

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

Helena, Montana
February 10, 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):

2/10/2021

Correctly printed: **SB 113, SB 166, SB 167, SB 170, SB 197, SB 198, SB 199, SB 200, SB 201, SB 202, SB 203, SJ 2, SJ 6, SR 22, SR 25, SR 27, SR 28, SR 30, SR 34, SR 35, SR 36, SR 37, SR 52, SR 53, SR 55, HB 63, HB 100.**

Correctly enrolled: **SB 4, SB 6, SB 14, SB 34, SB 36, SR 13, SR 15, SR 16.**

Examined by the sponsor and found to be correct: **SB 4, SB 36, SR 16.**

Delivered to the Secretary of State at 11:28 a.m., February 10, 2021: **SR 11.**

Delivered to the Governor at 11:36 a.m., February 10, 2021: **SR 11.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair):

2/9/2021

SB 131, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DEFINITION;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 3.

Following: line 12

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2021."

And, as amended, do pass.

HB 93, be concurred in.

FISH AND GAME (Hinebauch, Chair):

2/9/2021

SR 59, be adopted.

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HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/9/2021

SB 148, do pass.

HB 55, be concurred in.

HB 56, be concurred in.

HB 77, be concurred in.

HB 133, be concurred in.

JUDICIARY (Regier, Chair): 2/9/2021

HB 136, be concurred in.

HB 140, be concurred in.

HB 167, be amended as follows:

1. Page 1, line 13.

Following: ""Born-Alive"

Insert: "Infant"

And, as amended, be concurred in.

HB 171, be concurred in.

JUDICIARY (Regier, Chair): 2/10/2021

SB 145, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "telephone"

Insert: "audio"

2. Page 2, line 25.

Following: "telephone"

Insert: "audio"

3. Page 3, line 4.

Following: "telephone"

Insert: "audio"

And, as amended, do pass.

SR 12, be adopted.

SR 48, be adopted.

SR 49, be adopted.

Without objection, committee reports were adopted.

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MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/9/2021

SB 23, introduced by D. Salomon

SB 24, introduced by D. Salomon

SB 25, introduced by D. Salomon

House bills passed and transmitted to the Senate for concurrence: 2/9/2021

HB 89, introduced by W. McKamey

HB 210, introduced by M. Funk

FIRST READING AND COMMITMENT OF BILLS

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

SB 204, introduced by G. Hertz, E. Boldman, B. Brown, M. Caferro, J. Carlson, S. Hinebauch, D. Lenz, T. Manzella, M. Noland, L. Sheldon-Galloway, B. Tschida, referred to Public Health, Welfare and Safety.

SB 205, introduced by B. Hoven, referred to Taxation.

SB 206, introduced by M. Sweeney, L. Jones, referred to Education and Cultural Resources.

SB 207, introduced by J. Pomnichowski, B. Bennett, M. Blasdel, E. Boldman, E. Buttrey, J. Cohenour, R. Farris-Olsen, P. Flowers, W. Galt, J. Gross, G. Hertz, T. Jacobson, E. McClafferty, S. Morigeau, C. Pope, M. Sweeney, S. Webber, referred to Business, Labor, and Economic Affairs.

SB 208, introduced by J. Cohenour, M. Blasdel, B. Brown, J. Ellsworth, C. Friedel, B. Gillespie, J. Gross, T. Jacobson, R. Lynch, D. Salomon, J. Small, M. Sweeney, J. Welborn, referred to Fish and Game.

SB 209, introduced by T. Jacobson, referred to Agriculture, Livestock and Irrigation.

SB 210, introduced by T. Jacobson, B. Gillespie, J. Gross, J. Small, M. Sweeney, referred to Agriculture, Livestock and Irrigation.

SB 211, introduced by S. Fitzpatrick, referred to Local Government.

SB 212, introduced by R. Osmundson, M. Blasdel, S. Fitzpatrick, C. Glimm, L. Jones, R. Lynch, C. Smith, G. Vance, referred to Taxation.

SB 213, introduced by K. Regier, referred to Energy and Telecommunications.

SB 214, introduced by G. Hertz, referred to Taxation.

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

SJ 7, introduced by J. Welborn, D. Ankney, K. Walsh, T. Welch, referred to Natural Resources.

SJ 8, introduced by K. Regier, referred to Judiciary.

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

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HB 89, introduced by W. McKamey (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

HB 210, introduced by M. Funk, referred to Business, Labor, and Economic Affairs.

**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 Hinebauch in the chair.

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

Majority Leader Smith moved that **SB 60** be moved down the agenda pending receipt of a fiscal note. Without objection, so ordered.

SB 169 - Senator Cuffe moved **SB 169** 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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 106 - Senator Sales moved **SB 106** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 39

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Nays: Brown, Cuffe, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Regier K, Smith C, Vance.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 156 - Senator Bennett moved **SB 156** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Cuffe, Ellsworth, Glimm, Howard, Kary, Keenan, Osmundson.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 105 - Senator Cohenour moved **SB 105** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 39

Nays: Cuffe, Esp, Glimm, Kary, Keenan, Lang, Molnar, Regier K, Smith C, Tempel, Vance.
Total 11

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 2 - Senator McGillvray moved **SJ 2** do pass. Motion **failed** as follows:

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

Total 24

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

Total 26

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 2 - Senator C. Smith moved **SJ 2** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Fox, Friedel, Gross, Hertz, Jacobson, Lynch, Manzella, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.

Total 31

Nays: Bogner, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, McNally, Molnar, Osmundson, Regier K, Salomon, Welborn.

Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 60 - Senator C. Smith moved consideration of **SB 60** 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 Pro Tempore Ellsworth presiding.

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

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

Total 45

Nays: Esp, Glimm, Keenan, McGillvray, Molnar.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Cohenour arose on a **point of order** and reminded the Senate that all members must be provided the opportunity for full discussion of bills brought before the Committee of the Whole as required by Senate Rules.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, February 11, 2021, the twenty-ninth legislative day. Motion carried.

Senate adjourned at 2:48 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate