

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

Helena, Montana
February 3, 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): 2/3/2021

Correctly printed: **SB 15, SB 81, SB 93, SB 110, SB 115, SB 116, SB 123, SB 127, SB 129, SB 172, SB 173, SB 174, SB 175, SR 9, SR 10, SR 11, SR 13, SR 15, SR 16, SR 51, SR 52, SR 53, SR 54, SR 55, HB 68.**

Correctly engrossed: **SB 51, SB 130.**

Correctly enrolled: **SB 5, SR 5, SR 6, SR 8.**

Examined by the sponsor and found to be correct: **SB 5, SR 5, SR 6, SR 8.**

Transmitted to the House: **SB 63, SB 80, SB 132, HB 102.**

Signed by the Secretary of the Senate at 4:35 p.m., February 2, 2021: **SB 19, SR 4.**

Signed by the President at 7:45 a.m., February 3, 2021: **SB 19, SR 4.**

Delivered to the Secretary of State at 11:57 a.m., February 3, 2021: **SR 4.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/3/2021
HB 153, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 2/2/2021
HB 62, be concurred in.
HB 96, be concurred in.

JUDICIARY (Regier, Chair): 2/3/2021
SB 83, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "WHEELED OFF-ROAD VEHICLES"

Insert: "FORESTRY EQUIPMENT"

1. Page 2, line 12.

Following: "lien."

Insert: "The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501."

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2. Page 2, line 16.

Strike: line 16 in its entirety

Renumber: subsequent subsections

3. Page 2, line 17.

Following: "equipment"

Insert: "; and

(iv) forestry equipment "

Following: line 17

Insert: "(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known post-office address. Service must be considered complete upon the deposit of the notice in the post office."

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 1, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-302, I submit to you and the Montana Senate the following cabinet appointments for confirmation.

- Department of Administration, Director, Ms. Misty A. Giles, MistyAnn.giles@mt.gov, Helena, Montana whose appointment is effective January 18, 2021.

I have included Ms. Giles' resume for your consideration.

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I have asked Liane Taylor, my Boards and Appointments Advisor, and Karli Hill, my Engagements Director, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or liane.taylor@mt.gov. Ms. Hill can be reached at extension 4521 or karli.hill@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/2/2021

SB 1, introduced by D. Kary
SB 21, introduced by E. McClafferty

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

HB 141, introduced by C. Keogh
HB 178, introduced by D. Bedey

FIRST READING AND COMMITMENT OF BILLS

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

SR 56, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 57, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 58, introduced by J. Welborn, referred to Natural Resources.
SR 59, introduced by S. Hinebauch, referred to Fish and Game.

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

HB 141, introduced by C. Keogh, S. Fitzpatrick, T. Manzella, referred to Highways and Transportation.
HB 178, introduced by D. Bedey, referred to State Administration.

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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 Esp in the chair.

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

SB 125 - Senator Cuffe moved **SB 125** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 33 - Senator McNally moved **SB 33** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, 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, Mr. President.
Total 48

Nays: Glimm, Welborn.
Total 2

Paired: None.

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

SB 43 - Senator Sands moved **SB 43** do pass. Motion carried as follows:

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

Total 45

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

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 65 - House Amendments - Senator Fitzpatrick moved House amendments to **SB 65** be concurred in. Motion carried as follows:

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

Total 29

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

Total 21

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

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arose. Senate resumed. President Blasdel presiding.

Chair Esp 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, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 47

Nays: Gross, Molnar, Pomnichowski.

Total 3

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 93 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.

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Total 0

SB 110 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 115 passed 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, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

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

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 passed as follows:

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

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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 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, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Pomnichowski, Pope.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 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

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Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 129 passed 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.

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

HB 102 concurred in as follows:

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

Total 29

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

Total 21

Paired: None.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, February 4, 2021, the twenty-fourth legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate