

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

Helena, Montana
February 8, 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. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/8/2021

Correctly printed: **SB 72, SB 83, SB 98, SB 118, SB 144, SB 156, SB 168, SB 178, SB 179, SB 180, SB 181, SB 182, SB 183, SB 184, SJ 5, SR 34, SR 35, SR 36, SR 37, SR 55, SR 69, SR 70, SR 71, HB 41, HB 45, HB 51, HB 54, HB 60, HB 79, HB 80, HB 119.**

Correctly engrossed: **SB 60, SB 105, SB 106, SB 111, SB 126, SB 137, SB 158, HB 23, HB 53.**
Transmitted to the House: **SB 15, SB 130.**

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Keenan, Chair): 2/8/2021

SB 120, do pass.

SB 122, do pass.

SB 128, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "agency."

Insert: "However, this subsection (1)(b) does not prevent the legislative auditor from seeking feedback of state agencies for the purposes of evaluating the performance of employees of the legislative audit division."

And, as amended, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 2/5/2021

SB 135, do pass.

SB 171, do pass.

HB 104, be concurred in.

Without objection, committee reports were adopted.

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MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/5/2021

SB 3, introduced by J. Small
SB 6, introduced by J. Cohenour
SB 30, introduced by M. Blasdel
SB 34, introduced by J. Cohenour
SB 35, introduced by B. Hoven

House bills passed and transmitted to the Senate for concurrence: 2/5/2021

HB 98, introduced by S. Stewart Peregoy
HB 173, introduced by D. Loge
HB 176, introduced by S. Greef
HB 184, introduced by D. Loge
HB 229, introduced by J. Gillette
HB 256, introduced by M. Binkley

FIRST READING AND COMMITMENT OF BILLS

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

SB 185, introduced by D. Howard, P. Fielder, B. Gillespie, T. Moore, V. Ricci, J. Small, S. Vinton, referred to Judiciary.
SB 186, introduced by C. Friedel, referred to Business, Labor, and Economic Affairs.
SB 187, introduced by M. Sweeney, E. Boldman, J. Cohenour, M. Fox, J. Gross, S. O'Brien, referred to Business, Labor, and Economic Affairs.
SB 188, introduced by M. Lang, referred to Education and Cultural Resources.
SB 189, introduced by K. Bogner, referred to Business, Labor, and Economic Affairs.
SB 190, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.
SB 191, introduced by R. Osmundson, referred to Finance and Claims.
SB 192, introduced by R. Osmundson, referred to Finance and Claims.
SB 193, introduced by S. Hinebauch, referred to Taxation.
SB 194, introduced by K. Regier, referred to Judiciary.
SB 195, introduced by T. McGillvray, referred to Judiciary.
SB 196, introduced by T. McGillvray, referred to State Administration.

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

SR 72, introduced by D. Howard, referred to Public Health, Welfare and Safety.

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

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HB 98, introduced by S. Stewart Peregoy (by request of the State-Tribal Relations Committee), referred to Judiciary.

HB 173, introduced by D. Loge, referred to Natural Resources.

HB 176, introduced by S. Greef, M. Cuffe, D. Skees, D. Salomon, J. Read, S. Fitzpatrick, D. Kary, T. McGillvray, D. Howard, K. Regier, C. Smith, G. Vance, J. Welborn, B. Hoven, M. Blasdel, D. Ankney, B. Keenan, B. Molnar, C. Glimm, G. Hertz, B. Brown, F. Garner, K. Holmlund, T. Manzella, W. McKamey, S. Hinebauch, R. Fitzgerald, F. Anderson, J. Patelis, W. Sales, B. Beard, J. Small, T. Gauthier, M. Hopkins, R. Tempel, J. Ellsworth, J. Fuller, J. Dooling, B. Gillespie, B. Mitchell, P. Fielder, S. Galloway, J. Schillinger, C. Hinkle, K. Walsh, M. Bertoglio, M. Binkley, K. Whitman, C. Friedel, referred to State Administration.

HB 184, introduced by D. Loge, referred to Highways and Transportation.

HB 229, introduced by J. Gillette, referred to Judiciary.

HB 256, introduced by M. Binkley, referred to Highways and Transportation.

**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 Gross in the chair.

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

SB 155 - Senator Jacobson moved **SB 155** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, 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 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 51 - Senator Ellsworth moved **SB 51** do pass. Motion carried as follows:

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

Total 31

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

Total 18

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 52 - Senator Ellsworth moved **SB 52** do pass. Motion carried as follows:

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

Total 46

Nays: Bennett, Bogner, Pomnichowski.

Total 3

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 74 - Senator Gillespie moved **HB 74** 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, 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.

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Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 153 - Senator Sweeney moved **HB 153** 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, 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 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 68 - Senator Bogner moved **HB 68** 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, 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 49

Nays: None.
Total 0

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Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 26 - Senator McClafferty moved **HB 26** 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, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Glimm.

Total 1

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 62 - Senator Cuffe moved **HB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, 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 44

Nays: Brown, Glimm, Hinebauch, Manzella, Vance.

Total 5

Paired: None.

Excused: Howard.

Total 1

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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 Gross moved the Committee of the Whole report be adopted. Report 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, 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 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 83 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, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Osmundson.

Total 1

Paired: None.

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Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 118 passed as follows:

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

Total 18

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 41 concurred in as follows:

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

Total 45

Nays: Glimm, Hinebauch, McGillvray, Vance.

Total 4

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

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HB 45 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, 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 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 51 concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 43

Nays: Ankney, Glimm, Hinebauch, Manzella, Vance, Welborn.
Total 6

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 54 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, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

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Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 60 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, 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 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 79 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, Jacobson, Kary, Lang, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Keenan, Lynch, McGillvray, Salomon, Smith C.

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Total 5

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Smith moved that **SB 52**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 51**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Savanna Sanderson from Libby, MT, sponsored by Senator Cuffe
Klaire Krumwiede from Glasgow, MT, sponsored by Senator Lang
Pason Gage from Laurel, MT, sponsored by Senator Molnar

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, February 9, 2021, the twenty-seventh legislative day. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate