

**SENATE JOURNAL
67TH LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 2, 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 McNally excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/2/2021

Correctly printed: **SB 63, SB 80, SB 132, SB 171, SR 6, SR 8, SR 34, SR 35, SR 36, SR 37, SR 38, SR 39, SR 40, SR 41, SR 42, SR 43, SR 44, SR 45, SR 46, SR 47, SR 48, SR 49, SR 50, HB 51, HB 52.**

Correctly engrossed: **SB 7, SB 8, SB 52.**

Correctly enrolled: **SR 4.**

Examined by the sponsor and found to be correct: **SB 19, SR 4.**

Transmitted to the House: **SB 22, SB 38, SB 59, SB 108, SB 121.**

Senator McNally present at this time.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/1/2021
HB 68, be concurred in.

JUDICIARY (Regier, Chair): 2/2/2021
SR 11, be adopted.

STATE ADMINISTRATION (Kary, Chair): 2/1/2021
SB 15, do pass.
SB 130, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "VIOLATION;" on line 6

2. Title, line 6.
Strike: "PROVIDE"
Insert: "POST"

3. Title, line 7 through line 8.
Following: "VIOLATION" on line 7

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Insert: "AND ALLOWING THE COMMISSIONER TO SPECIFY A DEADLINE FOR THE RESPONSE"

Strike: "ALONG" on line 7 through "MCA" on line 8

4. Page 1, line 12.

Following: "**complaint**"

Strike: "**procedure -- firsthand knowledge --**"

5. Page 1, line 13 through line 15.

Following: "**response.**" on line 13

Strike: "(1)" on line 13 through "Each" on line 15

Insert: "A written response to a"

6. Page 1, line 15 through line 17.

Strike: "that" on line 15 through "public" on line 17

Insert: "must be posted"

7. Page 1, line 18.

Following: "website."

Insert: "The commissioner may specify a deadline for the written response by the person who is the subject of the campaign finance complaint."

8. Page 1, line 19 through line 26.

Strike: line 19 through line 26 in their entirety

9. Page 1, line 28 through page 3, line 26.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass.

SR 13, be adopted.

SR 15, be adopted.

SR 16, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/1/2021

SB 5, introduced by R. Tempel

House bills passed and transmitted to the Senate for concurrence: 2/1/2021

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HB 73, introduced by B. Usher
HB 87, introduced by W. McKamey
HB 129, introduced by D. Bedey
HB 137, introduced by R. Marshall
HB 138, introduced by P. Fielder

FIRST READING AND COMMITMENT OF BILLS

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

SB 172, introduced by D. Howard, K. Bogner, B. Brown, M. Cuffe, S. Fitzpatrick, T. Gauthier, B. Gillespie, C. Glimm, S. Hinebauch, D. Kary, B. Keenan, T. Manzella, T. McGillvray, B. Molnar, K. Regier, W. Sales, J. Small, C. Smith, G. Vance, referred to Judiciary.
SB 173, introduced by D. Howard, K. Bogner, D. Kary, K. Regier, J. Small, referred to Judiciary.
SB 174, introduced by G. Hertz, S. Berglee, M. Blasdel, S. Fitzpatrick, W. Galt, T. Gauthier, C. Knudsen, K. Zolnikov, referred to Local Government.
SB 175, introduced by D. Kary, referred to State Administration.

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

SR 51, introduced by J. Welborn, referred to Natural Resources.
SR 52, introduced by J. Welborn, referred to Natural Resources.
SR 53, introduced by J. Welborn, referred to Natural Resources.
SR 54, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 55, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.

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

HB 73, introduced by B. Usher (by request of the Criminal Justice Oversight Council), referred to Judiciary.
HB 87, introduced by W. McKamey (by request of the Department of Military Affairs), referred to State Administration.
HB 129, introduced by D. Bedey, referred to Taxation.
HB 137, introduced by R. Marshall, J. Hinkle, B. Tschida, J. Trebas, C. Knudsen, S. Kerns, M. Stromswold, C. Hinkle, referred to Business, Labor, and Economic Affairs.
HB 138, introduced by P. Fielder, S. Berglee, B. Brown, J. Hinkle, B. Tschida, S. Hinebauch, D. Loge, R. Fitzgerald, B. Ler, B. Mitchell, S. Gist, C. Hinkle, referred to Fish and Game.

**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 Cuffe in the chair.

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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 **SB 81** 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, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 32

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

Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 110 - Senator Osmundson moved **SB 110** 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

SR 9 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 9**. Motion carried as follows:

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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, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: Webber.
Total 1

SR 10 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. 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 129 - Senator Hertz moved **SB 129** do pass. Motion carried as follows:

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

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Total 33

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

Total 17

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 115 - Senator K. Regier moved **SB 115** 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.

Total 19

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 116 - Senator Ankney moved **SB 116** 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

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Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 127 - Senator Friedel moved **SB 127** 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 123 - Senator K. Regier moved **SB 123** 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, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Pomnichowski.

Total 1

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 92 - Senator Vance moved **SB 92** do pass. Motion **failed** as follows:

Yeas: Bennett, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Kary, Lynch, Manzella, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.

Total 20

Nays: Ankney, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gross, Hoven, Howard, Jacobson, Keenan, Lang, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber.

Total 30

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 92 - Majority Leader Smith moved **SB 92** be **indefinitely postponed**. Motion carried as follows:

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

Total 38

Nays: Bennett, Brown, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Manzella, Regier K, Smith C, Vance, Mr. President.

Total 12

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 93 - Senator Vance moved **SB 93** do pass. Motion carried as follows:

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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

HB 102 - Senator Manzella moved **HB 102** be concurred in. Motion carried as follows:

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

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Hoven, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

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

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson,

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

Total 43

Nays: Bennett, Boland, Flowers, McClafferty, Pomnichowski, Pope, Sands.

Total 7

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 63 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 80 passed as follows:

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

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

Total 45

Nays: Cohenour, McClafferty, Morigeau, Pomnichowski, Pope.

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 132 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, 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, Mr. President.

Total 29

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

Total 21

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

2/2/2021

SB 65, introduced by S. Fitzpatrick

MOTIONS

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Majority Leader Smith moved that **SB 110**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Following clarification from the chairman of the Finance and Claims Committee, Majority Leader Smith withdrew the motion.

Majority Leader Smith moved that **SB 81**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Majority Leader Smith withdrew the motion.

Senator Cohenour moved that **SB 81**, 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, February 3, 2021, the twenty-third legislative day. Motion carried.

Senate adjourned at 3:20 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate