

**SENATE JOURNAL
67TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY**

Helena, Montana
January 18, 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):

1/18/2021

Correctly printed: **SB 5, SB 14, SB 26, SB 27, SB 35, SB 47, SB 58, SB 61, SB 62, SB 70, SB 111, SB 112, SB 113, SB 114, SB 115, SB 116, SR 3, SR 4.**

Examined by the sponsor and found to be correct: **SR 1.**

Signed by the Secretary of the Senate at 11:45 a.m., January 18, 2021: **SR 1.**

Signed by the President at 11:50 a.m., January 18, 2021: **SR 1.**

Transmitted to the House: **SB 25, SB 34, SB 49, SB 66.**

Senator O'Brien arose on a point of personal privilege and urged Senators to focus on priorities and working together.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair):

1/15/2021

SB 4, introduced bill, be amended as follows:

1. Title, line 6.

Following: "FORCE;"

Insert: "REQUIRING THE TASK FORCE TO WORK TOWARD IDENTIFYING CAUSES CONTRIBUTING TO MISSING AND MURDERED INDIGENOUS PERSONS;"

2. Page 1, line 26.

Following: "agencies;"

Insert: "(b) work to identify causes that contribute to missing and murdered indigenous persons and make recommendations to federally recognized tribes in the state to reduce cases of missing and murdered indigenous persons;"

Renumber: subsequent subsections

4. Page 2, line 13.

Following: "written"

Insert: "written"

And, as amended, do pass.

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

SB 31, do pass.
SB 67, do pass.
SB 68, do pass.
SB 69, do pass.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 117, introduced by T. Jacobson, referred to Business, Labor, and Economic Affairs.

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

SJ 2, introduced by T. McGillvray, K. Bogner, N. Duram, J. Ellsworth, F. Fleming, T. Gauthier, G. Hertz, S. Hinebauch, D. Howard, D. Kary, B. Keenan, D. Lenz, B. Mercer, B. Molnar, T. Moore, A. Regier, K. Regier, M. Stromswold, K. Zolnikov, referred to Judiciary.

**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 Keenan in the chair.

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

SB 65 - Majority Leader C. Smith moved consideration of **SB 65** be placed at the bottom of the second reading board for the purpose of amendment. Without objection, so ordered.

SB 21 - Senator McClafferty moved **SB 21** 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, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 23 - Senator Salomon moved **SB 23** 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, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 24 - Senator Salomon moved **SB 24** 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, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

Absent or not voting: None.

Total 0

SB 1 - Senator Kary moved **SB 1** 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, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 1 - Senator Osmundson moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn.
Total 36

Nays: Brown, Esp, Friedel, Glimm, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Tempel.

Total 14

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 65 - Senator Fitzpatrick moved **SB 65** do pass.

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

SB 65 - Senator Molnar moved **SB 65**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "REGULATIONS;"

Insert: "PROVIDING FOR STANDING;"

2. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, line 8.

Following: "27-1-719"

Insert: "AND 70-24-303"

4. Page 1, line 20.

Strike: "8"

Insert: "9"

5. Page 1, line 25.

Strike: "8"

Insert: "9"

6. Page 2, line 7.

Strike: "8"

Insert: "9"

7. Page 3, line 18.

Strike: "8"

Insert: "9"

8. Page 3.

Following: line 22

Insert: "NEW SECTION. Section 3. Standing. (1) A civil action in accordance with [sections 1 through 9] may be initiated only by a person who:

(a) demonstrates concrete adverseness and individual harm;

(b) subject to subsection (2), provides evidence of exposure or potential exposure to covid-19 or another communicable disease on a date and at a time and place certain; and

(c) offers evidence that the person could not take an alternative action to avoid the exposure or potential exposure.

(2) If a person is unable to meet the requirements of subsection (1)(b):

(a) the defendant may move for, and the judge may grant, summary judgment on one or more of the issues raised by the civil action; and

(b) the person bringing the civil action is responsible for all legal fees."

Renumber: subsequent sections

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

9. Page 9, line 10.

Strike: "3"

Insert: "4"

10. Page 10, line 27.

Strike: "8"

Insert: "9"

11. Page 10, line 28.

Strike: "8"

Insert: "9"

Amendment **failed** as follows:

Yeas: Brown, Cuffe, Ellsworth, Glimm, Keenan, Manzella, Molnar.

Total 7

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

Total 43

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 65 - Senator Cohenour moved **SB 65**, second reading copy, be amended as follows:

1. Page 11, line 15.

Strike: "January 1, 2031"

Insert: "June 30, 2023"

Amendment **failed** as follows:

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

Total 20

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 - Thereupon, the Senate reverted to the original motion of Senator Fitzpatrick which 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, McClafferty, McGillvray, McNally, Morigeau, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 38

Nays: Bennett, Boland, Cohenour, Ellis, Fox, Gross, Manzella, Molnar, O'Brien, Pomnichowski, Pope, Sands.
Total 12

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

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

Total 49

Nays: Molnar.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the Senate suspend rule S50-190 for the purpose of placing **SB 65** on third reading this date. 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, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
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

Paired: None.

Excused: None.
Total 0

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 5 passed as follows:

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

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

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

Total 48

Nays: Hinebauch, Kary.

Total 2

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 35 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, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 47 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, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 50

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 65 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, McClafferty, McGillvray, McNally, Morigeau, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn.

Total 37

Nays: Bennett, Boland, Cohenour, Ellis, Fox, Gross, Manzella, Molnar, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 13

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for this week:

Marcus Evans from Helena, sponsored by Senator Vance

Zachary Evans from Helena, sponsored by Senator Vance

Bauer Seewald from Cut Bank, sponsored by Senator Tempel

Brant Seewald from Cut Bank, sponsored by Senator Tempel

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 18, 2021

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, January 19, 2021, the twelfth legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate