

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

Helena, Montana
January 21, 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): 1/21/2021

Correctly printed: **SB 3, SB 4, SB 9, SB 13, SB 20, SB 36, SB 53, SB 61, SB 62, SB 79, SB 123.**

Correctly engrossed: **SB 74.**

Transmitted to the House: **SB 6, SB 14, SB 26, SB 27, SB 30, SB 70.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/21/2021

SB 76, do pass.

SB 101, introduced bill, be amended as follows:

1. Page 2, line 13.

Strike: "and"

2. Page 2.

Following: line 13

Insert: "(e) prohibit the provider from submitting to a health insurance issuer or a contractor or subcontractor of a health insurance issuer a claim for payment for health care services provided to a patient under a direct patient care agreement; and"

Renumber: subsequent subsections

And, as amended, do pass.

SB 112, do pass.

SR 3, be adopted.

HB 41, be concurred in.

HB 79, be concurred in.

JUDICIARY (Regier, Chair): 1/21/2021

SB 114, do pass.

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STATE ADMINISTRATION (Kary, Chair):

1/20/2021

SB 56, do pass.

SB 57, introduced bill, be amended as follows:

1. Page 15, line 9 through line 10.

Strike: "17-6-230,"

2. Page 15, line 11.

Following: "published"

Insert: "and publicly available"

Following: "published."

Insert: "Reports required in subsections (2)(a), (2)(bb), (2)(cc), and (3)(b)(viii) must be provided following issuance of reports issued under Title 5, chapter 13."

4. Page 60, line 3.

Strike: "A"

Insert: "Subject to [section 1(6)], a"

And, as amended, do pass.

SB 82, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/20/2021

HB 38, introduced by T. Welch

HB 51, introduced by J. Hamilton

HB 60, introduced by D. Lenz

HB 64, introduced by T. Moore

HB 65, introduced by T. Moore

HB 74, introduced by J. Gillette

HB 77, introduced by R. Fitzgerald

HB 105, introduced by R. Marshall

HB 120, introduced by D. Loge

FIRST READING AND COMMITMENT OF BILLS

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

SB 124, introduced by S. Morigeau, referred to Taxation.

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SB 125, introduced by M. Cuffe, G. Custer, referred to Highways and Transportation.

SB 126, introduced by K. Regier, referred to Taxation.

SB 127, introduced by C. Friedel, L. Brewster, B. Brown, J. Ellsworth, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, B. Ler, T. Manzella, T. McGillvray, B. Molnar, J. Read, K. Regier, K. Seekins-Crowe, K. Zolnikov, referred to Judiciary.

SB 128, introduced by S. Fitzpatrick, referred to Legislative Administration.

SB 129, introduced by G. Hertz, F. Anderson, D. Bartel, M. Blasdel, E. Buttrey, J. Ellsworth, S. Fitzpatrick, D. Loge, B. Molnar, M. Noland, M. Sweeney, referred to Business, Labor, and Economic Affairs.

SB 130, introduced by T. Manzella, referred to State Administration.

SB 131, introduced by D. Salomon, R. Fitzgerald, W. Sales, referred to Agriculture, Livestock and Irrigation.

SB 132, introduced by K. Regier, referred to Judiciary.

The following Senate bill, previously introduced, was referred to committee:

SB 89, introduced by K. Regier, referred to State Administration.

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

SR 6, introduced by B. Hoven, referred to Taxation.

SR 7, introduced by B. Hoven, referred to Taxation.

SR 8, introduced by B. Hoven, referred to Taxation.

SR 9, introduced by G. Vance, referred to Highways and Transportation.

SR 10, introduced by G. Vance, referred to Highways and Transportation.

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

HB 38, introduced by T. Welch (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

HB 51, introduced by J. Hamilton (by request of the Revenue Interim Committee), referred to Taxation.

HB 60, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

HB 64, introduced by T. Moore (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 65, introduced by T. Moore (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 74, introduced by J. Gillette (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 77, introduced by R. Fitzgerald (by request of the Department of Transportation), referred to Highways and Transportation.

HB 105, introduced by R. Marshall, M. Hopkins, referred to Judiciary.

HB 120, introduced by D. Loge, B. Brown, R. Fitzgerald, referred to Fish and Game.

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**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 Small in the chair.

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

SB 102 - Senator C. Smith moved consideration of **SB 102** be placed at the bottom of the second reading board. Motion carried.

SB 42 - Senator Boland moved **SB 42** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Keenan, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber.

Total 34

Nays: Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hinebauch, Hoven, Kary, Lang, Manzella, Molnar, Mr. President, Regier K, Vance, Welborn.

Total 16

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 72 - Senator K. Regier moved **SB 72** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, 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 47

Nays: Bennett, Boldman, Ellis.

Total 3

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 31 - Senator McNally moved **SB 31** 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 67 - Senator Fitzpatrick moved **SB 67** do pass. Motion carried as follows:

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

Total 47

Nays: Ellis, Lynch, Pomnichowski.

Total 3

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 69 - Senator Fitzpatrick moved **SB 69** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 32

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

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 17 - Senator Gross moved **SB 17** 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 55 - Senator Cohenour moved **SB 55** 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,

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

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 41 - Senator Webber moved **SB 41** 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 45 - Senator Blasdel moved **SB 45** 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.

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Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

President Blasdel assumed the chair.

SB 102 - Senator Small moved **SB 102** 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, 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: Keenan.

Total 1

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 Small 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, 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.

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Total 0

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 4 passed as follows:

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

Total 41

Nays: Bogner, Hinebauch, Howard, Kary, Keenan, Lang, Molnar, Tempel, Vance.

Total 9

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 13 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, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.

Total 44

Nays: Howard, Keenan, Manzella, Regier K, Smith C, Vance.

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Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 20 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 33

Nays: Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Howard, Keenan, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Smith C, Vance.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 36 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.

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Total 0

Absent or not voting: None.

Total 0

SB 53 passed as follows:

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

Total 42

Nays: Ellis, Fox, Gross, Morigeau, O'Brien, Pomnichowski, Pope, Webber.

Total 8

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 61 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

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SB 62 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

MOTIONS

Majority Leader Smith moved that **SB 72**, 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., Friday, January 22, 2021, the fifteenth legislative day. Motion carried.

Senate adjourned at 2:06 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate