

**SENATE JOURNAL
67TH LEGISLATURE
THIRTIETH LEGISLATIVE DAY**

Helena, Montana
February 12, 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 Brown excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

2/12/2021

Correctly printed: **SB 166, SB 167, SB 168, SB 170, SB 171, SB 215, SB 216, SB 217, SB 218, SB 219, SB 220, SB 221, SB 222, SB 223, SB 224, SB 225, SB 226, SB 227, SB 228, SB 229, SB 230, SB 231, SB 232, SJ 9, SR 27, SR 28, SR 30, HB 64, HB 66.**

Correctly engrossed: **SB 44, SB 109, SB 143, SB 149, SB 152, SB 157, SB 161, HB 117.**

Examined by the sponsor and found to be correct: **SB 3, SB 30, SB 35, SB 45.**

Transmitted to the House: **SB 105, SB 106, SB 156, SB 169.**

Delivered to the Secretary of State at 12:11 a.m., February 12, 2021: **SR 13, SR 15, SR 16.**

Delivered to the Governor February 12, 2021: **SR 13, SR 15, SR 16.**

REPORTS OF STANDING COMMITTEES

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

2/12/2021

SB 91, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "WORK WITH PRIVATE PARTIES IN DETERMINING THE FISCAL IMPACT"

Insert: "IDENTIFY AND SECURE A QUALIFIED FISCAL ESTIMATING PROVIDER WILLING TO PROVIDE A DRAFT ESTIMATE AT NO COST TO THE STATE"

2. Title, line 6.

Following: "IMPACT;"

Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

3. Title, line 7.

Following: "5-4-201"

Strike: ", 5-4-203,"

Insert: "AND"

Following: "5-4-205,"

Strike: "AND 13-27-312,"

4. Page 1, line 13.

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Following: "**reports.**"

Insert: "(1)"

5. Page 1, line 14 through line 15.

Strike: "the state," on line 14 through "business in" on line 15

6. Page 1, line 15.

Strike: ","

Insert: "or of a county or municipality,"

7. Page 1, line 17 through line 18.

Strike: "Fiscal" on line 17 through "introduction." on line 18

Insert: "(2) All bills reported out of a committee of the legislature having an effect on the revenues, expenditures, or fiscal liability of a private entity engaged in business in the state, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the effect, unless by September 1, 2022, the budget director is unable to identify and secure a qualified fiscal estimating provider in the state, such as the economics department of a college or university, willing to provide a draft estimate at no cost to the state."

8. Page 1, line 20 through line 25.

Strike: section 2 in its entirety

Renumber: subsequent sections

9. Page 2, line 5.

Following: "state"

Insert: "as provided in 5-4-201"

10. Page 2, line 18 through page 4, line 8.

Strike: section 4 in its entirety

Insert: "**NEW SECTION. Section 3. Contingent voidness.** (1) If the budget director is unable to identify and secure a qualified fiscal estimating provider in Montana, such as the economics department of a college or university, willing to provide a draft estimate at no cost to the state as provided in [section 1], then [this act] is void.

(2) The budget director shall notify the code commissioner if the contingency in subsection (1) occurs."

Renumber: subsequent sections

And, as amended, do pass.

HB 65, be amended as follows:

1. Page 6, line 7.

Following: "definition."

Insert: "The term also includes but is not limited to the individual disclosed as the supervisor on a

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

salesperson's form U4 of the uniform application for securities industry registration or transfer."

And, as amended, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair):
SB 84, introduced bill, be amended as follows:

2/11/2021

1. Title, line 8.
Strike: "PROVIDING AN APPROPRIATION;"

2. Page 2, line 7.
Following: "staff"
Insert: "and consultants"

3. Page 2, line 7.
Strike: "69-1-221"
Insert: "5-15-201"

And, as amended, do pass.

SB 134, do pass.

SB 147, do pass.

SB 160, introduced bill, be amended as follows:

1. Page 5, line 20.
Following: "subsection"
Strike: "(3)"
Insert: "(4)"

2. Page 5.
Following: line 22
Insert: "(3) The president of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house may recommend nominees for the governor's consideration in making appointments to the commission."

Renumber: subsequent subsections

3. Page 6, line 1.
Strike: "1 year"
Insert: "5 years"

4. Page 6.
Following: line 2
Insert: "(c) Current and former senior management and board members of a regulated utility are not eligible for appointment."

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

(d) A person who owns any bonds, stocks, or financial interests in a company regulated by the commission shall divest themselves of that ownership prior to commission appointment."

Renumber: subsequent subsections

5. Page 6, line 7.

Strike: "5"

Insert: "6"

6. Page 6, line 11.

Strike: "10"

Insert: "12"

7. Page 8, line 10.

Strike: "5-year"

Insert: "6-year"

8. Page 8, line 11.

Strike: "3-year"

Insert: "4-year"

9. Page 8, line 12.

Strike: "1-year"

Insert: "2-year"

10. Page 8.

Following: line 14

Insert: "(3) Term limits as defined in 69-1-105 do not apply to appointments made in accordance with subsections (1)(b) and (1)(c)."

And, as amended, do pass.

SJ 3, introduced joint resolution, be amended as follows:

1. Page 1, line 26.

Strike: "demonstration"

Insert: "commercial"

2. Page 2, line 18.

Following: "reactors;"

Strike: "and"

3. Page 2, line 20.

Following: "plants"

Insert: "; and"

(3) evaluate the safety of, and the waste stream resulting from, the construction and operation of

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

advanced nuclear reactors and gather input from residents of the Colstrip area"

And, as amended, do pass.

HB 85, be concurred in.

FISH AND GAME (Hinebauch, Chair):
SB 143, introduced bill, be amended as follows:

2/11/2021

1. Title, line 7.

Strike: "DIRECTING"

Insert: "ALLOCATING"

2. Title, line 7.

Following: "REVENUE"

Strike: "TO FUND PUBLIC ACCESS LAND AGREEMENTS"

3. Title, line 8 through line 9.

Strike: "AND" on line 8 through the first "LICENSES" on line 9

4. Title, line 9 through line 10.

Strike: "REMOVING" on line 9 through "CALCULATIONS;" on line 10

5. Page 1, line 18.

Strike: "30"

Insert: "15"

6. Page 1, line 19.

Strike: "\$100"

Insert: "\$200"

7. Page 1, line 22.

Strike: "30"

Insert: "15"

8. Page 1, line 27.

Following: "(4)"

Insert: "(a)"

9. Page 1, line 27 through line 28.

Strike: "deposited" on line 27 through "[section 2]" on line 28

Insert: "allocated as follows:

(i) 25% must be deposited in the limited outfitted Class B-10 and Class B-11 license account established in [section 2];

(ii) 25% to hunting access programs;

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

- (iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding projects that provide public access through private property; and
- (iv) 25% to the purchase of permanent easements through private property to access otherwise inaccessible lands. An easement funded by this subsection (4)(a)(iv) may be granted only across private land to public land that is leased by the landowner, public land for which there is no leaseholder, or public land for which the landowner has consent of the leaseholder.
- (b) The department may expend up to 10% of the funds allocated pursuant to subsection (4)(a) to pay administrative costs incurred by the department for the purposes outlined in subsection (4)(a), including but not limited to contracting and transaction costs incurred by the department or entities partnering with the department, and for providing support to the private land/public wildlife advisory committee for its review of public access land agreements pursuant to 87-1-295.
- (c) At the end of each fiscal year, funds allocated pursuant to subsection (4)(a) that remain unobligated are available to the department for any purpose pursuant to 87-1-201(3)."

10. Page 2, line 7 through line 10.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

11. Page 2, line 14 through page 3, line 8.
Strike: section 3 in its entirety
Renumber: subsequent sections

12. Page 4, line 20.
Strike: "2"
Insert: "3"

13. Page 5, line 27.
Following: "amount."
Insert: "(4) The cost of the Class B-10 nonresident big game combination license must be adjusted annually based on any change to the consumer price index for all urban consumers (CPI-U) from the previous year. The adjusted cost must be rounded down to the nearest even-numbered amount."

14. Page 6, line 14.
Following: "amount."
Insert: "(c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based on any change to the consumer price index for all urban consumers (CPI-U) from the previous year. The adjusted cost must be rounded down to the nearest even-numbered amount"

15. Page 6, line 17 through page 8, line 9.
Strike: section 8 in its entirety
Insert: " **Section 7.** Section 87-2-511, MCA, is amended to read:

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

- "87-2-511. Sale and use of Class B-10 and Class B-11 licenses.** (1) ~~The~~ Except as provided in [section 1], the department shall offer the Class B-10 and Class B-11 licenses for sale on April 1, with 39% of each of the Class B-10 and Class B-11 licenses reserved for applicants hunting with a licensed outfitter pursuant to [section 1] and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).
- (2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:
- (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;
 - (b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and
 - (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.
- (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner. The department shall conduct a drawing for any remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may submit no more than 15 certificates of sponsorship in any license year.
- (4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct all deer hunting on the deeded lands of the sponsoring landowner.
- (5) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued by ~~a drawing among all applicants for the respective unreserved licenses~~ pursuant to 87-2-115(5).
- (6) (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but who is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of the Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the fee set in 87-2-510. The provisions of this subsection (6)(a) do not affect the limits established in 87-2-510(2). The remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only combination license for a fee of \$831.
- (b) Subject to the statutory quota provided in 87-2-505, if the department determines all available elk-only combination licenses have sold by December 1 in any license year, the cost of the elk-only combination license must be adjusted for the subsequent license year based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U).

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

The adjusted cost must be rounded down to the nearest even-numbered amount and applies to subsequent license years unless the conditions of this subsection are met.

- (c) The department may retain 10% of the Class B-10 license fee if an applicant chooses to buy only a portion of the Class B-10 license pursuant to subsection (6)(a) after the Class B-10 license has been issued to the applicant.
- (d) The revenue collected pursuant to this subsection (6) must be deposited in the state special revenue account to the credit of the department and may not be allocated pursuant to other statutory requirements generally applicable to Class B-10 or Class B-11 licenses."

Renumber: subsequent sections

16. Page 8, line 16.

Strike: "[Sections 1 and 3] are"

Insert: "[Section 1] is"

17. Page 8, line 18.

Strike: "[sections 1 and 3]"

Insert: "[section 1]"

And, as amended, do pass.

SR 60, be adopted.

HB 138, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

2/11/2021

HB 141, be concurred in.

JUDICIARY (Regier, Chair):

2/12/2021

SB 140, introduced bill, be amended as follows:

1. Page 2, line 11 through line 12.

Strike: "At" on line 11 through "subsection (1)" on line 12

Insert: "Each applicant who has the qualifications set forth by law for holding judicial office and who receives a letter of support from at least three adult Montana residents by the close of the public comment period provided for in subsection (1)"

2. Page 2, line 12.

Strike: "nominees"

Insert: "a nominee"

And, as amended, do pass.

SB 172, do pass.

SB 173, do pass.

SB 178, do pass.

HB 73, be concurred in.

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

HB 144, be concurred in.

TAXATION (Hoven, Chair):

2/12/2021

SB 133, introduced bill, be amended as follows:

1. Title, line 10.

Following: "15-2-201,"

Insert: "15-2-303,"

2. Page 2, line 20.

Following: "taxpayer"

Insert: "substantially"

3. Page 3, line 17.

Following: "taxpayer"

Insert: "substantially"

Following: "property"

Insert: ", as provided in 15-2-306"

4. Page 4.

Following: line 3

Insert: "**Section 3.** Section 15-2-303, MCA, is amended to read:

"15-2-303. Judicial review -- costs and attorney fees. (1) Any party to an appeal before the state tax appeal board who is aggrieved by a final decision is entitled to judicial review under this part.

(2) Proceedings for review must be instituted by filing a petition in district court in the county in which the taxable property or some portion of it is located, except the taxpayer has the option to file in the district court of the first judicial district. A petition for judicial review must be filed within 60 days after service of the final decision of the state tax appeal board or, if a rehearing is requested, within 60 days after service of the final decision. Copies of the petition must be promptly served on all parties of record. The department of revenue shall promptly notify the state tax appeal board, in writing, of any judicial review, but failure to do so has no effect on the judicial review. The department of revenue shall, on request, submit to the state tax appeal board a copy of all pleadings and documents.

(3) If the judicial review involves a taxpayer who is seeking a refund of taxes paid under protest, the appealing party shall provide a copy of the petition to the treasurer of the county in which the taxable property or some portion of it is located, but failure to do so has no effect on the judicial review.

(4) Proceedings for review of a decision by the state tax appeal board by a company under the jurisdiction of the public service commission must be instituted in the district court of the first judicial district.

(5) Notwithstanding the provisions of 2-4-704(1), the court may, for good cause shown, permit additional evidence to be introduced.

(6) In addition to costs and attorney fees permitted under 25-10-711, the district court and the supreme court on the appeal of a district court decision shall award costs and reasonable

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

attorney fees as determined by the respective court to a taxpayer that substantially prevails, as defined in 15-2-306(4), on the merits of an appeal of the value of class four residential property. Costs and attorney fees awarded by the district court and the supreme court are limited to cases in which the department appeals a decision of the state tax appeal board."

Renumber: subsequent sections

5. Page 4, line 10.

Following: "that"

Insert: "substantially"

6. Page 4, line 11.

Following: "property"

Insert: ". Costs and attorney fees awarded by the board are limited to cases in which the department appeals a decision of the county tax appeal board"

7. Page 4, line 15.

Following: line 15

Insert: "(4) For the purpose of this section, "substantially prevails" means:

- (a) a judgment that results in a reduction in value of the taxpayer's property; and
- (b) the amount of the reduction provided for in the judgment is greater than 25% of the difference between the appraised value established by the department and the value claimed by the taxpayer."

8. Page 7, line 4.

Following: the first "objector"

Insert: "or a representative of the objector"

Following: the second "objector"

Insert: "or representative"

9. Page 8, line 23 through line 24.

Strike: line 23 through "objector." on line 24

10. Page 13, line 21.

Following: "town."

Insert: "(10) For the purpose of this section, the term "compelling reason" includes but is not limited to:

- (a) there are no comparable sales in the neighborhood or subdivision;
- (b) the comparable sales model prepared by the department shows that the subject property cannot be valued using the market sales approach; or
- (c) other residential properties in the same neighborhood or subdivision are also valued using the cost approach and not the market sales approach."

And, as amended, do pass.

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORTS

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/12/2021
SR 17, be not adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, 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 30

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: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 18, be not adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, 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 30

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: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 19, be not adopted. Adverse Committee Report adopted as follows:

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Yeas: Ankney, Bogner, 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 30

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: Brown.

Total 1

Absent or not voting: None.

Total 0

SR 20, be not adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, 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 30

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: Brown.

Total 1

Absent or not voting: None.

Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

2/11/2021

SB 27, introduced by B. Gillespie

SB 31, introduced by M. McNally

SB 61, introduced by P. Flowers

SB 66, introduced by S. Fitzpatrick

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

House bills passed and transmitted to the Senate for concurrence:

2/11/2021

HB 208, introduced by J. Gillette
HB 224, introduced by P. Fielder
HB 225, introduced by P. Fielder
HB 242, introduced by C. Hinkle

FIRST READING AND COMMITMENT OF BILLS

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

SB 234, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.
SB 235, introduced by S. Morigeau, referred to Business, Labor, and Economic Affairs.
SB 236, introduced by S. Morigeau, referred to Public Health, Welfare and Safety.
SB 237, introduced by D. Kary, T. McGillvray, referred to Energy and Telecommunications.

The following Senate bills, previously introduced, were referred to committees:

SB 230, introduced by M. Lang, M. Cuffe, R. Knudsen, referred to Finance and Claims.
SB 231, introduced by M. Blasdel, J. Ellsworth, W. Galt, C. Knudsen, referred to Local Government.
SB 232, introduced by T. Gauthier, referred to State Administration.
SB 233, introduced by D. Ankney, referred to Natural Resources.

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

SR 73, introduced by D. Salomon, referred to Education and Cultural Resources.

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

HB 208, introduced by J. Gillette, referred to Public Health, Welfare and Safety.
HB 224, introduced by P. Fielder, D. Skees, J. Read, C. Glimm, W. Galt, B. Brown, J. Hinkle, S. Hinebauch, J. Ellsworth, J. Fuller, B. Ler, B. Phalen, J. Schillinger, C. Hinkle, referred to Fish and Game.
HB 225, introduced by P. Fielder, M. Blasdel, B. Brown, J. Ellsworth, J. Fuller, W. Galt, F. Garner, C. Glimm, S. Hinebauch, C. Hinkle, J. Hinkle, B. Ler, D. Loge, T. Manzella, B. Mitchell, B. Phalen, J. Read, J. Schillinger, D. Skees, F. Smith, referred to Fish and Game.
HB 242, introduced by C. Hinkle, J. Read, B. Brown, J. Hinkle, B. Ler, R. Marshall, referred to Fish and Game.

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

**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 Cuffe in the chair.

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

SR 31 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 31**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Boland, Cohenour, Ellis, Flowers, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 12

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 59 - Senator Hinebauch moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. 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, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Molnar.
Total 1

Voted absentee: Brown, Aye.

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SR 12 - Senator K. Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. 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: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SR 49 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 49**. Motion carried as follows:

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

Total 37

Nays: Bennett, Cohenour, Flowers, Fox, Gross, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 13

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Absent or not voting: None.

Total 0

SR 22 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 22**. 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: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SR 25 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. 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, 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: Hoven.

Total 1

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

SB 98 - Senator Gillespie moved **SB 98** 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, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 32

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

Total 18

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 148 - Senator Gillespie moved **SB 148** do pass. Motion carried as follows:

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

Total 41

Nays: Ankney, Brown, Glimm, Hinebauch, Kary, Manzella, Smith C, Vance, Welborn.

Total 9

Voted absentee: Brown, No.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 120 - Senator Esp moved **SB 120** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K,

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Bennett, Boldman, Gross, Jacobson, Lynch, McClafferty, Morigeau, Pomnichowski,
Sands.
Total 9

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 113 - Senator Fitzpatrick moved **SB 113** 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: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 126 - Senator K. Regier moved **SB 126** 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.

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Total 19

Voted absentee: Brown, Aye.

Excused: Brown.

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

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

Total 45

Nays: Cohenour, Gross, McNally, Pomnichowski.

Total 4

Voted absentee: None.

Excused: Brown.

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:

SB 166 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 167 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 47

Nays: Gross, Pomnichowski.

Total 2

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 168 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.

Total 0

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 170 passed as follows:

Yeas: Ankney, Bogner, 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 30

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: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 171 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, 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 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Brown.

Total 1

SENATE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 12, 2021

Absent or not voting: None.

Total 0

MOTIONS

Senator McGillvray moved to change his third-reading vote from the previous legislative day on **SB 105** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, February 15, 2021, the thirty-first legislative day. Motion carried.

Senate adjourned at 2:18 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate