

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

Helena, Montana  
March 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. Forty-nine members present, Senator Gross excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair):

3/10/2021

Correctly printed: **SJ 22, SR 33, SR 41, SR 81, HB 19, HB 64, HB 65, HB 93, HB 117, HB 164, HB 180, HB 199, HB 200, HB 210, HB 234.**

Examined by the sponsor and found to be correct: **SB 15.**

Signed by the Secretary of the Senate at 2:55 p.m., March 9, 2021: **SB 140.**

Signed by the Secretary of the Senate at 9:55 a.m., March 10, 2021: **SB 15.**

Signed by the President at 3:15 p.m., March 9, 2021: **SB 140.**

Signed by the President at 10:45 a.m., March 10, 2021: **SB 15.**

Signed by the Speaker at 9:05 a.m., March 10, 2021: **SB 140.**

Delivered to the Governor for signature at 9:54 a.m., March 10, 2021: **SB 140.**

**REPORTS OF STANDING COMMITTEES**

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

3/9/2021

**SR 32**, introduced resolution, be amended as follows:

1. Page 1, line 11 through line 15.

Strike: subsection (1) in its entirety

**Renumber:** subsequent subsections

And, as amended, be adopted.

**JUDICIARY** (Regier, Chair):

3/10/2021

**HB 36**, be concurred in.

**HB 313**, be amended as follows:

1. Page 4, line 5.

Following: "system"

Insert: ", if implemented and operational by the local agency"

2. Page 4, line 8.

Following: "information"

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Insert: ", excluding confidential criminal justice information and any other investigative material not necessary to determine cause or manner of death until the case is closed or charges are filed"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SR 84**, introduced by D. Salomon, referred to Education and Cultural Resources.

**SR 85**, introduced by D. Kary, 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 Glimm in the chair.

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

**HB 28** - Majority Leader Smith moved consideration of **HB 28** be passed for the day. Without objection, so ordered.

**HB 75** - Senator Vance moved **HB 75** be concurred in. Motion carried as follows:

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

Total 42

Nays: Cuffe, Esp, Glimm, Hinebauch, Manzella, Regier K.

Total 6

Voted absentee: None.

Excused: Gross.

Total 1

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Absent or not voting: Molnar.

Total 1

**HB 105** - Senator K. Regier moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, 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, Fox, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 16

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 73** - Senator Lynch moved **HB 73** 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, 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, Webber, Mr. President.

Total 47

Nays: Vance, Welborn.

Total 2

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 144** - Senator Brown moved **HB 144** be concurred in. 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, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 46

Nays: McClafferty, Pomnichowski, Pope.  
Total 3

Voted absentee: None.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**HB 116** - Senator McGillvray moved **HB 116** 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, 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: None.  
Total 0

Voted absentee: None.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**HB 104** - Senator Esp moved **HB 104** 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, 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.

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Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 52** - Senator Hoven moved **HB 52** 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, 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: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 53** - Senator Hertz moved **HB 53** 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, 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: None.

Total 0

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Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**SB 263** - Senator Cuffe moved **SB 263** 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, 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: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**SB 288** - Senator Sales moved **SB 288** 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, 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: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

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Absent or not voting: None.

Total 0

**SB 114 - House Amendments** - Senator Ellsworth moved House amendments to **SB 114** 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, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 46

Nays: McClafferty, Pomnichowski, Webber.

Total 3

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**SB 214** - Senator Hertz moved **SB 214** do pass. Motion carried as follows:

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

Total 29

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

Total 21

Voted absentee: Gross, No.

Excused: Gross.

Total 1

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

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 42

Nays: Bennett, Boland, Cohenour, McClafferty, McNally, Morigeau, Webber.

Total 7

Voted absentee: None.

Excused: Gross.

Total 1

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:

**HB 19** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, 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 44

Nays: Cuffe, Esp, Hinebauch, McGillvray, Smith C.

Total 5

Voted absentee: None.

Excused: Gross.

Total 1



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Absent or not voting: None.

Total 0

**HB 64** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Webber.

Total 27

Nays: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Manzella, McGillvray, Osmundson, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 22

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 65** concurred in 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, 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: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 93** concurred in 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, 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: None.  
Total 0

Voted absentee: None.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**HB 117** concurred in 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, 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: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**HB 180** concurred in 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, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

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Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 199** concurred in as follows:

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

Total 35

Nays: Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hinebauch, Keenan, Lang, Manzella, Osmundson, Smith C, Vance, Mr. President.

Total 14

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 210** concurred in as follows:

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

Total 30

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

Total 19

Voted absentee: None.

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Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

Vote totals include a change of vote from Yes to No made by Senator Ellsworth under Motions the next legislative day.

**HB 234** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, 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 46

Nays: Esp, Hinebauch, Keenan.

Total 3

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

### MOTIONS

Majority Leader Smith moved that **HB 73**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 263**, 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., Thursday, March 11, 2021, the forty-ninth legislative day. Motion carried.

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Senate adjourned at 1:59 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate