

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

Helena, Montana  
April 7, 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):

4/7/2021

Correctly printed: **SB 86, SB 323, SB 376, SB 384, SB 388, SB 392, SB 396, SB 399, SB 400, SB 402, SB 403, SJ 23, SJ 24, HB 170, HB 273, HB 300.**

Correctly engrossed: **SB 176, SB 379, SB 385, SB 395, HB 462.**

Examined by the sponsor and found to be correct: **SB 169, SB 196, SB 211, SB 230, SR 91, SR 94.**

Transmitted to the House: **SB 232, SB 285, SB 336, SB 374, SB 378, SJ 22, HB 155, HB 451, HB 463, HB 480, HB 574, HJ 19.**

Signed by the Secretary of the Senate at 1:15 p.m., April 6, 2021: **SB 33, SB 43, SB 55, SB 135, SB 156, SB 171, SB 178, SB 217, SB 222, SJ 9, SR 38, SR 84, SR 87, SR 89.**

Signed by the Secretary of the Senate at 7:30 a.m., April 7, 2021: **SB 20, SB 49, SB 72, SB 168, SB 175, SB 240, SB 267, SB 275, SJ 15, SR 90.**

Signed by the Secretary of the Senate at 7:45 a.m., April 7, 2021: **SB 57.**

Signed by the President at 11:15 a.m., April 7, 2021: **SJ 9, SR 38, SR 84, SR 87, SR 89.**

Signed by the President at 11:20 a.m., April 7, 2021: **SB 33, SB 43, SB 55, SB 135, SB 156, SB 171, SB 178, SB 217, SB 222.**

Signed by the President at 11:30 a.m., April 7, 2021: **SB 20, SB 72, SB 175, SB 275, SR 90.**

Signed by the President at 11:45 a.m., April 7, 2021: **SB 49, SB 57, SB 168, SB 240, SB 267, SJ 15.**

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair):

4/6/2021

**HB 365**, be amended as follows:

1. Title, line 4.

Strike: the second "REVISING"

Insert: "REPEALING THE"

2. Title, line 5.

Strike: "APPLICATION"

Insert: "CLASSIFICATION AND RELATED"

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3. Title, line 5.

Following: "SECTIONS"

Insert: "69-12-101,"

Following: "69-12-201,"

Insert: "69-12-205, 69-12-301,"

4. Title, line 5 through line 6.

Strike: "69-12-312,"

Insert: "69-12-314, 69-12-321, 69-12-322, 69-12-323, 69-12-324, 69-12-403, 69-12-404, 69-12-406, 69-12-407,"

5. Title, line 6.

Following: "69-12-501,"

Strike: "AND"

Following: "69-12-502,"

Insert: "AND 69-12-611,"

Following: "MCA;"

Insert: "REPEALING SECTION 69-12-312, MCA;"

Following: "AN"

Strike: "IMMEDIATE"

6. Page 1.

Following: line 8

Insert: "**Section 1.** Section 69-12-101, MCA, is amended to read:

**"69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Between fixed termini" or "over a regular route" means the termini or route between or over which a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular departures from the termini or route.

(2) "Certificate" means a certificate of public convenience and necessity or a certificate of compliance issued under this chapter.

(3) "Certificate of compliance" means written authorization to operate issued by the commission for Class A, ~~Class B~~, or Class E motor carriers that transport passengers declaring that the motor carrier meets the fitness requirements of this chapter.

(4) "Certificate of public convenience and necessity" means a written authorization to operate issued by the commission for Class A ~~and Class B~~ motor carriers that transport property or persons and property, Class C motor carriers, and Class D motor carriers declaring that the motor carrier service is required by the public convenience and necessity, as provided in this chapter.

(5) "Charter service" means a service used for the transportation of passengers by a motor carrier with rates not subject to approval by the commission if:

(a) the transportation of passengers is based on a single contract;

(b) the contract is entered into in advance of the transportation and does not result from a spontaneous, curbside agreement;

(c) the contract includes a single fixed charge and fares are not assessed per passenger;

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(d) the passenger or group of passengers acquires exclusive use of the motor vehicle through the contract; and

(e) when applied to a group of passengers being transported, the group of passengers travels together to a specified destination.

(6) "Compensation" means the charge imposed on motor carriers for the use of the highways in this state by motor carriers under 69-12-421.

(7) "Corporation" means a corporation, company, association, or joint-stock association.

(8) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network carrier that enables the prearrangement of rides with transportation network carrier drivers.

(9) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(10) "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed disposal well. The term does not include wastewater and waste tires.

(11) "Household goods" means any of the following:

(a) personal effects and property used or to be used in a dwelling when they are a part of the equipment or supply of the dwelling. The term does not include property moving from a factory or store unless the property is purchased by a householder for use in a dwelling and is transported at the request of the householder.

(b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices, museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment or a portion of the establishment from one location to another.

(c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods and other similar articles.

(12) "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed by a court, operating motor vehicles upon a public highway in this state for the transportation of passengers, household goods, or garbage for hire on a commercial basis, either as a common carrier or under private contract, agreement, charter, or undertaking. A motor carrier includes a transportation network carrier.

(13) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled vehicles used for the transportation of property or persons over the public highways of the state.

(14) "Person" means an individual, firm, or partnership.

(15) "Personal vehicle" means a vehicle that is used by a transportation network carrier driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

(b) not a taxicab, limousine, or for-hire vehicle.

(16) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a

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transportation network carrier, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other for-hire vehicle pursuant to Title 69, chapter 12.

(17) "Public highway" means a public street, road, highway, or way in this state.

(18) "Railroad" means the movement of cars on rails, regardless of the motive power used.

(19) "Recyclable" means any material diverted from the solid waste stream that can be reused in the production of heat or energy or as raw material for new products and for which markets exist.

(20) "Transportation network carrier" means an entity that uses a digital network or software application service to connect passengers to transportation network carrier services provided by transportation network carrier drivers. A transportation network carrier may not be deemed to control, direct, or manage the personal vehicles or transportation network carrier drivers that connect to its digital network, except where agreed to by written contract.

(21) "Transportation network carrier driver" or "driver" means an individual who:

(a) receives connections to potential riders and related services from a transportation network carrier in exchange for payment of a fee to the transportation network carrier; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network carrier in return for compensation or payment of a fee.

(22) "Transportation network carrier rider" or "rider" means an individual or persons who use a transportation network carrier's digital network to connect with a transportation network carrier driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(23) "Transportation network carrier services" means the transportation of a passenger between points chosen by the passenger and prearranged with a transportation network carrier driver through the use of a transportation network carrier digital network or software application."  
"

Renumber: subsequent sections

7. Page 1.

Following: line 25

Insert: "**Section 3.** Section 69-12-205, MCA, is amended to read:

**"69-12-205. Rules to reflect differences between carrier classes.** (1) Except as provided in subsection (3), rules related to schedules, service, tariffs, rates, facilities, accounts, and reports must recognize the differences between types of Class A, ~~Class B~~, Class C, Class D, and Class E motor carriers, as defined in this chapter, and must be just, fair, and reasonable to the classes and types of motor carriers in relation to each other and to the public.

(2) (a) In establishing the tariff or rates to be charged by Class A ~~and Class B~~ motor carriers for the carrying of persons, the commission shall take into consideration the kind and character of service to be performed.

(b) In establishing the tariff or rates to be charged by Class A ~~and Class B~~ motor carriers for the carrying of property or persons and property, the commission shall take into consideration the public necessity of the service, the kind and character of service to be performed, and the effect of the tariff and rates on other transportation agencies, if any. The commission shall, as far as

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possible, avoid detrimental or unreasonable competition with existing railroad service or service furnished by a motor carrier.

(3) Except as provided in 69-12-341, a Class E motor carrier is not subject to commission rules related to schedules, tariffs, or rates. ""

Insert: "**Section 4.** Section 69-12-301, MCA, is amended to read:

**"69-12-301. Classification of motor carriers.** (1) Motor carriers are divided into ~~five~~four classes to be known as:

- (a) Class A motor carriers;
- ~~(b) Class B motor carriers;~~
- ~~(c)~~(b) Class C motor carriers;
- ~~(d)~~(c) Class D motor carriers; and
- ~~(e)~~(d) Class E motor carriers.

(2) Class A motor carriers include all motor carriers operating between fixed termini or over a regular route and under regular rates or charges, based upon either station-to-station rates or upon a mileage rate or scale.

~~(3) Class B motor carriers include all motor carriers operating under regular rates or charges based upon either station-to-station rates or upon a mileage rate or scale and not between fixed termini or over a regular route.~~

~~(4)~~(3) Class C motor carriers include all motor carriers where the remuneration is fixed in and the transportation service furnished under a contract, charter, agreement, or undertaking.

~~(5)~~(4) Class D motor carriers include all motor carriers operating motor vehicles transporting garbage.

~~(6)~~(5) Class E motor carriers include all transportation network carriers. ""

Renumber: subsequent sections

8. Page 1, line 26 through page 2, line 19.

Strike: section 2 in its entirety

Renumber: subsequent sections

9. Page 2.

Following: line 20

Insert: "**Section 5.** Section 69-12-314, MCA, is amended to read:

**"69-12-314. Class D motor carrier certificate of public convenience and necessity.** (1) Class D carriers shall conduct operations pursuant to a certificate of public convenience and necessity issued by the commission authorizing the transportation of the commodities described in 69-12-301~~(5)~~ (4). Class D carriers, when applying for a new or additional certificate of public convenience and necessity, shall file an application with the commission in accordance with the requirements of this chapter and the rules of the commission.

(2) A motor carrier may not possess a Class D motor carrier certificate of public convenience or necessity or operate as a Class D motor carrier unless the motor carrier actually engages in the transportation of garbage on a regular basis as part of the motor carrier's usual business operation. ""

Insert: "**Section 6.** Section 69-12-321, MCA, is amended to read:

**"69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an application for a certificate by a Class A, ~~Class B,~~ Class C, Class D, or Class E motor carrier,

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except a Class C motor carrier authorized to operate under the terms of a contract as provided in 69-12-324, or upon the filing of a request for a transfer of authority, the commission shall provide notice of the application to any interested party.

(b) If a protest or a request for hearing is received, the commission shall fix a time and place for a hearing on the application. The hearing must be set for not later than 60 days after receipt of a protest or a hearing request. If a protest or a request for hearing is not received, the commission may act on the application without a hearing as prescribed by commission rules.

(c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the requirements of 69-12-323(5).

(2) A motor carrier referred to in 69-12-322, the department of transportation, the governing board or boards of any county, town, or city into or through which the route or service as proposed may extend, and any person or corporation concerned are interested parties to the proceedings and may offer testimony for or against the granting of the certificate.

(3) The contracting parties referred to in 69-12-313(4) shall appear and offer testimony in support of the applicant.

(4) An application by a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, by a Class C motor carrier, or by a Class D motor carrier for a certificate of public convenience and necessity may be denied without a public hearing when the records of the commission demonstrate that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service. A hearing must be held if the applicant presents facts demonstrating that conditions over the route or in the territory and affecting transportation facilities have materially changed since the previous public investigation and finding and that public convenience and necessity now require the motor carrier operation. ""

Insert: "**Section 7.** Section 69-12-322, MCA, is amended to read:

**"69-12-322. Notice of hearing.** (1) Whenever a hearing is scheduled, whether as a result of a protest or request or upon the commission's own motion, the commission shall cause a copy of the petition and notice of hearing to be served upon an officer or owner of any motor carrier that in the opinion of the commission might be affected by the granting of the certificate and shall notify any other affected party at least 10 days before the date of hearing.

(2) Notice of the hearing must be published:

(a) in the legal advertising section of a local newspaper or newspapers determined by the commission to have a circulation sufficient to reach the consuming public in the area under consideration for applications for Class C authority ~~and geographically limited Class B authority~~; and

(b) in appropriate newspapers determined by the commission to have sufficient statewide circulation in the case of applications for Class A authority ~~and geographically broad contemplated Class B authority.~~ ""

Insert: "**Section 8.** Section 69-12-323, MCA, is amended to read:

**"69-12-323. Decision on application.** (1) (a) Except as provided in subsection (1)(b), within 180 days from the date of the completed filing of an application, the commission shall issue its finding, order, or decision on the application and the evidence presented in support of the application at the time of the hearing.

(b) The commission may extend the time for making a decision to a date requested by the

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applicant.

(2) (a) If after a hearing on the request for a certificate of public convenience and necessity the commission finds from the evidence that public convenience and necessity require the authorization of the service proposed or any part of the service proposed, a certificate of public convenience and necessity must be issued. In determining whether a certificate of public convenience and necessity should be issued, the commission shall consider:

(i) the transportation service being furnished or that will be furnished by any railroad or other existing transportation agency;

(ii) the likelihood of the proposed service being permanent and continuous throughout 12 months of the year; and

(iii) the effect that the proposed transportation service may have on other forms of transportation service that are essential and indispensable to the communities to be affected by the proposed transportation service or that might be affected by the proposed transportation service.

(b) For the purposes of issuing a certificate of public convenience and necessity to a Class D motor carrier, a determination of public convenience and necessity may include a consideration of competition.

(3) The commission may issue the certificate as requested in the application or in part and may attach terms and conditions to a certificate of public convenience and necessity for a motor carrier pursuant to 69-12-311(1)(b) or ~~69-12-312 (1)(b)~~, a Class C motor carrier, or a Class D motor carrier that in its judgment public convenience and necessity require.

(4) If a certificate is issued to a motor carrier as provided in this part, the certificate is in effect until terminated by the commission for cause or until terminated by the owner's failure to comply with 69-12-402.

(5) (a) In determining whether to approve a certificate of compliance for a motor carrier pursuant to 69-12-311(1)(a) or ~~69-12-312(1)(a)~~ or for a Class E motor carrier, the commission shall consider only whether the applicant meets the requirements of 69-12-415. The commission shall provide notice and may require a hearing in accordance with 69-12-321.

(b) An applicant seeking a certificate of compliance establishes a rebuttable presumption that it meets the requirements of 69-12-415 by demonstrating compliance with insurance, bonding, and security requirements established by the commission in accordance with 69-12-402."

Insert: "**Section 9.** Section 69-12-324, MCA, is amended to read:

**"69-12-324. Special provisions when federal or state contract involved.** (1) A written contract presented to the commission is sufficient proof that a motor carrier pursuant to 69-12-311(1)(a) or ~~69-12-312(1)(a)~~ or a Class E motor carrier meets the requirements for a certificate of compliance or that a motor carrier pursuant to 69-12-311(1)(b) or ~~69-12-312 (1)(b)~~, a Class C motor carrier, or a Class D motor carrier meets the requirements for a certificate of public convenience and necessity in accordance with the terms and conditions contained within the United States government or state government contracts. Subject to the provisions of this section, a transportation movement is considered to be:

(a) the transportation for hire of persons between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department of the United States; or

(b) the transportation for hire of solid waste between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the state government or

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an agency or department of the state.

(2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of the United States government or state government contract may be issued by the commission upon receipt of an executed copy of the United States government or state government contract. The certificate of public convenience and necessity may be issued without a public hearing.

(3) The certificate issued pursuant to the terms of the United States government or state government contract is authorized only for the duration of the United States government or state government contract concerned. The certificate may be renewed for another definite term if the motor carrier is the motor carrier authorized to operate under the United States government or state government contract.""

Insert: "**Section 10.** Section 69-12-403, MCA, is amended to read:

**"69-12-403. Discontinuance of service.** ~~No Class A or Class B motor carrier shall~~ A Class A motor carrier may not abandon or discontinue any service established under this chapter without an order of the commission ~~therefor.~~""

Insert: "**Section 11.** Section 69-12-404, MCA, is amended to read:

**"69-12-404. Suspension of certificate by petition.** (1) (a) A motor carrier may petition the commission in writing to suspend its certificate for a period not to exceed 6 months. Only one additional 6-month suspension may be requested and granted.

(b) The suspension of a certificate of public convenience and necessity requested by a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b)~~, by a Class C motor carrier, or by a Class D motor carrier may be granted upon a showing of present absence of public convenience and necessity or other showing of matters affecting motor carrier transportation.

(2) (a) The suspension of a certificate of compliance for a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or for a Class E motor carrier as provided for in subsection (1) for a period of 12 consecutive months automatically terminates a certificate of compliance and requires a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or a Class E motor carrier to reapply for a certificate of compliance.

(b) The suspension of a certificate of public convenience and necessity for a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b)~~, a Class C motor carrier, or a Class D motor carrier as provided in subsection (1) for a period of 12 consecutive months establishes a prima facie presumption of absence of public convenience and necessity. If after notice and hearing the motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, the Class C motor carrier, or the Class D motor carrier is unable to prove the existence of public convenience and necessity or existing demand for the transportation service, the commission may cancel a certificate of public convenience and necessity.""

Insert: "**Section 12.** Section 69-12-406, MCA, is amended to read:

**"69-12-406. Restriction on transportation of certain waste.** Except as provided in 69-12-324, a Class A, ~~Class B,~~ Class C, or Class E motor carrier may not be authorized or permitted to transport garbage within the state. This restriction does not apply to recyclables.""

Insert: "**Section 13.** Section 69-12-407, MCA, is amended to read:

**"69-12-407. Records and reports.** (1) All records, books, accounts, and files of a Class A, ~~Class B,~~ Class C, and Class D motor carrier in this state, as they relate to the business of transportation conducted by the motor carrier, must at all times be subject to examination by the commission or by any authorized agent or employee of the commission. The commission shall



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prescribe a uniform system of accounts and uniform reports covering the operations of Class A, ~~Class B~~, Class C, and Class D motor carriers. A motor carrier authorized to operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according to the uniform system to the extent possible.

(2) Before April 1 of each year, unless this deadline has been extended for good cause by the commission, a motor carrier authorized to engage in business shall file with the commission a report, under oath, on a form prescribed and furnished by the commission.

(3) In addition to other reporting requirements, a Class D motor carrier shall provide sufficient information to the commission to show that the carrier is entitled to possess the Class D motor carrier certificate of public convenience and necessity under the requirements of 69-12-314.

(4) (a) To ensure safety with respect to transportation network carrier drivers affiliated with Class E motor carriers, the commission may conduct audits of a Class E motor carrier, but not more than twice annually.

(b) A Class E motor carrier shall, upon request from the commission, provide to the commission up to 1,000 unique identification numbers, each of which has been assigned by the motor carrier to an individual transportation network carrier driver affiliated with the motor carrier.

(c) The commission may request from the Class E motor carrier copies of records held by the motor carrier for up to 10 of the motor carrier's drivers, who may be identified in the request only by the driver's unique identification number.

(d) The Class E motor carrier shall comply with the request in an electronic format acceptable to the commission within 1 business day after receiving the request.

(e) The Class E motor carrier may redact the records provided to the commission under subsection (4)(d) to protect the individual privacy of the transportation network carrier's drivers, including information that could be used to identify a driver. Information that a Class E motor carrier may redact includes but is not limited to the transportation network carrier driver's name, address, and social security number, other than the last four digits.

(5) Except as required by Article II, section 9 or 10, of the Montana constitution, the records obtained by the commission under subsection (4) may not be publicly disclosed by the commission.""

Renumber: subsequent sections

10. Page 3.

Following: line 16

Insert: "**Section 16.** Section 69-12-611, MCA, is amended to read:

**"69-12-611. Leasing of power equipment.** (1) All Class A, ~~Class B~~, Class C, and Class D motor carriers subject to the jurisdiction of the commission may lease power equipment for the purpose of performing transportation movements within the state. The leasing of power units must be in writing.

(2) All leases must contain:

(a) the full names and addresses of negotiating parties;

(b) a complete description of each vehicle involved;

(c) a provision that the sole possession, responsibility, control, and direction of each vehicle resides with the lessee for the entire term of the lease;

(d) a provision that the lessee assumes full responsibility for all regulatory fees;

(e) the amount of compensation to be paid for use of the vehicle while under the lease and

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the method by which the compensation is determined;

- (f) the renewal conditions of the lease, if any; and
- (g) the term length of the lease.

(3) A copy of the lease must be maintained in each leased vehicle at all times. Each leased power unit must display in a conspicuous place on both sides of the vehicle the identity and address of the lessor and lessee and the certificate number under which the power unit is operating.

(4) The leasing of power units by an authorized carrier to a noncertificated carrier is prohibited."

Insert: "NEW SECTION. Section 17. {standard} Repealer. The following section of the Montana Code Annotated is repealed:

69-12-312. Class B motor carrier certificate."

Renumber: subsequent section

11. Page 3, line 17.

Strike: "on passage and approval"

Insert: "July 1, 2021"

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair):

3/31/2021

**HB 257**, be amended as follows:

1. Page 14.

Following: line 6

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-116, then the sections amending 50-2-116 are void and 50-2-116 must be amended as follows:

**"50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5), in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) ~~appoint and fix the salary~~ recommend to the governing body the appointment of a local health officer who is:

- (i) a physician;
  - (ii) a person with a master's degree in public health; or
  - (iii) a person with equivalent education and experience, as determined by the department;
- (b) elect a presiding officer and other necessary officers;
- ~~(c) employ qualified staff;~~
- ~~(d)~~(c) adopt bylaws to govern meetings;
- ~~(e)~~(d) hold regular meetings at least quarterly and hold special meetings as necessary;
- ~~(f)~~(e) identify, assess, prevent, and ameliorate conditions of public health importance

through:

- (i) epidemiological tracking and investigation;
- (ii) screening and testing;
- (iii) isolation and quarantine measures;

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- (iv) diagnosis, treatment, and case management;
  - (v) abatement of public health nuisances;
  - (vi) inspections;
  - (vii) collecting and maintaining health information;
  - (viii) education and training of health professionals; or
  - (ix) other public health measures as allowed by law;
  - ~~(g)~~(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;
  - ~~(h)~~(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;
  - ~~(i)~~(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;
  - ~~(j)~~(i) identify to the department an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.
  - ~~(k)~~(j) subject to the provisions of 50-2-130, ~~adopt~~propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of environmental review and must provide for appeal of variance decisions to the department as required by 75-5-305. If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.
- (2) Local boards of health may:
- (a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;
  - (b) ~~adopt~~ propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;
  - (c) ~~adopt~~ propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:
    - (i) for the control of communicable diseases;
    - (ii) for the removal of filth that might cause disease or adversely affect public health;
    - (iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;
    - (iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;
    - (v) for the establishment of institutional controls that have been selected or approved by the:
      - (A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

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(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and  
(vi) to implement the public health laws;

(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and

(d)(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation, including but not limited to a regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi), adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (4)(a) and (4)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

**Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-118, then the sections amending 50-2-118 are void and 50-2-118 must be amended as follows:**

**"50-2-118. Powers and duties of local health officers. (1) Except as provided in**

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subsection (3), ~~in~~ order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

~~(1)~~(a) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;

~~(2)~~(b) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;

~~(3)~~(c) report communicable diseases to the department as required by rule;

~~(4)~~(d) establish and maintain quarantine and isolation measures as adopted by the local board of health; and

~~(5)~~(e) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

(2) A directive, mandate, or order issued by a local health officer in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(3) A local health officer may not enforce a regulation, directive, mandate, or order or issue an order that is in violation of 50-2-116(5)."

**Insert: "COORDINATION SECTION. Section 14. Coordination instruction.** If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-124, then the sections amending 50-2-124 are void and 50-2-124 must be amended as follows:

**"50-2-124. Penalties for violations.** (1) (a) A person who does not comply with rules adopted by a local board that are not in conflict with 50-2-116(5) or 50-2-118(3) is guilty of a misdemeanor. On conviction, the person shall be fined subject to a civil penalty of not less than \$10 or more than \$200.

(b) A business entity that does not comply with rules adopted by a local board is subject to a civil penalty of not more than \$250.

(2) Except as provided in 50-2-123 and subsection (1) of this section, a person who violates the provisions of this chapter or rules adopted by the department under the provisions of this chapter is guilty of a misdemeanor. On conviction, the person shall be fined not less than \$10 or more than \$500 or be imprisoned for not more than 90 days, or both.

(3) Each day of violation constitutes a separate offense.

(4) The local board or the county attorney of the county in which a violation allowed in subsection (1) occurred may petition a court of limited jurisdiction to impose the civil penalties allowed in subsection (1). Venue for an action to collect a civil penalty pursuant to subsection (1) is in the county in which the violation occurred or in a court of limited jurisdiction.

~~(4)~~(5) Fines, except justice's court fines, must be paid to the county treasurer of the county in which the violation occurs.

(6) (a) As used in this section, "business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, sole proprietorship, or other legal

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entity recognized under state law.

(b) The term does not include an individual."

**Insert: "COORDINATION SECTION. Section 15. Coordination instruction.** If House Bill No. 121 and [this act] are passed and approved, then the section amending 50-2-123 in [this act] is void and 50-2-123 must be amended as follows:

**"50-2-123. Compliance order authorized.** (1) If a person refuses or neglects to comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the city or county.

(2) An order of compliance or action allowed pursuant to subsection (1) may not be initiated for an order that violates 50-2-116(5) or 50-2-118(3)."

**Renumber:** subsequent sections

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair):

4/1/2021

**HB 449**, be amended as follows:

1. Page 2, line 7.

Strike: ";

Insert: ". The court may require an alcohol monitoring device that can detect the usage of alcohol by an individual and includes but is not limited to:

- (i) a transdermal alcohol monitoring unit; or
- (ii) a facial recognition breathalyzer unit."

2. Page 2, line 20.

Following: "monitoring"

Insert: "or alcohol monitoring under subsection (1)(i)"

3. Page 2, line 20 through line 21.

Strike: "who" on line 20 through "and" on line 21

4. Page 2, line 23.

Following: "monitoring"

Insert: "or alcohol monitoring"

Following: "MONITORING"

Insert: "or alcohol monitoring"

5. Page 2, line 25.

Following: "MONITORING"

Insert: "or alcohol monitoring"

And, as amended, be concurred in.

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**JUDICIARY** (Regier, Chair):

4/7/2021

**SR 95**, introduced resolution, be amended as follows:

1. Title, line 6.

Strike: "COMMUNICATION"

Insert: "COMMUNICATIONS"

2. Title, line 6.

Following: "2021,"

Insert: "AND APRIL 6, 2021,"

3. Page 1

Following: line 22

Insert: "Director Brian Gootkin, Helena, Montana, appointed to a term ending January 5, 2025.  
Attorney General Austin Knudsen, appointed to a term ending January 5, 2025."

And, as amended, be adopted.

**HB 337**, be concurred in.

Without objection, committee reports were adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJ 25**, introduced by B. Hoven, referred to Taxation.

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

**SR 96**, introduced by D. Kary, referred to State Administration.

**MOTIONS**

Senator Ellsworth moved the Senate reconsider its action on **SB 398**, indefinitely postponed the previous legislative day, and that **SB 398** be placed on second reading this date. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sands, Small, Smith C, Vance, Welborn, Mr. President.

Total 28

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Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sweeney, Tempel, Webber.

Total 22

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:

**SB 377** - Senator McClafferty moved **SB 377** do pass. Motion **failed** as follows:

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

Total 21

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, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 29

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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



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**SB 377** - Majority Leader Smith moved **SB 377** be indefinitely postponed. Motion carried as follows:

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

Total 32

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

Total 18

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 400** - Senator Manzella moved **SB 400** do pass. Motion carried 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, Small, Smith C, Vance, Welborn, Mr. President.

Total 27

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

Total 23

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 555** - Senator K. Regier moved **HB 555** 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,

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Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJ 4** - Senator Sands moved **HJ 4** 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, 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, Webber, Welborn, Mr. President.  
Total 47

Nays: Hinebauch, Howard, Vance.  
Total 3

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 334** - Senator McGillvray moved **HB 334** 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, Vance, Mr. President.  
Total 29

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

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Webber, Welborn.  
Total 21

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 502** - Senator McGillvray moved **HB 502** 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, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 32

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

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 525** - Senator Fitzpatrick moved **HB 525** be concurred in.

**HB 525** - Senator Fitzpatrick moved **HB 525**, second reading copy, be amended as follows:

1. Page 3, line 10.

**Following:** "same"

**Insert:** "or an adjacent"

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,

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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 525** - As amended, **HB 525** was concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 40

Nays: Bogner, Cuffe, Esp, Hinebauch, Howard, Keenan, Lang, Lynch, McGillvray, Smith C.  
Total 10

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 20 - Conference Committee Report No. 1** - Senator Ellsworth moved the Conference Committee report to **HB 20** 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, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.

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Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 264** - Senator Welborn moved **HB 264** 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, Howard, Jacobson, Kary, Lang, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 42

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

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 586** - Senator Vance moved **HB 586** 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.

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Total 0

Absent or not voting: None.

Total 0

**HB 598** - Senator Gross moved **HB 598** be concurred in. Motion carried 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, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 46

Nays: Cuffe, Kary, Keenan, Vance.

Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 527** - Senator Esp moved **HB 527** 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, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.

Total 26

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

Total 24

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 426** - Senator Gross moved **HB 426** 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 90** - Senator Howard moved **HB 90** 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

**SB 398** - Senator Ellsworth moved **SB 398** do pass. Motion carried as follows:

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

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Total 27

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

Total 23

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted 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, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 38

Nays: Bennett, Boland, Cohenour, Gross, Lynch, McClafferty, Morigeau, Pomnichowski, Pope, Sweeney, Webber.

Total 11

Voted absentee: None.

Excused: Manzella.

Total 1

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Osmundson, Chair):  
**SB 333**, do pass.

4/7/2021



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**HIGHWAYS AND TRANSPORTATION** (Vance, Chair):  
**HB 188**, be amended as follows:

4/6/2021

1. Title, line 8.  
Strike: "61-3-562"  
Insert: "61-10-211"

2. Page 20, line 5.  
Following: "and"  
Insert: "and"

3. Page 20, line 7 through line 9.  
Strike: "1" on line 7 through "(24)" on line 9

4. Page 24, line 11.  
Strike: "UNLESS A VEHICLE IS PERMANENTLY REGISTERED UNDER 61-3-562, THE"  
Insert: "The"

5. Page 24, line 15.  
Strike: "\$150"  
Insert: "\$250"

6. Page 24, line 19.  
Strike: "\$250"  
Insert: "\$400"

7. Page 24, line 21.  
Strike: "\$500"  
Insert: "\$1,500"

8. Page 24, line 22.  
Strike: "\$250"  
Insert: "\$450"

9. Page 24, line 27 through page 26, line 6.  
Strike: section 4 in its entirety  
Renumber: subsequent sections

And, as amended, be concurred in.

**HB 476**, be amended as follows:

1. Page 1, line 17.  
Following: "with"  
Insert: "dual rear wheels and"

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2. Page 2, line 17.

Following: "truck"

Strike: "operator whose equipment was"

3. Page 2, line 17 through line 18.

Following: "before" on line 17

Strike: "[the" on line 17 through "act]" on line 18

Insert: "January 1, 2022,"

4. Page 2, line 18.

Following: "classification"

Insert: ", provided that the equipment has continuously complied with 61-8-906, 61-8-907, and 61-9-416"

5. Page 2, line 19.

Following: "upgraded" on line 18

Strike: "on or"

Following: "after"

Strike: "[the effective date of this act]"

Insert: "December 31, 2021, that has not been inspected by the highway patrol for compliance with 61-8-906, 61-8-907, and 61-9-416"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

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

4/7/2021

**SB 191**, introduced by R. Osmundson

**House bills** passed and transmitted to the Senate for concurrence:

4/7/2021

**HB 340**, introduced by W. Galt

**HB 661**, introduced by J. Kassmier

**HB 663**, introduced by B. Ler

**HB 681**, introduced by J. Kassmier

**HB 683**, introduced by B. Mercer

**HB 705**, introduced by E. Buttrey

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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 170** concurred in as follows:

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

Total 48

Nays: Keenan, Tempel.

Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 323** passed as follows:

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

Total 33

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Keenan, 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

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**SB 392** passed as follows:

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

Total 41

Nays: Boland, Cohenour, Ellis, Gross, Keenan, Pomnichowski, Pope, Tempel, Webber.

Total 9

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 396** passed as follows:

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

Total 46

Nays: Esp, Glimm, Keenan, Mr. President.

Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 402** 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.

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President.

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 403** 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 376** passed as follows:

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

Total 36

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

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Total 14

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 86** passed as follows:

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

Total 32

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

Total 18

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 399** passed as follows:

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

Total 30

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

Total 20

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 384** 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 388** passed as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**MOTIONS**

Majority Leader Smith moved that **SB 398**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator McGillvray moved to change his second reading vote on **SB 377** from Yes to No. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 9:00 a.m., Thursday, April 8, 2021, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 3:31 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate