulatory processes that may enhance the availability of workforce housing and other developments in a manner that protects public health, safety, and welfare and that minimizes adverse impacts to water resources, wildlife, and the natural environment.

BE IT FURTHER RESOLVED, that the study:"

3. Page 2, line 17 through line 21.

Strike: subsections (1) and (2) in their entirety

Renumber: subsequent subsections

4. Page 3, line 6 through line 8.

Following: "study" on line 6

Strike: remainder of line 6 through line 8 in their entirety

Insert: "seek information and participation from local governments, state agencies, organizations representing realtors, builders, land use planners, environmental interests, property owners, affordable housing advocates, developers, and any other person or entity that the committee considers appropriate."

And, as amended, do pass.

Without objection, committee reports were adopted.

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**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 306**  
Report No. 001, April 21, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 306** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 306** (reference copy -- salmon) be amended as follows:

1. Page 2, line 15.

**Strike:** "TWO"

**Insert:** "three"

For the Senate:

Lang, Chair  
Flowers  
Hinebauch

For the House:

C. Knudsen, Vice Chair  
Farris-Olsen  
Phalen

**SELECT COMMITTEE ON MARIJUANA LAW** (Ellsworth, Chair):  
**HB 701**, be amended as follows:

4/21/2021

The amendments are available in HB 0701.002.034.docx, and will be incorporated into the Journal.

And, as amended, be concurred in.

A printed copy of the Amendment in Context file for **HB 701**, referenced above, is attached following page 39 of this Journal.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

4/21/2021

**SB 44**, introduced by J. Esp

**SB 147**, introduced by M. McNally

**SB 214**, introduced by G. Hertz

**SB 263**, introduced by M. Cuffe

**SB 269**, introduced by B. Hoven

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**SB 288**, introduced by W. Sales  
**SB 308**, introduced by J. Welborn  
**SB 326**, introduced by M. Lang  
**SB 370**, introduced by J. Ellsworth

**Senate joint resolutions** concurred in and returned to the Senate: 4/21/2021

**SJ 3**, introduced by T. Gauthier  
**SJ 13**, introduced by S. Hinebauch

**Senate bill not** concurred in and returned to the Senate: 4/21/2021

**SB 361**, introduced by B. Hoven

**Senate amendments to House bills** concurred in: 4/21/2021

**HB 336**, introduced by B. Ler  
**HB 416**, introduced by D. Lenz  
**HB 423**, introduced by D. Lenz  
**HB 496**, introduced by B. Mercer

**House joint resolutions** passed and transmitted to the Senate for concurrence: 4/21/2021

**HJ 27**, introduced by K. Holmlund  
**HJ 30**, introduced by L. Brewster  
**HJ 36**, introduced by D. Fern

**HB 448** - The House failed to concur in Senate amendments to **HB 448**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 448**:

4/21/2021

Representative Kassmier, Vice Chair  
Representative Brewster  
Representative Sullivan

**HB 632** - The House failed to concur in Senate amendments to **HB 632**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 632**:

4/21/2021

Representative Garner, Vice Chair  
Representative Bartel  
Representative Keane

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**SB 191** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 191**:

4/21/2021

Representative Jones, Vice Chair  
Representative Bartel  
Representative Kerr-Carpenter

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJ 35**, introduced by C. Friedel, referred to Public Health, Welfare and Safety.

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

**HJ 27**, introduced by K. Holmlund, D. Salomon, R. Osmundson, M. Caferro, L. Jones, W. Curdy, V. Ricci, J. Schillinger, referred to Natural Resources.

**HJ 30**, introduced by L. Brewster, M. Bertoglio, G. Custer, D. Fern, F. Fleming, S. Galloway, S. Gist, S. Greef, S. Gunderson, D. Harvey, D. Hawk, E. Hill, M. Hopkins, S. Kerns, M. Noland, J. Schillinger, M. Thane, K. Whitman, K. Zolnikov, T. McGillvray, referred to Local Government.

**HJ 36**, introduced by D. Fern, M. Dunwell, T. Welch, B. Beard, B. Mitchell, S. Gist, J. Schillinger, referred to Taxation.

**SPECIAL ORDERS OF THE DAY**

Senator Sweeney read a Joint Proclamation of the Montana Legislature wherein the Legislature recognizes and commends the Boys & Girls Clubs of Montana and congratulates the young people who have been named Youth of the Year:

Kasey Reed, Boys and Girls Club of Yellowstone County  
Victoria Rinehart, Malmstrom AFB Youth Program  
Patricia Morsette, HELP Committee and Boys & Girls Club of the Hi-Line  
Lillian Leininger, Boys & Girls Club of Southwest Montana

Signed:

Mark Blasdel, President of the Senate  
Cary Smith, Senate Majority Leader  
Jill Cohenour, Senate Minority Leader

E. Wylie Galt, Speaker of the House  
Sue Vinton, House Majority Leader  
Kim Abbott, House Minority Leader

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**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 8** 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 247** concurred in as follows:

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

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 464** concurred in as follows:

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

Total 32

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

Total 18

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None

Total 0

**HB 624** concurred in as follows:

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

Total 27

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

Total 23

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 641** 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,

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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 647** concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McGillvray, McNally, Morigeau, O'Brien, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Welborn.  
Total 33

Nays: Ankney, Cohenour, Ellis, Ellsworth, Gross, Hertz, Hoven, Keenan, McClafferty, Molnar, Osmundson, Pomnichowski, Pope, Sands, Vance, Webber, Mr. President.  
Total 17

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 665** concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 34

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



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Total 16

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 689** concurred in 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, Tempel, Vance, Welborn, Mr. President.  
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, 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 696** 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

**SB 39, Conference Committee Report No. 1, not 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 108, as amended by the House, passed as follows:**

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

**SB 184, as amended by the House**, passed as follows:

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

Total 33

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

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 287, as amended by the House**, passed as follows:

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

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 363, as amended by the House**, passed as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, 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, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.  
Total 47

Nays: Cohenour, O'Brien, Webber.  
Total 3

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 367, as amended by the House**, passed as follows:

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

Nays: Esp, Howard, Keenan, Smith C.  
Total 4

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJ 16, as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 33

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

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJ 26** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.  
Total 39

Nays: Cuffe, Ellsworth, Esp, Glimm, Hinebauch, Howard, Keenan, Lang, Osmundson, Tempel, Vance.  
Total 11

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJ 28** 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, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.  
Total 45

Nays: Hoven, Lang, Molnar, Tempel, Webber.  
Total 5

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 188** 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, 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

**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 Glimm in the chair.

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

**HB 620, HB 591, SB 300** - Majority Leader Smith moved consideration of **HB 620, HB 691,** and **SB 300** be placed at the bottom of the second reading board. Without objection, so ordered.

**HB 702** - Majority Leader Smith moved consideration of **HB 702** be placed as item #3 on the second reading board. Without objection, so ordered.

**HB 367** - Senator Brown moved **HB 367** be concurred in.

**HB 367** - Senator Jacobson moved **HB 367**, second reading copy, be amended as follows:

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1. Title, line 12.

**Strike:** "RIGHTS"

**Insert:** "OPPORTUNITY"

2. Title, line 12.

**Strike:** "HUNT, FISH, TRAP, AND"

**Following:** "WILDLIFE"

**Insert:** "THROUGH HUNTING, FISHING, AND TRAPPING"

3. Title, line 13 through line 17.

**Strike:** "ESTABLISHING" on line 13 through "RIGHTS;" on line 17

4. Page 1, line 19.

**Strike:** "; and"

**Insert:** "."

5. Page 1, line 20 through page 2, line 17.

**Strike:** "WHEREAS" on page 1, line 20 through "wildlife." on page 2, line 17

6. Page 2, line 21 through page 3, line 3.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1.** Article IX, section 7, of The Constitution of the State of Montana is amended to read:

**"Section 7. Preservation of harvest heritage.** The opportunity to harvest wild fish and ~~wild game animals~~ wildlife through hunting, fishing, and trapping is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights."

Amendment **not** adopted as follows:

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

Total 25

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

Total 25

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

**HB 367** - Thereupon, the Senate reverted to the original motion of Senator Brown which passed as follows:

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

Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Hoven, Lynch, 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 681** - Senator Gillespie moved **HB 681** 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 702** - Senator McGillvray moved **HB 702** be concurred in.



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**HB 702** - Senator Lynch moved **HB 702**, second reading copy, be amended as follows:

1. Title, line 10 through line 11.

**Strike:** "OR" on line 10 through "APPROPRIATION" on line 11

2. Title, line 11.

**Following:** "APPROPRIATION;"

**Insert:** "PROHIBITING GOVERNMENTAL ENTITIES AND EMPLOYERS FROM REQUIRING A PERSON TO RECEIVE A VACCINE THAT IS NOT FEDERALLY APPROVED;"

3. Page 1, line 13 through line 18.

**Strike:** line 13 through line 18 in their entirety

4. Page 1, line 22 through line 23.

**Strike:** "status" on line 22 through "definitions" on line 23

5. Page 1, line 23.

**Following:** "definitions."

**Strike:** "(1)"

6. Page 1, line 24.

**Strike:** "(a)"

**Insert:** "(1)"

7. Page 1, line 24 through line 27.

**Following:** the first "to" on line 24

**Insert:** "require a person to receive a vaccine that is not approved by the United States food and drug administration"

**Strike:** "refuse," on line 24 through "passport" on line 27

8. Page 1, line 28.

**Strike:** "(b)"

**Insert:** "(2)"

9. Page 2, line 2 through line 4.

**Following:** "person's" on line 2

**Insert:** "refusal to receive a vaccine that has not been approved by the United States food and drug administration."

**Strike:** remainder of line 2 through line 4 in their entirety

10. Page 2, line 9 through line 13.

**Strike:** subsection (2) in its entirety

11. Page 2, line 15 through line 22

**Strike:** section 2 in its entirety

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**Renumber:** subsequent sections

12. Page 3, line 3.

**Following:** "date."

**Strike:** "(1) Except as provided in subsection (2), [this act]"

**Insert:** "[This act]"

13. Page 3, line 5.

**Strike:** subsection (2) in its entirety

Amendment instruction #11 was segregated and excluded from Senator Lynch's motion.

Amendment **not** adopted as follows:

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

Total 25

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

Total 25

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 702** - Senator Hertz moved **HB 702**, second reading copy, be amended as follows:

1. Page 2, line 9.

**Following:** "~~(3)~~(2)(3)"

**Insert:** "A person, governmental entity, or an employer does not unlawfully discriminate under this section if they recommend that an employee receive a vaccine.

(4) An individual may not be required to receive any vaccine whose use is allowed under an emergency use authorization or any vaccine undergoing safety trials.

(5)"

Amendment **adopted** as follows:

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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

**HB 702** - Senator Molnar moved **HB 702**, second reading copy, be further amended as follows:

1. Title, line 10.

**Following:** "PASSPORT;"

**Insert:** "PROVIDING AN EXCEPTION;"

2. Page 1, line 23.

**Strike:** "It"

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

3. Page 2.

**Following:** line 8

**Insert:** "(2) This section does not apply to vaccination requirements set forth for schools pursuant to Title 20, chapter 5, part 4, or day-care facilities pursuant to Title 52, chapter 2, part 7."

**Renumber:** subsequent subsections

Amendment **adopted** as follows:

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

Total 29

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

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Total 21

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 702** - As amended, **HB 702** was 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 660** - Senator Osmundson moved **HB 660** 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, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 48

Nays: Keenan, Vance.

Total 2

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 593** - Senator Ellsworth moved **HB 593** be concurred in. Motion carried as follows:

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

Total 40

Nays: Cohenour, Gross, Hoven, Jacobson, Lynch, Morigeau, Pomnichowski, Pope, Sweeney, Webber.

Total 10

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 606** - Senator Small moved **HB 606** be concurred in. Motion carried as follows:

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

Total 47

Nays: Cohenour, Ellis, Pomnichowski.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 112 - Conference Committee Report No. 1** - Senator K. Regier moved the Conference Committee report to **HB 112** be adopted. Motion carried as follows:

Yeas: 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, Mr. President.  
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber, Welborn.  
Total 23

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 637** - Senator Brown moved **HB 637** be concurred in. Motion carried 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

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

**HB 658** - Senator Esp moved **HB 658** be concurred in. Motion carried as follows:

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

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Keenan, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Webber.

Total 19

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 Sweeney under Motions.

**HB 709** - Senator Sands moved **HB 709** 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 325** - Senator Brown moved **HB 325** be concurred in. Motion carried 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, Smith C, Tempel, Vance, Welborn, Mr. President.

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Total 29

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

Total 21

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 694** - Senator Friedel moved **HB 694** be concurred in.

**HB 694** - Senator Kary moved **HB 694**, second reading copy, be amended as follows:

1. Title, line 14.

**Following:** "PENALTIES;"

**Insert:** "PROVIDING THAT DIRECTORS APPOINTED TO A COUNTY WATER AND/OR SEWER BOARD MUST SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY; ALLOWING A COUNTY OR MUNICIPALITY TO APPOINT DIRECTORS FOR VACANT SEATS ON A DISTRICT BOARD OF DIRECTORS;"

2. Title, line 16.

**Strike:** "SECTION"

**Insert:** "SECTIONS 7-13-2232, 7-13-2259, 7-13-2262, AND"

4. Page 3.

**Following:** line 8

**Insert:** "Section 3. Section 7-13-2232, MCA, is amended to read:

"7-13-2232. Composition of board of directors. (1) If there are no municipalities within the boundaries of said district, the board of directors shall consist of five members or three members if there are 10 or less qualified electors in the district.

(2) In all cases where the boundaries of such a district include any municipality or municipalities, said the board, in addition to said the five or three directors to be elected as aforesaid provided in subsection (1), shall must consist of one additional director for each of said the municipalities within such the district, each such. Each additional director to must be appointed by the mayor of the municipality for which said the additional director is allowed, and, if there be is any unincorporated territory within said the district, one additional director to must be appointed by the board of county commissioners of each county containing such with unincorporated territory.

(3) All appointed directors serve at the pleasure of the appointing authority.""



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**Insert: "Section 4.** Section 7-13-2259, MCA, is amended to read:

"7-13-2259. Manner of making appointments. (1) The mode of appointment of director or directors by a mayor or by a board of county commissioners shall be by certificate of appointment signed by said mayor or issued by said board of county commissioners and transmitted to the board of directors of said district.

(2) All appointed directors serve at the pleasure of the appointing authority."

**Insert: "Section 5.** Section 7-13-2262, MCA, is amended to read:

"7-13-2262. Vacancies on board of directors -- appointment. (1) (a) Except as provided in subsections (2) and (3), any vacancy in the board of directors, whether the vacant office is elective or appointive, must be filled by majority vote of the remaining directors.

(b) A vacancy in the board of directors, whether it is elective or appointive, must be determined in accordance with 7-13-2263 and must be filled as provided in subsections (2) and (3).

(2) (a) If a vacancy occurs on the board of directors for a seat originally filled as provided in 7-13-2232(1), the remaining directors may appoint a replacement director by majority vote.

(b) If there are no directors remaining on the board and no nominees for any director position to be elected, the county commissioners may appoint the number of directors specified in 7-13-2232(1). If the district lies in more than one county, the county commissioners of each county with territory included in the district shall jointly appoint the directors. The county commissioners shall stagger the terms of the directors appointed.

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

(3) If the boundaries of the district include any municipality or municipalities and a new board must be appointed as provided in subsection (2), the seat held by the board member originally appointed by the mayor of a municipality as provided in 7-13-2232(2) becomes vacant, the board shall include one additional allow the replacement director to be appointed by the mayor of the municipality for which the additional director is allowed.

(4) Following the appointment of a board director in accordance with subsection (2) subsections (2)(a) and (2)(b), the directors director must be elected as provided in this part.

(5) All appointed directors serve at the pleasure of the appointing authority."

**Renumber:** subsequent sections

Amendment **not** adopted as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Friedel, Gillespie, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, McGillvray, Molnar, Salomon, Small, Smith C, Tempel, Vance.

Total 19

Nays: Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Glimm, Gross, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Sweeney, Webber, Welborn, Mr. President.

Total 31

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 694** - Thereupon, the Senate reverted to the original motion of Senator Friedel which **failed** as follows:

Yeas: Ellis, Ellsworth, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, McGillvray, Salomon, Smith C, Mr. President.

Total 14

Nays: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Esp, Fitzpatrick, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.

Total 36

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 694** - Majority Leader Smith moved **HB 694** be **indefinitely postponed**. Motion carried as follows:

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

Total 45

Nays: Friedel, Hertz, Kary, Morigeau, Smith C.

Total 5

Voted absentee: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 648** - Senator Ankney moved **HB 648** be concurred in. Motion carried as follows:

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

Total 35

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

Total 15

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 158** - Senator Molnar moved **HB 158** be concurred in. Motion carried as follows:

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

Total 42

Nays: Boland, Cohenour, Fox, Morigeau, Pomnichowski, Sands, Webber.

Total 7

Voted absentee: None.

Excused: O'Brien.

Total 1

Absent or not voting: None.

Total 0

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Vote totals include a change of vote from No to Yes, made by Senator Gross under Motions. Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

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

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

Total 34

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

Total 16

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senate recessed at 3:24 p.m. for committee meetings. Senate reconvened at 4:33 p.m., President Blasdel in the chair.

Senators Cuffe, Ellsworth, Gross and Hertz excused.

**MOTIONS**

Majority Leader Smith moved that **HB 661** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 637**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 660**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 681**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

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

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

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

**HB 625** - Senator McGillvray moved **HB 625** 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: Cuffe, Ellsworth, Gross, Hertz, Aye.

Excused: Cuffe, Ellsworth, Gross, Hertz.  
Total 4

Absent or not voting: None.  
Total 0

**SB 354 - Free Conference Committee Report No. 1** - Senator Hinebauch moved the Free Conference Committee report to **SB 354** be adopted. Motion **failed** as follows:

Yeas: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Mr. President.  
Total 22

Nays: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gross, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Welborn.  
Total 28

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

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Excused: Cuffe, Ellsworth, Gross.

Total 3

Absent or not voting: None.

Total 0

Senator Hertz present at this time.

**HB 72** - Senator Sales moved **HB 72** 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, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Hoven, Regier K.

Total 2

Voted absentee: Cuffe, Ellsworth, Gross, Aye.

Excused: Cuffe, Ellsworth, Gross.

Total 3

Absent or not voting: None.

Total 0

**HB 635** - Senator Kary moved **HB 635** 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: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.

Total 3

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Absent or not voting: None.

Total 0

**HB 651** - Senator Osmundson moved **HB 651** 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, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.  
Total 21

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.  
Total 3

Absent or not voting: None.  
Total 0

**HB 667** - Senator O'Brien moved **HB 667** 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: Cuffe, Ellsworth, Gross, Aye.

Excused: Cuffe, Ellsworth, Gross.  
Total 3

Absent or not voting: None.  
Total 0

**SJ 18 - House Amendments** - Senator Gillespie moved House amendments to **SJ 18** be concurred in. Motion carried as follows:

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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: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.  
Total 3

Absent or not voting: None.  
Total 0

**SB 87 - House Amendments** - Senator Ankney moved House amendments to **SB 87** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.  
Total 42

Nays: Bennett, Boland, Cohenour, Gross, Morigeau, O'Brien, Pomnichowski, Webber.  
Total 8

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.  
Total 3

Absent or not voting: None.  
Total 0

**SB 142 - House Amendments** - Senator Bogner moved House amendments to **SB 142** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, Molnar,



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Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.  
President.  
Total 31

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

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.  
Total 3

Absent or not voting: None.  
Total 0

**SB 149 - House Amendments** - Senator McGillvray moved House amendments to **SB 149** be  
concurrent 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: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.  
Total 3

Absent or not voting: None.  
Total 0

**SB 224 - House Amendments** - Senator Fitzpatrick moved House amendments to **SB 224** be  
concurrent 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,  
Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.  
President.  
Total 30

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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: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.

Total 3

Absent or not voting: None.

Total 0

**SB 272 - House Amendments** - Senator Vance moved House amendments to **SB 272** 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: Cuffe, Ellsworth, Gross, Aye.

Excused: Cuffe, Ellsworth, Gross.

Total 3

Absent or not voting: None.

Total 0

Senator Gross present at this time.

**SB 284 - House Amendments** - Senator Tempel moved House amendments to **SB 284** be concurred in. Motion carried as follows:

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

Total 40

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Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, McNally, Morigeau, Pope, Webber.  
Total 10

Voted absentee: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.  
Total 2

Absent or not voting: None.  
Total 0

President Blasdel assumed the chair.

**HB 620** - Senator Glimm moved **HB 620** 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: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.  
Total 2

Absent or not voting: None.  
Total 0

**HB 691** - Senator Glimm moved **HB 691** be concurred in. Motion carried as follows:

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

Nays: None.  
Total 0

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Voted absentee: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.

Total 2

Absent or not voting: None.

Total 0

**SB 300 - Free Conference Committee Report No. 1** - Senator Glimm moved the Free Conference Committee report to **SB 300** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, 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: Gross, Jacobson, Lynch.

Total 3

Voted absentee: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.

Total 2

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

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

Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.

Total 13

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Voted absentee: None.

Excused: Cuffe, Ellsworth.  
Total 2

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair): 4/21/2021  
**SJ 30**, do pass.

Without objection, the committee report was adopted.

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on **House Bill 502**  
Report No. 001, April 22, 2021

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 502** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 502** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "PARENT;"

**Strike:** "AND"

2. Title, line 8.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.

**Following:** line 25

**Insert:** "(b) An adoption in which an attorney or health care provider assists as allowed under subsection (2)(a) must comply with the provisions of Title 42 and this chapter."

**Renumber:** subsequent subsections

4. Page 2.

**Following:** line 28

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**Insert:** "NEW SECTION. Section 3. {standard} **Effective date.** [This act] is effective on passage and approval."

For the Senate:

Howard, Chair  
Gross  
McGillvray

For the House:

Sheldon-Galloway, Vice Chair  
Bishop  
Lenz

Without objection, the select committee report was adopted.

**MOTIONS**

Majority Leader Smith moved the Senate **suspend rules S40-40, S50-190, S40-60, and Joint rule 40-150** through the end of the legislative session for the purpose of expediting movement of bills. Without objection, so ordered.

Majority Leader Smith moved that **HB 651**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 72**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 448**. Without objection, so ordered. President Blasdel appointed Senator Ankney, Chair, and Senators Pope and Tempel.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 632**. Without objection, so ordered. President Blasdel appointed Senator Osmundson, Chair, and Senators Cuffe and Lynch.

Senator Cohenour moved to dissolve the **Free** Conference Committee on **SB 354**. Motion **failed** as follows:

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

Nays: Ankney, Bogner, Brown, 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, Webber, Welborn, Mr. President.  
Total 31

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Voted absentee: None.

Excused: Cuffe.

Total 1

Absent or not voting: None.

Total 0

Senator Jacobson moved to change his third reading vote on **SB 108** from Yes to No. Without objection, so ordered.

Senator Sands moved to change her second reading vote on **HB 637** from Yes to No. Without objection, so ordered.

Senator Gross moved to change her second reading vote on **HB 158** from No to Yes. Without objection, so ordered.

Senator Sweeney moved to change his second reading vote on **HB 658** 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., Friday, April 23, 2021, the seventy-sixth legislative day. Motion carried.

Senate adjourned at 5:53 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate