

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

JOINT COMMITTEE ON RULES

Call to Order: Chair Cary Smith, on December 16, 2020 at 9:07 A.M., by Zoom Video Conference

SENATE ROLL CALL

Members Present:

Sen. Cary Smith, Chair (R)
Sen. Steve Fitzpatrick, Vice Chair (R)
Sen. Bryce Bennett, Vice Chair (D)
Sen. Mark Blasdel (R)
Sen. Ellie Boldman (D)
Sen. Bob Brown (R)
Sen. Jill Cohenour (D)
Sen. Jason W. Ellsworth (R)
Sen. Pat Flowers (D)
Sen. Greg Hertz (R)
Sen. Douglas (Doug) Kary (R)
Sen. Bob Keenan (R)
Sen. Tom McGillvray (R)
Sen. Shane A. Morigeau (D)
Sen. JP Pomnichowski (D)

Members Excused: None

Members Absent: None

HOUSE ROLL CALL

Members Present:

Rep. Derek Skees, Chair (R)
Rep. Casey Knudsen, Vice Chair (R)
Rep. Robert Farris-Olsen, Vice Chair (D)
Rep. Kim Abbott (D)
Rep. Becky Beard (R)
Rep. Seth Berglee (R)
Rep. Laurie Bishop (D)
Rep. Steve Gunderson (R)
Rep. Jim Hamilton (D)
Rep. Derek Harvey (D)
Rep. Rhonda Knudsen (R)
Rep. Dennis Lenz (R)
Rep. Jimmy Patelis (R)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Sharon Stewart Peregoy (D)
Rep. Katie Sullivan (D)
Rep. Brad Tschida (R)
Rep. Barry Usher (R)

Members Excused: None

Members Absent: None

Staff Present: Todd Everts, Legislative Branch
Jaret Coles, Legislative Branch
Nadine Spencer, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Voted to preintroduce SJR 1 As Amended

Amendments passed: SJ000110.ATE, SJ000111.AJC, SJ000121.AJC, SJ000130.AJC

REVIEW OF EXISTING AND NEW AMENDMENTS TO BE OFFERED UP IN EXECUTIVE ACTION ON SENATE JOINT RESOLUTION NO. 1 FOR PREINTRODUCTION

SJ000111.AJC

09:12:46 Sen. Fitzpatrick discussed SJ000111.AJC.
[EXHIBIT\(rus00d01\)](#)

Committee questions:

None

SJ000121.AJC

09:13:44 Sen. Fitzpatrick discussed SJ000121.AJC.
[EXHIBIT\(rus00d02\)](#)

Committee questions:

09:14:55 Rep. Skees
09:15:15 Sen. Fitzpatrick
09:15:42 Sen. Pomnichowski

SJ000120.AJC

09:16:53 Sen. Ellsworth discussed SJ000120.AJC.
[EXHIBIT\(rus00d03\)](#)

09:19:48 Rep. Skees
09:20:35 Sen. Ellsworth

Committee questions:

09:21:39 Rep. Farris-Olsen
09:22:22 Sen. Ellsworth
09:23:57 Sen. Farris-Olsen
09:24:52 Sen. Ellsworth
09:27:06 Rep. Farris-Olsen
09:28:01 Sen. Ellsworth
09:29:49 Rep. Farris-Olsen
09:30:39 Sen. Ellsworth
09:32:11 Sen. Bennett
09:34:36 Sen. Ellsworth
09:36:41 Sen. Cohenour
09:39:29 Sen. Ellsworth
09:42:41 Sen. Cohenour
09:43:00 Sen. Ellsworth
09:43:26 Sen. Smith
09:44:35 Hope Stockwell, Zoom manager, Legislative Services Division (LSD)
09:45:06 Sen. Smith
09:46:27 Todd Everts, code commissioner, LSD
09:47:02 Jaret Coles, legal staff, LSD
09:47:22 Sen. Cohenour
09:48:24 Sen. Smith
09:48:39 Rep. Tschida

09:49:01	Sen. McGillvray
09:50:32	Sen. Ellsworth
09:53:21	Sen. McGillvray
09:53:33	Sen. Ellsworth
09:54:05	Rep. Tschida
09:55:54	Rep. Sullivan
09:57:17	Sen. Ellsworth
09:58:12	Rep. Usher
09:58:52	Sen. Ellsworth
09:59:21	Sen. Smith
09:59:28	Rep. Sullivan
10:00:07	Sen. Ellsworth
10:00:23	Rep. Sullivan
10:00:52	Sen. Ellsworth
10:01:17	Rep. Sullivan
10:01:22	Sen. Smith
10:02:39	Sen. Flowers
10:03:43	Sen. Ellsworth
10:05:01	Sen. Flowers
10:05:13	Sen. Ellsworth
10:05:28	Rep. Regier
10:05:45	Sen. Smith
10:05:50	Rep. Regier
10:06:04	Rep. Skees
10:06:56	Sen. Smith
10:07:14	Sen. Ellsworth
10:07:49	Rep. Skees
10:08:46	Sen. Ellsworth
10:09:06	Sen. Smith
10:11:12	Rep. Farris-Olsen
10:11:45	Sen. Smith
10:12:52	Sen. Ellsworth
10:13:06	Sen. Smith
10:13:32	Sen. Ellsworth
10:13:52	Sen. Smith
10:14:01	Sen. Ellsworth
10:14:52	Rep. Hamilton
10:15:59	Sen. Smith
10:16:05	Sen. Ellsworth
10:16:37	Sen. Smith
10:16:53	Sen. Ellsworth
10:17:39	Rep. Abbott
10:18:17	Sen. Smith
10:21:15	Sen. Kary
10:21:30	Sen. Smith
10:22:43	Mr. Everts
10:24:04	Sen. Smith

SJ000118.AJC

10:25:32 Rep. Skees discussed SJ000118. AJC.

[EXHIBIT\(rus00d04\)](#)

Committee questions:

10:27:10 Sen. Flowers
10:27:34 Rep. Usher
10:28:26 Sen. Cohenour
10:30:48 Rep. Skees
10:32:21 Mr. Coles
10:32:44 Rep. Skees
10:33:29 Rep. Tschida
10:34:30 Sen. Cohenour
10:36:19 Rep. Tschida
10:37:08 Rep. Gunderson
10:37:53 Sen. Smith

SJ000116.ATE

10:39:14 Sen. Flowers discussed SJ000116.ATE.

[EXHIBIT\(rus00d05\)](#)

Committee questions:

10:45:27 Sen. Smith
10:46:07 Rep. Skees

SJ000117.ATE

10:46:49 Rep. Sullivan discussed SJ000117.ATE.

[EXHIBIT\(rus00d06\)](#)

Committee questions:

10:49:21 Rep. Hamilton
10:49:52 Rep. Sullivan
10:51:09 Rep. Usher
10:51:21 Sen. Smith

SJ000112.AJC

10:52:00 Rep. Usher discussed SJ000112.AJC.

[EXHIBIT\(rus00d07\)](#)

Committee questions:

10:52:53 Sen. Cohenour
10:53:26 Mr. Everts
10:54:58 Rep. Skees
10:55:46 Sen. Smith
10:56:20 Rep. Skees
10:56:57 Sen. Smith

SJ000123.AJC

10:57:25 Rep. Sheldon-Galloway discussed SJ000123.AJC.

[EXHIBIT\(rus00d08\)](#)

Committee questions:

10:58:32 Rep. Hamilton
10:59:31 Rep. Sheldon-Galloway
11:00:49 Sen. Smith

SJ000122.AJC

11:01:01 Rep. Sheldon-Galloway discussed SJ000122.AJC.

[EXHIBIT\(rus00d09\)](#)**Committee questions:**

11:02:46 Sen. Fitzpatrick
11:03:01 Rep. Sheldon-Galloway

Public comment via Zoom:

11:04:33 Katy Wright, elementary school teacher, Helena.
11:07:24 Stacey Anderson, executive director, Montana Primary Care Association.
11:08:53 Vicky Byrd, CEO, Montana Nurses Association.
11:11:39 Mike Rooney, operations director, Downtown Helena Inc.
11:13:01 Carole Sullivan, restaurant owner, Livingston.
11:14:14 Deb Poteet, Poteet Construction.
11:16:19 Emily Coyle, Montana Public Health Association.
11:18:24 Abby Sophir, Forward Montana.
11:21:23 Linda Gabel, small business owner.
11:25:02 Colleen Wulf, Billings.
11:27:18 Barbara Archer, Billings.
11:29:19 Jan Strout..
11:31:34 Jill Steeley, CEO, Pureview Health Center.
11:33:20 Nolan Smith, Montana Brewers Association.
11:34:57 Heather O'Loughlin, co-director, Research and Development, Montana Budget and Policy Center.
11:38:05 Tim Burton, executive director, Montana League of Cities and Towns.
11:40:34 Nancy Leifer, president, League of Women Voters Montana.
11:42:26 Melissa Smith, Great Falls.
11:46:03 Dr. Kris Spanjan, retired physician.
11:49:01 Loni Conley, RN.
11:52:16 Sharon Patton-Griffin.
11:57:45 Pam Carroll, Great Falls.
12:01:07 Sue Furey, Missoula.
12:03:31 Beth Brenneman, Disability Rights Montana.

Public comment in Helena:

12:07:26 Robyn Mohs.

Additional written public comment:**[EXHIBIT\(rus00d10\)](#)**

12:11:08 Sen. Smith
12:11:35 Mr. Everts
12:11:47 Sen. Smith

12:12:19 Recess
13:30:57 Reconvene

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION NO. 1 FOR PREINTRODUCTION

13:31:29 **Motion:** Sen. Smith moved **SJR1 FOR PREINTRODUCTION.**

13:31:41 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000102.ATE.**

EXHIBIT(rus00d11)

Discussion:

13:33:49 Sen. Cohenour
13:34:39 Sen. Fitzpatrick
13:35:24 Sen. Pomnichowski
13:35:37 Sen. Smith
13:36:02 Sen. Pomnichowski
13:36:36 Sen. Fitzpatrick
13:37:07 Sen. Pomnichowski
13:38:15 Sen. Cohenour

13:39:25 **Vote:** Motion failed 6-9 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted aye. Sen. Kary voted no by proxy. Since the motion failed in the Senate a vote was not taken in the House.

Discussion on SJ000109.AJC

EXHIBIT(rus00d12)

13:41:26 Sen. Fitzpatrick
13:41:46 Rep. Farris-Olsen

13:41:52 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000105.ATE.**

EXHIBIT(rus00d13)

Discussion:

13:42:13 Sen. Flowers
13:45:09 Sen. Pomnichowski
13:45:29 Sen. Flowers
13:45:47 Mr. Everts
13:46:14 Sen. Pomnichowski
13:47:09 Sen. Fitzpatrick withdrew the motion.

13:47:27 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000116.ATE.**

Discussion:

13:47:43 Sen. Flowers
13:48:46 Sen. Fitzpatrick

13:49:10 **Vote:** Motion failed 6-9 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted aye. Sen. Kary voted by proxy. Since the motion failed in the Senate a vote was not taken in the House.

13:52:14 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000108.AJC.**

[EXHIBIT\(rus00d14\)](#)

Discussion:

13:52:41 Sen. Cohenour
13:55:08 Sen. Fitzpatrick
13:55:28 Sen. Cohenour

13:56:08 **Vote:** Motion failed 6-9 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted aye. Sen. Kary voted by proxy. Since the motion failed in the Senate a vote was not taken in the House.

13:57:13 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000109.ATE.**

[EXHIBIT\(rus00d15\)](#)

Discussion:

13:57:35 Rep. Farris-Olsen
13:58:53 Sen. Fitzpatrick
13:59:29 Rep. Farris-Olsen

14:00:16 **Vote:** Motion failed 6-9 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted aye. Sen. Kary voted no by proxy. Since the motion failed in the Senate a vote was not taken in the House.

14:01:14 Rep. Hamilton
14:01:42 Sen. Smith

14:01:58 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000112.ATE.**

[EXHIBIT\(rus00d16\)](#)

Discussion:

14:02:17 Sen. Bennett
14:04:14 Sen. Fitzpatrick
14:04:51 Rep. Harvey
14:05:12 Sen. Smith
14:05:55 Sen. Cohenour

- 14:06:59 Sen. Ellsworth
14:08:13 Sen. Bennett
- 14:09:32 **Vote:** Motion failed 6-9 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted aye. Sen. Kary voted no by proxy. Since the motion failed in the Senate a vote was not taken in the House.
- 14:10:49 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000117.ATE.**

Discussion:

- 14:10:56 Rep. Sullivan
14:11:25 Sen. Fitzpatrick
14:11:45 Rep. Abbott
- 14:12:56 **Vote:** Motion failed 6-9 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted aye. Sen. Kary voted no by proxy. Since the motion failed in the Senate a vote was not taken in the House.
- 14:14:17 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000110.ATE.**

EXHIBIT(rus00d17)**Discussion:**

- 14:14:31 Sen. Smith
14:14:46 Mr. Everts
14:15:40 Rep. Skees
14:16:02 Mr. Everts
14:16:18 Sen. Pomnichowski
14:18:13 Sen. Fitzpatrick
14:18:43 Sen. Cohenour
14:19:37 Sen. Pomnichowski
14:19:59 Mr. Everts
14:20:27 Sen. Pomnichowski
14:20:51 Sen. Smith
14:21:08 Sen. Cohenour
- 14:21:14 **Vote:** Motion carried unanimously by roll call vote in the Senate. Sen. Kary voted aye by proxy. Motion carried unanimously by roll call vote in the House. Rep. Stewart Peregoy voted aye by proxy.
- 14:23:39 **Motion/Vote:** Sen. Fitzpatrick that **SJR1 BE AMENDED WITH AMENDMENT SJ000111.AJC.** Motion carried unanimously by roll call vote in the Senate. Sen. Kary voted aye by proxy. Motion carried unanimously by roll call vote in the House. Rep. Stewart Peregoy voted aye by proxy.

14:26:20 **Motion/Vote:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000121.AJC**. Motion carried unanimously by roll call vote in the Senate. Sen. Kary voted aye by proxy. Motion carried unanimously by roll call vote in the House.

14:28:59 **Motion:** Sen. Ellsworth moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000130.AJC**.

[EXHIBIT\(rus00d18\)](#)

Discussion:

14:29:28 Sen. Ellsworth
14:35:52 Rep. Farris-Olsen
14:36:31 Sen. Smith

14:36:55 **Substitute Motion:** Rep. Farris-Olsen made a substitute motion that **SJR1 BE AMENDED WITH AMENDMENT SJ000131.AJC**.

[EXHIBIT\(rus00d19\)](#)

Discussion:

14:39:16 Sen. Ellsworth
14:42:45 Rep. Hamilton
14:44:33 Sen. Ellsworth
14:44:40 Rep. Hamilton
14:44:49 Sen. Smith
14:45:10 Sen. Ellsworth
14:46:48 Sen. Flowers
14:48:57 Sen. Ellsworth
14:52:29 Rep. Usher
14:54:38 Sen. Cohenour
14:58:19 Rep. Skees
15:00:04 Rep. Abbott
15:00:10 Rep. Skees
15:01:13 Rep. Farris-Olsen

15:03:01 **Vote:** Substitute motion failed 6-9 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted aye. Sen. Kary voted no by proxy. Since the motion failed in the Senate a vote was not taken in the House.

15:04:25 Rep. Bishop
15:07:03 Rep. Hamilton
15:10:32 Sen. Ellsworth
15:12:35 Sen. Bennett

15:15:01 **Vote:** Motion carried 9-6 by roll call vote in the Senate. Sen. Bennett, Sen. Cohenour, Sen. Boldman, Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted no. Sen. Kary voted aye by proxy. Motion carried 12-7 by roll call vote in the House. Rep. Farris-Olsen, Rep. Abbott, Rep. Bishop, Rep. Hamilton, Rep. Harvey, Rep. Stewart Peregoy, and Rep. Sullivan voted no.

15:17:53 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000122.AJC.**

Discussion:

15:18:10 Rep. Sheldon-Galloway
15:19:16 Sen. McGillvray
15:19:27 Sen. Fitzpatrick
15:19:48 Sen. Cohenour
15:20:59 Sen. Fitzpatrick
15:21:50 Rep. Sheldon-Galloway

15:22:50 **Vote:** Motion failed 2-13 by roll call vote in the Senate. Sen. Keenan and Sen. McGillvray voted aye. Sen. Ellsworth and Sen. Kary voted no by proxy. Since the motion failed in the Senate a vote was not taken in the House.

15:23:54 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000123.AJC.**

Discussion:

15:24:04 Rep. Galloway
15:26:08 Rep. Farris Olsen
15:27:02 Rep. Hamilton
15:27:36 President Blasdel
15:28:56 Sen. Fitzpatrick withdrew the motion.

15:29:08 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000112.AJC.**

Discussion:

15:29:53 Rep. Skees
15:30:31 Sen. Cohenour
15:31:13 Mr. Everts
15:33:08 Sen. Fitzpatrick
15:33:38 Rep. Skees
15:34:01 Mr. Everts
15:34:33 Rep. Skees

15:35:03 **Vote:** Motion failed 3-12 by roll call vote in the Senate. Sen. Brown, Sen. Keenan, and Sen. McGillvray voted aye. Sen. Ellsworth and Sen. Kary voted no by proxy. Since the motion failed in the Senate a vote was not taken in the House.

15:36:09 **Motion:** Sen. Fitzpatrick moved that **SJR1 BE AMENDED WITH AMENDMENT SJ000118.AJC.**

15:36:31 Rep. Skees withdrew the motion.

15:36:56 Sen. Smith

15:37:02 **Motion:** Sen. Fitzpatrick moved to **PREINTRODUCE SJR1 AS AMENDED.**

15:37:14 **Substitute motion:** Rep. Skees made a substitute motion that **SJR1 BE AMENDED WITH AMENDMENT SJ000125.AJC.**

EXHIBIT(rus00d20)

15:37:59 Rep. Skees withdrew the substitute motion.

15:38:11 **Vote:** Motion carried 9-6 by roll call vote in the Senate. Sen. Bennett, Sen. Boldman, Sen. Cohenour , Sen. Flowers, Sen. Morigeau, and Sen. Pomnichowski voted no. Sen. Kary voted aye by proxy. Motion carried 12-7 by roll call vote in the House. Rep. Farris-Olsen, Rep. Abbott, Rep. Bishop, Rep. Hamilton, Rep. Harvey, Rep. Stewart Peregoy, and Rep. Sullivan voted no. Rep. Usher voted yes by proxy.

15:40:40 Sen. Smith

15:40:57 Mr. Everts

15:41:24 Ms. Stockwell

15:41:27 Mr. Everts

ADJOURNMENT

Adjournment: 3:41 P.M.

Nadine Spencer, Secretary

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Additional Documents:

Additional Documents:

EXHIBIT([rus00dad.pdf](#))