

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

Helena, Montana
January 22, 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-eight members present, Senators Ellsworth and Keenan, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

1/22/2021

Correctly printed: **SB 17, SB 31, SB 41, SB 42, SB 45, SB 55, SB 56, SB 67, SB 69, SB 72, SB 76, SB 82, SB 102, SB 112, SB 114, SB 124, SB 125, SB 126, SB 127, SB 128, SB 129, SB 130, SB 131, SB 132, SR 3, SR 6, SR 7, SR 8, SR 9, SR 10, HB 41, HB 79.**

Correctly engrossed: **SB 57.**

Transmitted to the House: **SB 4, SB 13, SB 20, SB 36, SB 53, SB 61, SB 62.**

COMMUNICATIONS AND PETITIONS

President Mark Blasdel
Montana State Senate
State Capitol
Helena, MT 59620

Dear Senator Blasdel:

On behalf of Chief Justice Mike McGrath, I am attaching the appointment notice for the Associate Judge of the Montana Water Court. The appointment is subject to Senate confirmation pursuant to 3-1-1013, MCA.

Judge Stephen R. Brown's appointment notice, certification from the Judicial Nomination Commission, and full application is attached. Judge Brown was the only applicant for the position. Please note Judge Brown was originally appointed to the position mid-term in 2019 and thus, was confirmed by the Senate in 2019. This confirmation is for a full four-year term starting on July 1, 2020.

Judge Brown will be available via Zoom or as needed for a confirmation hearing. On behalf of Chief Justice McGrath, thank you in advance for considering the appointment.

Sincerely,

Beth McLaughlin
Supreme Court Administrator

STATE INTERNET/BBS COPY

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):

1/21/2021

HB 3, be amended as follows:

1. Page 1, line 28.

Strike: "\$800 million"

Insert: "\$292.9 million"

2. Page 2, line 4.

Strike: "\$24.5 million"

Insert: "\$17 million"

3. Page 2, line 6 through line 7.

Strike: line 6 through line 7 in their entirety

4. Page 2, line 8.

Strike: "\$200 million"

Insert: "\$17 million"

5. Page 2, line 10 through line 11.

Strike: line 10 through line 11 in their entirety

6. Page 2, line 19 through line 22.

Strike: line 19 through line 22 in their entirety

And, as amended, be concurred in.

FISH AND GAME (Hinebauch, Chair):

1/21/2021

HB 45, be concurred in.

HB 48, be concurred in.

HB 54, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

1/21/2021

SB 96, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/21/2021

HB 56, introduced by D. Loge

HB 70, introduced by K. Holmlund

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

HB 76, introduced by G. Frazer
HB 85, introduced by B. Tschida
HB 111, introduced by J. Fuller
HB 124, introduced by B. Mitchell

FIRST READING AND COMMITMENT OF BILLS

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

SB 133, introduced by G. Hertz, B. Beard, M. Blasdel, K. Bogner, J. Ellsworth, D. Fern, S. Fitzpatrick, W. Galt, M. Hopkins, J. Kassmier, R. Knudsen, T. McGillvray, T. Welch, referred to Taxation.
SB 134, introduced by J. Small, D. Ankney, M. Blasdel, G. Custer, J. Ellsworth, W. Galt, C. Knudsen, R. Osmundson, B. Phalen, S. Vinton, referred to Energy and Telecommunications.
SB 135, introduced by S. Fitzpatrick, referred to Local Government.
SB 136, introduced by S. Fitzpatrick, referred to Natural Resources.
SB 137, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 138, introduced by G. Hertz, S. Galloway, M. Hopkins, B. Keenan, C. Knudsen, M. Noland, J. Read, D. Skees, referred to Taxation.

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

SR 11, introduced by G. Vance, referred to Judiciary.

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

HB 56, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.
HB 70, introduced by K. Holmlund (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
HB 76, introduced by G. Frazer (by request of the Department of Administration), referred to State Administration.
HB 85, introduced by B. Tschida (by request of the Public Service Commission), referred to Energy and Telecommunications.
HB 111, introduced by J. Fuller, referred to Taxation.
HB 124, introduced by B. Mitchell, D. Skees, J. Read, S. Berglee, M. Noland, B. Tschida, S. Gunderson, L. Sheldon-Galloway, J. Trebas, B. Usher, J. Patelis, B. Beard, J. Fuller, J. Kassmier, B. Ler, A. Regier, P. Fielder, S. Kerns, J. Schillinger, M. Stromswold, C. Hinkle, M. Bertoglio, G. Frazer, R. Marshall, referred to Judiciary.

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

**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 Bennett in the chair.

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

SB 97 - Senator Fitzpatrick moved **SB 97** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 3 - Senator Small moved **SB 3** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

Absent or not voting: None.

Total 0

SB 9 - Senator Tempel moved **SB 9** do pass. Motion carried as follows:

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

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Paired: None.

Excused: Ellsworth, Keenan.

Total 2

Absent or not voting: None.

Total 0

SB 74 - Senator Salomon moved **SB 74** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.

Total 0

Paired: None.

Excused: Ellsworth, Keenan.

Total 2

Absent or not voting: None.

Total 0

SB 79 - Senator Kary moved **SB 79** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp,

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 68 - Senator Fitzpatrick moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

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

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

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

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

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 17 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 31 passed as follows:

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

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 41 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 42 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Howard, Jacobson, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Webber.
Total 29

Nays: Brown, Cuffe, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Kary, Lang, Manzella, Molnar, Mr. President, Osmundson, Regier K, Salomon, Smith C, Vance, Welborn.

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

Total 19

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 45 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 55 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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, Webber, Welborn.
Total 47

Nays: Vance.
Total 1

Paired: None.

Excused: Ellsworth, Keenan.

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

Total 2

Absent or not voting: None.

Total 0

SB 67 passed as follows:

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

Total 44

Nays: Ellis, Lynch, McClafferty, Pomnichowski.

Total 4

Paired: None.

Excused: Ellsworth, Keenan.

Total 2

Absent or not voting: None.

Total 0

SB 69 passed as follows:

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

Total 32

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

Total 16

Paired: None.

Excused: Ellsworth, Keenan.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 22, 2021

SB 102 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, January 25, 2021, the sixteenth legislative day. Motion carried.

Senate adjourned at 1:35 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate