

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

Helena, Montana
March 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. Forty-eight members present, Senators McNally and Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/9/2021

Correctly enrolled: **SB 140**.

Examined by the sponsor and found to be correct: **SB 140**.

Delivered to the Secretary of State at 10:24 a.m., March 9, 2021: **SR 75**.

Delivered to the Governor for information, March 9, 2021: **SR 75**.

Delivered to the Governor for signature at 12:11 p.m., March 9, 2021: **SB 118**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/9/2021
SR 33, be adopted.

JUDICIARY (Regier, Chair): 3/9/2021
HB 164, be concurred in.
HB 200, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 9, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Tuesday, March 2, 2021, I signed the following Senate bills:

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Senate Bill 9 - Tempel
Senate Bill 50 - Sands

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

FIRST READING AND COMMITMENT OF BILLS

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

SJ 22, introduced by E. McClafferty, referred to Public Health, Welfare and Safety.

Senator Molnar joined the Senate at this time.

**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:

SR 41 - Senator Salomon moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 41**. 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, 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: None.
Total 0

Voted absentee: None.

Excused: McNally.
Total 1

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Absent or not voting: None.

Total 0

Senator McNally joined the Senate at this time.

SR 81 - Senator Welborn moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 81**. Motion carried as follows:

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

Total 33

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

Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 93 - Senator Sales moved **HB 93** be concurred in. 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

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 19 - Senator Fitzpatrick moved **HB 19** be concurred in. 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, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 46

Nays: Howard, Lang, McGillvray, Smith C.

Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 64 - Senator Small moved **HB 64** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.

Total 37

Nays: Brown, Ellsworth, Fitzpatrick, Friedel, Glimm, Hinebauch, Hoven, Kary, Manzella, Sales, Smith C, Vance, Mr. President.

Total 13

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 65 - Senator Gauthier moved **HB 65** be concurred in. 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

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 199 - Senator Boland moved **HB 199** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 41

Nays: Brown, Cuffe, Glimm, Hinebauch, Keenan, Manzella, Osmundson, Smith C, Vance.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 234 - Senator McGillvray moved **HB 234** be concurred in. 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, 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: Keenan.
Total 1

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 180 - Senator Small moved **HB 180** be concurred in. 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

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 210 - Senator Small moved **HB 210** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 36

Nays: Bogner, Brown, Cuffe, Esp, Glimm, Howard, Kary, Keenan, Manzella, McGillvray, Regier K, Smith C, Vance, Mr. President.

Total 14

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 117 - Senator Fitzpatrick moved **HB 117** be concurred in. 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, 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: Keenan.

Total 1

Voted absentee: 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 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, 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

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SPECIAL ORDERS OF THE DAY

The Senate viewed a film of Representative Kelly Flynn's sine die speech which closed the 2017 special legislative session. Representative Flynn served in the Montana House of Representatives from 2010 through 2018. He died March 3, 2021, in Helena, Montana.

Senator Kary introduced the Pages for the coming week:

Emma Wickum, from Chester, Montana, sponsored by Senator Tempel
Caden Murphy from Colstrip, Montana, sponsored by Senator Ankney

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Blasdel announced the legislative calendar will be updated soon to reflect some changes regarding to Saturday sessions.

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

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate