

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

Helena, Montana
February 27, 2021

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Ankney and Jacobson, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

2/27/2021

Correctly printed: **SB 16, SB 100, SB 159, SB 192, SB 213, SB 214, SB 230, SB 247, SB 248, SB 249, SB 258, SB 265, SB 266, SB 267, SB 271, SB 273, SB 274, SB 288, SB 290, SB 291, SB 297, SB 301, SB 302, SB 307, SB 314, SB 327, SB 337, SB 338, SB 354, SJ 6, SJ 9, SJ10, SJ 11, SJ 18, SR 75, HB 303, HJ 5.**

Correctly engrossed: **SB 87, SB 212, SB 260, SB 263, SB 270, SB 275, SB 283, SB 292, SB 300, SB 316.**

Transmitted to the House: **SB 133, SB 240, SB 286, SJ 8, HB 136, HB 140, HB 167, HB 171.**

Signed by the Secretary of the Senate at 4:05 p.m., February 26, 2021: **SB 28, SB 56, SB 70, SR 42.**

Signed by the President at 4:45 p.m., February 26, 2021: **SR 42.**

Signed by the President at 4:55 p.m., February 26, 2021: **SB 28, SB 56, SB 70.**

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Hinebauch, Chair):

2/25/2021

SB 360, do pass.

LOCAL GOVERNMENT (Gauthier, Chair):

2/26/2021

SB 257, introduced bill, be amended as follows:

1. Page 1.

Following: line 20

Insert: "(3) Nothing in this section prohibits a local government from participating in a service offered through a tariff approved by the public service commission."

Renumber: subsequent subsections

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

2/26/2021

SB 142, introduced bill, be amended as follows:

STATE INTERNET/BBS COPY

1

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

1. Title, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "TIME;" on line 6

2. Page 1, line 12.
Strike: "-- **limitations on children under 2 years of age**"
Following: "age."
Strike: "(1)"

3. Page 1, line 13.
Strike: "10"
Insert: "seven"

4. Page 1, line 14 through line 17.
Strike: subsections (2) and (3) in their entirety

5. Page 1, line 27.
Strike: "21"
Insert: "16"

6. Page 2, line 16 through line 17.
Strike: "3" on line 16 through "10" on line 17
Insert: "three to seven"

7. Page 2, line 19.
Strike: "11 to 20"
Insert: "8 to 15"

And, as amended, do pass.

SB 357, do pass.

STATE ADMINISTRATION (Kary, Chair):
SB 228, introduced bill, be amended as follows:

2/26/2021

1. Title, line 6.
Strike: "SECTIONS"
Insert: "SECTION"

2. Title, line 6.
Following: "39-31-203"
Strike: "AND 39-31-401"

3. Title, line 6 through line 7.
Strike: "REPEALING" on line 6 through "MCA;" on line 7

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

4. Page 1, line 18.

Strike: "may withdraw from the unit"

Insert: "membership may cease deductions from the employee's pay"

5. Page 1, line 21 through line 23.

Strike: "who" on line 21 through "writing" on line 23

Insert: "may withdraw from a bargaining unit by providing notice at any time during the month preceding the effective date of the withdrawal"

6. Page 1, line 25 through page 2, line 17.

Strike: sections 2 and 3 in their entirety

Renumber: subsequent sections

And, as amended, do pass.

SB 232, do pass.

SB 276, do pass.

SB 339, do pass.

SB 350, do pass.

SB 351, do pass.

SJ 17, do pass.

SJ 19, do pass.

Without objection, committee reports were adopted.

Senator Jacobson joined the Senate at this time.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/26/2021

HB 57, introduced by D. Lenz

HB 90, introduced by D. Lenz

HB 291, introduced by M. Funk

HB 300, introduced by J. Schillinger

HB 307, introduced by J. Gillette

HB 373, introduced by K. Holmlund

HB 374, introduced by K. Holmlund

HB 463, introduced by J. Trebas

HB 478, introduced by D. Harvey

HB 428, introduced by B. Mercer, requiring adoption by an affirmative roll call vote of two-thirds of each house of Legislature, passed the House and was transmitted to the Senate with the following vote:

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

2/26/2021

Yeas - 67 Nays - 33

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced and read first time:

HB 57, introduced by D. Lenz (by request of the Department of Public Health and Human Services).

HB 90, introduced by D. Lenz (by request of the Children, Families, Health, and Human Services Interim Committee, the State-Tribal Relations Committee).

HB 291, introduced by M. Funk.

HB 300, introduced by J. Schillinger.

HB 307, introduced by J. Gillette.

HB 373, introduced by K. Holmlund, E. Buttrey, J. Keane, D. Ankney, R. Lynch, F. Garner, J. Small, M. Hopkins, J. Dooling, E. Kerr-Carpenter, K. Bogner, D. Bedey.

HB 374, introduced by K. Holmlund, E. Buttrey, J. Keane, D. Ankney, R. Lynch, F. Garner, J. Small, M. Hopkins, J. Dooling, K. Bogner, D. Bedey.

HB 428, introduced by B. Mercer.

HB 463, introduced by J. Trebas.

HB 478, introduced by D. Harvey.

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 16 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.

Total 31

Nays: Ankney, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.

Total 19

Voted absentee: Ankney, No.

Excused: Ankney.

Total 1

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Absent or not voting: None.

Total 0

SB 192 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

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 230 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

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 247 passed as follows:

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

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

Nays: Esp, Glimm, Hinebauch, Howard, Keenan, Lang, McGillvray, Regier K, Smith C.
Total 9

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 248 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Glimm, Hinebauch, Howard, Regier K, Salomon.
Total 5

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 249 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, 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 48

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Nays: Manzella, Vance.

Total 2

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 258 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, 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 265 passed as follows:

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

Total 33

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

Total 17

Voted absentee: Ankney, Aye.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 266 passed as follows:

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

Total 35

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

Total 15

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 294 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, 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, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 42

Nays: Flowers, Gross, McClafferty, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 8

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

SJ 6 passed as follows:

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

Total 43

Nays: Ankney, Glimm, Howard, Keenan, Manzella, Smith C, Vance.

Total 7

Voted absentee: Ankney, No.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SJ 9 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

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SJ 10 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar,

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.

Total 46

Nays: Esp, Manzella, Tempel, Vance.

Total 4

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 100 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, 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 159 passed as follows:

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

Total 33

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

Total 17

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

**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 Ellsworth in the chair.

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

SB 188 - Senator Lang moved **SB 188** do pass. 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, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 34

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

Total 16

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 251 - Majority Leader Smith moved **SB 251** 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,

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 278 - Senator Hertz moved **SB 278** 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: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 318 - Senator Manzella moved **SB 318** 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, 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, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Sweeney.
Total 1

Voted absentee: Ankney, Aye.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 206 - Senator Sweeney moved **SB 206** 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, 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 217 - Senator Small moved **SB 217** 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, 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

SB 194 - Senator K. Regier moved **SB 194** do pass.

SB 194 - Senator Friedel moved **SB 194**, second reading copy, be amended as follows:

1. Page 1, line 17.

Following: "may"

Strike: "appoint or"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sands, Small, Tempel, Vance, Webber, Welborn.

Total 27

Nays: Bogner, Brown, Cuffe, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Sales, Salomon, Smith C, Sweeney, Mr. President.

Total 23

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 194 - As amended, **SB 194 failed** to pass as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Regier K, Sales, Small, Smith C, Mr. President.

Total 21

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Sweeney, Tempel, Vance, Webber, Welborn.

Total 29

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Absent or not voting: None.

Total 0

SB 194 - Majority Leader Smith moved **SB 194** be **indefinitely postponed**. Motion carried as follows:

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

Total 36

Nays: Brown, Cuffe, Glimm, Hertz, Hoven, Howard, Keenan, Lang, McGillvray, Regier K, Sales, Smith C, Mr. President.

Total 13

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 271 - Senator Glimm moved **SB 271** do pass. Motion carried as follows:

Yeas: Ankney, 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, Vance, Welborn, Mr. President.

Total 29

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

Total 21

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 277 - Senator McGillvray moved **SB 277** do pass. Motion carried as follows:

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

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: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 348 - Senator Sales moved **SB 348** 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, 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, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 200 - Senator Sands moved **SB 200** 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, 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.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Total 50

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 218 - Senator Sands moved **SB 218** 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, 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, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 48

Nays: Manzella, Vance.

Total 2

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 215 - Senator Glimm moved **SB 215** do pass. Motion carried as follows:

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

Total 26

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

Total 24

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Voted absentee: Ankney, No.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 221 - Senator Gauthier moved **SB 221** do pass. Motion carried as follows:

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

Total 45

Nays: Boldman, Gross, Jacobson, Lynch, Morigeau.

Total 5

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 220 - Senator Cohenour moved **SB 220** do pass. Motion carried as follows:

Yeas: Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Sweeney, Tempel, Welborn, Mr. President.

Total 37

Nays: Ankney, Bennett, Ellis, Ellsworth, Gross, Lynch, Morigeau, Pomnichowski, Pope, Sands, Smith C, Vance, Webber.

Total 13

Voted absentee: Ankney, No.

Excused: Ankney.

Total 1

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Absent or not voting: None.

Total 0

SB 354 - Senator Hinebauch moved **SB 354** do pass. Motion carried as follows:

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

Total 37

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

Total 13

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 226 - Senator Fitzpatrick moved **SB 226** 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 201 - Senator Fitzpatrick moved **SB 201** do pass. Motion carried as follows:

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

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: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 234 - Senator Vance moved **SB 234** 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, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 262 - Senator Cuffe moved **SB 262** 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, 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.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Total 50

Nays: None.

Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

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

Yeas: Bogner, Brown, Cuffe, Ellis, 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, Tempel, Vance, Welborn, Mr. President.

Total 32

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

Total 17

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

2/26/2021

SB 243, do pass.

SB 281, introduced bill, be amended as follows:

1. Page 2, line 5.

Strike: "primary and secondary schools, including private and public charter schools"

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Insert: "public and nonpublic elementary and secondary schools; home schools"

And, as amended, do pass.

SB 305, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "AN IMMEDIATE EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

2. Page 2.

Following: line 2

Insert: "NEW SECTION. Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 1] is effective July 1, 2021."

3. Page 2, line 3.

Strike: section 4 in its entirety

And, as amended, do pass.

SB 342, do pass.

SB 356, introduced bill, be amended as follows:

1. Page 3, line 14.

Following: "(2)(b)(i)"

Strike: "but who is not currently receiving assistance"

Following: "section"

Insert: "regardless of whether the participant is currently receiving temporary assistance for needy families"

2. Page 3, line 25.

Following: "time."

Insert: "The department shall prioritize participants seeking a high school diploma, a high school equivalency diploma, vocational training, an associate's degree, or a baccalaureate degree before selecting participants seeking a graduate or professional degree."

And, as amended, do pass.

SJ 15, do pass.

SR 41, be adopted.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

NATURAL RESOURCES (Welborn, Chair):

2/26/2021

SB 164, introduced bill, be amended as follows:

1. Page 3, line 5.

Following: "sources"

Insert: ", except that for subdivisions with more than 25 lots, a local county commission may reduce the limit to 7.5 milligrams per liter from all sources"

And, as amended, do pass.

SB 180, introduced bill, be amended as follows:

1. Page 2, line 8.

Following: "chair."

Insert: "Subcommittee members must have expertise in soil health and represent a diversity of livestock and cropping systems and geographic regions of the state."

2. Page 2, line 17.

Following: "districts"

Insert: ", who shall serve as presiding officer"

3. Page 2, line 18.

Following: "on behalf of"

Strike: "small-sized to mid-sized"

4. Page 3, line 11.

Following: "up"

Insert: "voluntary"

5. Page 3, line 19.

Following: "adoption of"

Insert: "voluntary"

And, as amended, do pass.

SB 328, do pass.

SB 352, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "interest"

Strike: "hydrologically connected"

2. Page 4, line 24.

Following: "owns a"

Strike: "hydrologically connected"

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

And, as amended, do pass.

SB 358, do pass.

SJ 7, do pass.

SJ 16, do pass.

SJ 21, do pass.

SR 81, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

2/26/2021

SB 315, introduced bill, be amended as follows:

1. Page 3.

Following: line 18

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If both House Bill No. 167 and [this act] are passed and approved, then House Bill No. 167 is void."

Renumber: subsequent sections

And, as amended, do pass.

STATE ADMINISTRATION (Kary, Chair):

2/26/2021

SB 287, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "financing"

Strike: "of a public project"

Insert: "for the construction or renovation of a building"

Following: "shall"

Strike: ", except as provided in Title 18, chapter 2, part 5,"

2. Page 1, line 13.

Following: "financing"

Strike: "a public work"

3. Page 1, line 16 through line 18.

Following: "(a)"

Insert: "determine if the next lowest bidder has a physical branch located in the state; and (b) if, when multiplying the low bid by 1.025, the next lowest bid is at or less than the bid of the lowest bidder, notify the next lowest bidder and give that bidder 2 business days to offer a bid of equal terms"

4. Page 1, line 16 through line 18

Strike: "notify" on line 16 through "lowest bidder" on line 18

5. Page 1, line 28 through page 2, line 6.

Strike: subsections (c) through (d) in their entirety

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

And, as amended, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/26/2021
SR 40, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 262**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Ellsworth moved to change his third-reading vote on **SB 16** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week. In addition, Senator Kary thanked Clancy Small who spent the week working with the Pages.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 8:30 a.m., Monday, March 1, 2021, the forty-third legislative day. Motion carried.

Senate adjourned at 10:41 a.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate