

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

Helena, Montana  
January 19, 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 Ankney excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 1/19/2021

Correctly printed: **SB 1, SB 21, SB 23, SB 24, SB 31, SB 65, SB 67, SB 68, SB 69, SB 117, SJ 2, HB 1.**

Correctly engrossed: **SB 4.**

Transmitted to the House: **SB 5, SB 35, SB 47, SB 65.**

Delivered to the Secretary of State at 8:24 a.m., January 19, 2021: **SR 1.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 1/19/2021  
**SB 90**, introduced bill, be amended as follows:

1. Page 1, line 18 through line 19.

Strike: "as" on line 18 through "certification" on line 19

Insert: "or certification"

And, as amended, do pass.

**SB 97**, do pass.

**SB 102**, do pass.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 1/18/2021

**SB 42**, do pass.

**SB 72**, do pass.

**JUDICIARY** (Regier, Chair): 1/19/2021

**SB 17**, do pass.

**SB 39**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Strike: "ESTABLISHING" on line 6 through "CREDENTIAL" on line 7

Insert: "PROVIDING THAT THE BOARD OF BEHAVIORAL HEALTH AND CERTAIN OTHER  
BOARDS JOINTLY ESTABLISH AND MAINTAIN STANDARDS AND GUIDELINES FOR

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EVIDENCE-BASED ASSESSMENT, EVALUATION, TREATMENT, AND BEHAVIORAL  
MONITORING OF SEXUAL OFFENDERS; PROVIDING FOR A LICENSE  
ENDORSEMENT FOR"

2. Title, line 8.

Strike: "OR PROVIDE TREATMENT TO"

Insert: "OF"

3. Title, line 9 through line 10.

Strike: "AMENDING" on line 9 through "INSTRUCTIONS;" on line 10

Insert: "PROVIDING RULEMAKING AUTHORITY;"

4. Title, line 11.

Strike: "EFFECTIVE DATES"

Insert: "A DELAYED EFFECTIVE DATE"

5. Page 1, line 15 through page 3, line 5.

Strike: sections 1 through 3 in their entirety

Insert: "**NEW SECTION. Section 1. Definition -- joint duties of boards -- sexual offender evaluator license endorsement -- rulemaking.** (1) As used in this section, "boards" means the following boards jointly:

- (a) board of behavioral health as established in 2-15-1744;
  - (b) board of medical examiners as established in 2-15-1731;
  - (c) board of nursing as established in 2-15-1734;
  - (d) board of psychologists as established in 2-15-1741; and
  - (e) board of social work examiners and professional counselors.
- (2) The boards shall:

(a) jointly establish, develop rules, and maintain standards, consistent with appropriate national standards for evaluation and treatment of sexual offenders, and guidelines for evidence-based assessment, evaluation, treatment, and behavioral monitoring of sexual offenders, including the transition into community-based treatment from a prison setting;

(b) require sexual offender evaluators to use the following levels of risk designations for a sexual offender:

- (i) level 1, the risk of a repeat sexual offense is low;
- (ii) level 2, the risk of a repeat sexual offense is moderate; or
- (iii) level 3, the risk of a repeat sexual offense is high, there is a threat to public safety, and the sexual offender evaluator believes that the offender is a sexually violent predator; and

(c) set and enforce educational and experiential requirements for licensees of each of the boards to obtain a license endorsement as a sexual offender evaluator. A person may not perform sexual offender evaluations for purposes of this section without first obtaining a license endorsement."

Re-number: subsequent sections

6. Page 3, line 27.

Strike: "[section 3]"

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Insert: "[section 1]"

7. Page 4, line 3 through line 4.

Strike: "a credential" on line 3 through "providers" on line 4

Insert: "a license endorsement as provided for in [section 1]"

8. Page 4, line 19.

Following: "nurse,"

Insert: "licensed clinical social worker, licensed clinical professional counselor, licensed marriage and family therapist,"

9. Page 5, line 24.

Strike: "credential issued by the board of sexual offender evaluators and treatment providers"

Insert: "license endorsement as provided for in [section 1]"

10. Page 7, line 1 through line 2.

Strike: "has" on line 1 through "providers" on line 2

Insert: "has a license endorsement as provided for in [section 1]"

11. Page 7, line 15 through line 21.

Strike: section 6 in its entirety

Renumber: subsequent sections

12. Page 7, line 23 through line 27.

Following: "**instruction.**" on line 23

Strike: remainder of line 23 through line 27 in their entirety

Insert: "[Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1]."

13. Page 8, line 1.

Strike: "**dates**"

Insert: "**date**"

14. Page 8, line 1.

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

Insert: "[This act]"

15. Page 8, line 2.

Strike: "on passage and approval"

Insert: "January 1, 2022"

16. Page 8, line 3.

Strike: "(2) [Sections 4 and 5] are effective January 1, 2022."

And, as amended, do pass.

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**NATURAL RESOURCES** (Welborn, Chair): 1/18/2021  
**SB 55**, do pass.

**TAXATION** (Hoven, Chair): 1/19/2021  
**SB 11**, do pass.  
**SB 41**, do pass.  
**SB 45**, do pass.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 1/18/2021

**HB 28**, introduced by F. Fleming  
**HB 29**, introduced by J. Trebas  
**HB 58**, introduced by J. Karjala  
**HB 81**, introduced by J. Hamilton  
**HB 88**, introduced by M. Bertoglio

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 118**, introduced by T. Gauthier, M. Blasdel, referred to Business, Labor, and Economic Affairs.  
**SB 119**, introduced by J. Esp, referred to Business, Labor, and Economic Affairs.  
**SB 120**, introduced by J. Esp, referred to Legislative Administration.  
**SB 121**, introduced by T. Jacobson, J. Ellsworth, S. Fitzpatrick, referred to Public Health, Welfare and Safety.  
**SB 122**, introduced by K. Regier, referred to Legislative Administration.

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

**SR 5**, introduced by G. Vance, referred to Highways and Transportation.

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

**HB 28**, introduced by F. Fleming (by request of the Law and Justice Interim Committee), referred to Judiciary.  
**HB 29**, introduced by J. Trebas (by request of the Department of Military Affairs), referred to State Administration.  
**HB 58**, introduced by J. Karjala (by request of the Department of Administration), referred to State Administration.

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**HB 81**, introduced by J. Hamilton (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 88**, introduced by M. Bertoglio (by request of the Teachers' Retirement Board), referred to State Administration.

**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 Esp in the chair.

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

**SB 26** - Senator Gillespie moved **SB 26** do pass. Motion carried as follows:

Yeas: 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 49

Nays: None.  
Total 0

Paired: None.

Excused: Ankney.  
Total 1

Absent or not voting: None.  
Total 0

**SB 27** - Senator Gillespie moved **SB 27** do pass. Motion carried as follows:

Yeas: 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.  
Total 48

Nays: Molnar.  
Total 1

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Paired: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

**SB 58** - Senator Cuffe moved **SB 58** do pass. Motion carried as follows:

Yeas: 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 49

Nays: None.

Total 0

Paired: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

**SB 70** - Senator Fitzpatrick moved **SB 70** do pass. Motion carried as follows:

Yeas: 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 49

Nays: None.

Total 0

Paired: None.

Excused: Ankney.

Total 1

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Absent or not voting: None.

Total 0

**SB 14** - Senator Ellis moved **SB 14** do pass. Motion carried as follows:

Yeas: 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 49

Nays: None.

Total 0

Paired: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

**SB 6** - Senator Cohenour moved **SB 6** do pass. Motion carried as follows:

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

Total 44

Nays: Glimm, Hinebauch, Manzella, Smith C, Vance.

Total 5

Paired: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

**SB 30** - Senator Blasdel moved **SB 30** do pass. Motion carried as follows:

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Yeas: 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 49

Nays: None.  
Total 0

Paired: None.

Excused: Ankney.  
Total 1

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

Yeas: 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 49

Nays: None.  
Total 0

Paired: None.

Excused: Ankney.  
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:

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**SB 1** passed as follows:

Yeas: 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 49

Nays: None.  
Total 0

Paired: None.

Excused: Ankney.  
Total 1

Absent or not voting: None.  
Total 0

**SB 21** passed as follows:

Yeas: 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 49

Nays: None.  
Total 0

Paired: None.

Excused: Ankney.  
Total 1

Absent or not voting: None.  
Total 0

**SB 23** passed as follows:

Yeas: 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,

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

Nays: None.  
Total 0

Paired: None.

Excused: Ankney.  
Total 1

Absent or not voting: None.  
Total 0

**SB 24** passed as follows:

Yeas: 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 49

Nays: None.  
Total 0

Paired: None.

Excused: Ankney.  
Total 1

Absent or not voting: None.  
Total 0

**HB 1** concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn.  
Total 37

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

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Total 12

Paired: None.

Excused: Ankney.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Majority Leader Smith moved that **SB 58**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, January 20, 2021, the thirteenth legislative day. Motion carried.

Senate adjourned at 1:39 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senatem