

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

Helena, Montana  
February 9, 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):

2/9/2021

Correctly printed: **SB 51, SB 52, SB 120, SB 122, SB 135, SB 155, SB 171, SB 185, SB 186, SB 187, SB 188, SB 189, SB 190, SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SR 72, HB 26, HB 62, HB 68, HB 74, HB 104, HB 153.**

Correctly engrossed: **SB 128, SB 169.**

Correctly enrolled: **SB 26, SB 65, SR 11.**

Examined by the sponsor and found to be correct: **SB 26, SB 65, SR 11.**

Transmitted to the House: **SB 83, SB 118, HB 41, HB 45, HB 51, HB 54, HB 60, HB 79.**

Signed by the Secretary of the Senate at 12:48 p.m., February 9, 2021: **SB 65.**

Signed by the Secretary of the Senate at 2:20 p.m., February 9, 2021: **SR 11.**

Signed by the President at 12:53 p.m., February 9, 2021: **SB 65.**

Signed by the President at 2:30 p.m., February 9, 2021: **SR 11.**

Signed by the Speaker at 2:25 p.m., February 9, 2021: **SB 65.**

Delivered to the Governor for signature at 2:33 p.m., February 9, 2021: **SB 65.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair):

2/9/2021

**SB 149**, introduced bill, be amended as follows:

1. Page 1, line 19 through line 20.

Strike: "and" on line 19 through "resides" on line 20

2. Page 2, line 5.

Strike: "three"

Insert: "six"

3. Page 2, line 7.

Following: "applications"

Strike: ", marketing materials,"

4. Page 2, line 8.

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Following: "states"  
Insert: "in substance"

And, as amended, do pass.

**SB 166**, do pass.  
**SB 167**, do pass.  
**SR 27**, be adopted.  
**SR 28**, be adopted.  
**SR 29**, introduced resolution, be amended as follows:

1. Page 1, line 13.  
Strike: "Ytturi"  
Insert: "Yturri"

And, as amended, be adopted.

**SR 30**, be adopted.  
**SR 31**, introduced resolution, be amended as follows:

1. Page 1, line 12.  
Strike: "Springer"  
Insert: "Stringer"

And, as amended, be adopted.

**HB 63**, be concurred in.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 2/8/2021  
**HB 100**, be concurred in.

**NATURAL RESOURCES** (Welborn, Chair): 2/8/2021  
**SR 52**, be adopted.  
**SR 53**, be adopted.

**STATE ADMINISTRATION** (Kary, Chair): 2/8/2021  
**SB 113**, do pass.  
**SB 169**, introduced bill, be amended as follows:

1. Page 2, line 27.  
Following: "judge"  
Strike: "a"  
Insert: "one of the following forms of"

2. Page 2, line 28.

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Following: "~~identification~~"  
Strike: ", including but not limited to"  
Insert: ":",

3. Page 3, line 1.  
Following: "license,"  
Strike: "or"  
Insert: "valid"

4. Page 4, line 5.  
Following: "name"  
Strike: ". The photo identification may be but is not limited to"  
Insert: "from the following list:"

5. Page 4, line 6.  
Following: "license"  
Insert: ", "  
**Following:** "license"  
**Strike:** "or"  
Insert: "valid"

6. Page 4, line 7.  
Following: "copy of"  
Insert: "a"  
Following: "identification"  
Insert: "from this list"

And, as amended, do pass.

**SB 170**, do pass.  
**SR 22**, be adopted.  
**SR 25**, be adopted.

Without objection, committee reports were adopted.

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**MESSAGES FROM THE GOVERNOR**

January 13, 2021

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

Dear President Blasdel:

In accordance with Montana Code Annotated Section 5-5-302, I submit to you and the Montana Senate the following cabinet appointment for confirmation:

- Department of Commerce, Director, Mr. Scott Osterman, P.O. Box 308, Whitefish, MT 59937, appointed January 11, 2021.

I have included Mr. Osterman's resume for your consideration.

We did not include Major General J. Peter Hronek's resume and letter of appointment with our January 5, 2021 letter requesting his confirmation. Major General Hronek's information is enclosed with this letter.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as the appointment moves through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at [liane.taylor@mt.gov](mailto:liane.taylor@mt.gov).

Sincerely,

GREG GIANFORTE  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 2/8/2021

**SB 36**, introduced by G. Hertz

**SB 41**, introduced by S. Webber

**SB 45**, introduced by M. Blasdel

**SB 68**, introduced by S. Fitzpatrick

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2021

**HB 221**, introduced by A. Buckley

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**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 197**, introduced by J. Ellis, referred to Energy and Telecommunications.

**SB 198**, introduced by J. Cohenour, referred to Highways and Transportation.

**SB 199**, introduced by G. Hertz, S. Berglee, M. Binkley, M. Blasdel, K. Bogner, B. Brown, M. Caferro, J. Carlson, M. Cuffe, J. Ellsworth, C. Friedel, J. Fuller, S. Galloway, W. Galt, J. Gillette, C. Glimm, E. Hill, S. Hinebauch, C. Hinkle, J. Hinkle, J. Kassmier, B. Keenan, C. Knudsen, R. Knudsen, M. Lang, D. Lenz, T. Manzella, T. McGillvray, B. Phalen, J. Read, D. Salomon, J. Schillinger, L. Sheldon-Galloway, D. Skees, C. Smith, M. Stromswold, R. Tempel, J. Trebas, B. Tschida, K. Zolnikov, referred to Public Health, Welfare and Safety.

**SB 200**, introduced by D. Sands, referred to Judiciary.

**SB 201**, introduced by S. Fitzpatrick, referred to Energy and Telecommunications.

**SB 202**, introduced by W. Sales, B. Brown, C. Glimm, D. Kary, B. Keenan, T. Manzella, referred to State Administration.

**SB 203**, introduced by K. Bogner, B. Bennett, C. Knudsen, B. Ler, K. Sullivan, K. Zolnikov, referred to Judiciary.

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

**SJ 6**, introduced by J. Ellis, referred to Natural Resources.

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

**HB 221**, introduced by A. Buckley, G. Custer, F. Garner, F. Anderson, E. Kerr-Carpenter, B. Putnam, B. Mitchell, P. Fielder, G. Frazer, D. Tenenbaum, 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 Small in the chair.

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

**SR 55** - Senator Lang moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 55**. 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,

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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 34** - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 34**. 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 35** - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 35**. 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

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Nays: None.  
Total 0

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SR 36** - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 36**. 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 37** - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 37**. 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 106** - Senator Sales moved **SB 106** do pass.

**SB 106** - Majority Leader Smith moved consideration of **SB 106** be passed for the day.  
Without objection, so ordered.

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, 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

**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 72** passed as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary,



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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 45

Nays: Bennett, Boldman, Ellis, Gross, Pomnichowski.

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 155** 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

**HB 23** concurred in 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

**HB 26** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, 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 42

Nays: Brown, Cuffe, Glimm, Hinebauch, Howard, Keenan, Manzella, Welborn.

Total 8

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 62** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, 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 45

Nays: Brown, Glimm, Hinebauch, Manzella, Vance.

Total 5

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 68** concurred in 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

**HB 74** concurred in 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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**HB 153** concurred in 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

**MOTIONS**

Senator McGillvray moved that **SJ 2** be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Tempel, Welborn, Mr. President.  
Total 26

Nays: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Smith C, Sweeney, Vance, Webber.  
Total 24

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, February 10, 2021, the twenty-eighth legislative day. Motion carried.

Senate adjourned at 1:42 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate