

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

Helena, Montana
January 29, 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): 1/29/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through the fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 18, SB 40, SB 75, SB 88, SB 92, SB 93, SB 104, SB 110, SB 125, SB 156, SB 157, SB 158, SB 159, SB 160, SB 161, SB 162, SB 163, SB 164, SB 165, SB 166, SB 167, SB 168, SB 169, SR 4, SR 6, SR 8, SR 13, SR 14, SR 15, SR 16, SR 17, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23, SR 24, SR 25, SR 26.**

Correctly engrossed: **SB 80, SB 115, SB 123, SR 9, SR 10.**

Transmitted to the House: **SB 101, HB 3.**

Signed by the Secretary of the Senate at 2:20 p.m., January 28, 2021: **SR 3.**

Signed by the President at 3:00 p.m., January 28, 2021: **SR 3.**

Delivered to the Secretary of State at 9:59 a.m., January 29, 2021: **SR 3.**

Delivered to the Governor at 9:54 a.m., January 29, 2021: **SR 3**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/29/2021
SB 129, do pass.
HB 19, be concurred in.
HB 74, be concurred in.

FISH AND GAME (Hinebauch, Chair): 1/28/2021
SB 115, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "100"

Insert: "500"

2. Page 1, line 18.

Strike: "\$100,000"

Insert: "\$1 million"

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3. Page 1, line 19.
Strike: "\$100,000"
Insert: "\$1 million"

And, as amended, do pass.

SB 116, do pass.
HB 108, be concurred in.
HB 120, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):
SR 9, introduced resolution, be amended as follows:

1/28/2021

1. Page 1, line 13.
Strike: "Loren"
Insert: "Loran"

And, as amended, be adopted.

SR 10, introduced resolution, be amended as follows:

1. Page 1, line 14.
Strike: "Darrold Hutchinson, Hingham, Montana, appointed to a term ending January 5, 2025."

2. Page 1.
Following: line 17
Insert: "Greg Smith, Lewistown, Montana, appointed to a term ending January 5, 2025."

And, as amended, be adopted.

JUDICIARY (Regier, Chair):
SB 127, introduced bill, be amended as follows:

1/29/2021

1. Title, line 6.
Following: "JUDGE;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 2.
Following: line 10
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective 1 year after passage and approval."

And, as amended, do pass.

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HB 28, be concurred in.

HB 102, be amended as follows:

1. Title, line 15.

Following: "PROVIDING"

Strike: "AN IMMEDIATE"

2. Title, line 15.

Strike: "DATE"

Insert: "DATES"

3. Page 3, line 7.

Following: "COURTROOM"

Insert: "or an area of a courthouse in use by court personnel"

4. Page 4, line 7.

Following: "abuse;"

Strike: "and"

5. Page 4, line 9.

Following: "consumed"

Insert: "; and

(i) the possession of a firearm at an athletic or entertainment event open to the public with controlled access and armed security on site"

6. Page 4, line 11 through line 18.

Following: "**violations.**" on line 11

Strike: remainder of line 11 through line 18 in their entirety

Insert: " Any person that suffers deprivation of rights enumerated under [sections 1 through 6] has a cause of action against any governmental entity, as defined in 2-9-101. The cause of action must be filed in district court. If a person asserting a deprivation of rights prevails, the person may be awarded reasonable costs, attorney fees, and damages."

7. Page 5, line 18 through line 19.

Strike: ":" on line 18 through "(a)" on line 19

8. Page 5, line 20.

Strike: ";

Insert: "."

9. Page 5, line 26 through line 27.

Strike: subsection (b) in its entirety

10. Page 7, line 6.

Strike: "**date**"

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Insert: "**dates**"

11. Page 7, line 6.

Strike: "[This act]"

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

12. Page 7, line 6.

Following: "approval."

Insert: "(2) [Section 6] is effective June 1, 2021."

And, as amended, be concurred in.

HB 105, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 1/28/2021

SB 19, introduced by K. Regier

House bills passed and transmitted to the Senate for concurrence: 1/28/2021

HB 36, introduced by S. Stewart Peregoy

HB 47, introduced by W. McKamey

HB 55, introduced by D. Loge

HB 63, introduced by J. Dooling

HB 94, introduced by K. Walsh

HB 103, introduced by W. Curdy

HB 117, introduced by V. Ricci

HB 119, introduced by D. Loge

HB 142, introduced by J. Kassmier

HB 159, introduced by L. Jones

FIRST READING AND COMMITMENT OF BILLS

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

SB 170, introduced by D. Kary, referred to State Administration.

The following Senate bills, previously introduced, were referred to committees:

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SB 167, introduced by S. Fitzpatrick, W. Galt, M. Blasdel, referred to Business, Labor, and Economic Affairs.

SB 168, introduced by S. Fitzpatrick, referred to Judiciary.

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

SR 27, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SR 28, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SR 29, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SR 30, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SR 31, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SR 32, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SR 33, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

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

HB 36, introduced by S. Stewart Peregoy (by request of the State-Tribal Relations Committee), referred to Judiciary.

HB 47, introduced by W. McKamey (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 55, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.

HB 63, introduced by J. Dooling (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 94, introduced by K. Walsh (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

HB 103, introduced by W. Curdy, G. Custer, referred to Energy and Telecommunications.

HB 117, introduced by V. Ricci, referred to Business, Labor, and Economic Affairs.

HB 119, introduced by D. Loge, B. Brown, R. Fitzgerald, referred to Fish and Game.

HB 142, introduced by J. Kassmier, referred to Agriculture, Livestock and Irrigation.

HB 159, introduced by L. Jones, F. Garner, K. Holmlund, M. Regier, D. Loge, D. Bedey, 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 Ankney in the chair.

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

SB 81 - Senator K. Regier moved consideration of **SB 81** be passed for the day. Without objection, so ordered.

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SB 121 - Senator Jacobson moved **SB 121** 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 22 - Senator Salomon moved **SB 22** 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 59 - Senator McNally moved **SB 59** 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 38 - Senator Gauthier moved **SB 38** 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - Senator Kary moved **SB 108** do pass. 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, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, 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, Sweeney, Webber.

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Total 19

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 5 - Senator Vance moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 5**. 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

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 Ankney 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
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 18 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 40 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, 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: Esp, Friedel, Glimm, Howard, Keenan, Vance.

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Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 58 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 75 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 104 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 114 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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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, February 1, 2021, the twenty-first legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate