

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

Helena, Montana
February 16, 2021

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

2/16/2021

Correctly printed: **SB 81, SB 238, SB 239, SB 240, SB 241, SB 242, SB 243, SB 244, SB 245, SB 246, SB 247, SB 248, SB 249, SB 250, SB 251, SJ 10, SR 52, SR 53, SR 58, SR 74, HB 15.**

Correctly engrossed: **SB 7, SB 29, SB 111, SB 136, SB 143.**

Correctly enrolled: **SB 31, SB 61, SB 66, SB 104, SR 12, SR 22, SR 25, SR 49, SR 59.**

Transmitted to the House: **SB 98, SB 113, SB 120, SB 126, SB 148.**

Signed by the Secretary of the Senate at 3:30 p.m., February 15, 2021: **SB 23, SB 25, SB 27, SB 68, SR 35, SR 36, SR 37.**

Signed by the Secretary of the Senate at 10:30 a.m., February 16, 2021: **SB 24, SR 34, SR 55.**

Signed by the President at 9:10 a.m., February 16, 2021: **SR 35, SR 36, SR 37.**

Signed by the President at 9:15 a.m., February 16, 2021: **SB 23, SB 25, SB 27, SB 68.**

Signed by the President at 10:40 a.m., February 16, 2021: **SR 34, SR 55.**

Signed by the President at 10:45 a.m., February 16, 2021: **SB 24.**

Signed by the Speaker at 2:30 p.m., February 16, 2021: **SB 23, SB 24, SB 25, SB 27, SB 68.**

Delivered to the Secretary of State at 3:07 p.m., February 16, 2021: **SR 34, SR 35, SR 36, SR 37, SR 55.**

Delivered to the Governor for information February 16, 2021: **SR 34, SR 35, SR 36, SR 37, SR 55.**

Delivered to the Governor for signature at 12:00 p.m., February 16, 2021: **SB 1, SB 3, SB 6, SB 21, SB 26, SB 30, SB 34, SB 35, SB 36, SB 45.**

REPORTS OF STANDING COMMITTEES

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

2/16/2021

HB 130, be amended as follows:

1. Title, line 5 through line 6.

Strike: "CONSTRUCTION" on line 5 through "CONTRACTOR" on line 6

Insert: "GENERAL CONTRACTOR CONSTRUCTION MANAGEMENT"

2. Page 1, line 11 through line 12.

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Strike: "CONSTRUCTION" on line 11 through "CONTRACTOR" on line 12
Insert: "**General contractor construction management**"

3. Page 1, line 14.

Strike: "CONSTRUCTION MANAGER GENERAL CONTRACTOR"
Insert: "general contractor construction management"

4. Page 2, line 11.

Strike: "CONSTRUCTION MANAGER GENERAL CONTRACTOR"
Insert: "general contractor construction management"

5. Page 2, line 19 through line 22.

Strike: subsection (3) in its entirety
Re-number: subsequent subsections

6. Page 3.

Following: line 2

Insert: "(5) "General contractor construction management contract" means a contract in which the general contractor, in addition to providing the preconstruction, budgeting, and scheduling services, procures necessary construction services, equipment, supplies, and materials through competitive bidding contracts with subcontractors and suppliers to construct the project."

7. Page 3, line 23.

Strike: "CONSTRUCTION MANAGER GENERAL CONTRACTOR"
Insert: "general contractor construction management"

8. Page 4, line 1 through line 4.

Strike: subsection (3) in its entirety
Re-number: subsequent subsections

9. Page 4.

Following: line 12

Insert: "(5) "General contractor construction management contract" means a contract in which the general contractor, in addition to providing the preconstruction, budgeting, and scheduling services, procures necessary construction services, equipment, supplies, and materials through competitive bidding contracts with subcontractors and suppliers to construct the project."

10. Page 7, line 28 through page 8, line 1.

Strike: "CONSTRUCTION" line 28 through "CONTRACTOR" on page 8, line 1
Insert: "general contractor construction management"

And, as amended, be concurred in.

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HB 193, be amended as follows:

1. Page 1, line 22 through line 25.
Following: "\$2,500." on line 22
Strike: remainder of line 22 through line 25 in their entirety

And, as amended, be concurred in.

HB 199, be concurred in.

HB 234, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

2/15/2021

SB 99, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "EDUCATION;" on line 6
Insert: "ALLOWING A PARENT OR GUARDIAN OF A CHILD TO REMOVE THE CHILD FROM HUMAN SEXUALITY INSTRUCTION; PROVIDING A DEFINITION OF HUMAN SEXUALITY INSTRUCTION;"
2. Page 2, line 2 through line 7.
Strike: subsection (1) in its entirety
Insert: "(1) A parent, guardian, or other person who is responsible for the care of a child may refuse to allow the child to attend or withdraw the child from a course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to 20-5-103."
3. Page 2, line 9.
Strike: "that involves human sexual education, human sexuality issues, or information regarding sexual acts"
Insert: "at which the district provides human sexuality instruction"
4. Page 2, line 13.
Following: "shall"
Insert: "annually"
Following: "student"
Insert: "scheduled to be"
Following: "in"
Insert: "human sexuality instruction in"
Following: the second "school"
Insert: "in advance of the instruction"
5. Page 2, line 17.
Strike: "include"
Insert: "withdraw"

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6. Page 2, line 17.

Strike: "in"

Insert: "from"

7. Page 2, line 24.

Following: "services."

Insert: "(6) For purposes of this section, "human sexuality instruction" means teaching or otherwise providing information about human sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity, abstinence, contraception, or reproductive rights and responsibilities."

And, as amended, do pass.

HB 143, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair):

2/15/2021

SB 165, do pass.

NATURAL RESOURCES (Welborn, Chair):

2/15/2021

SB 136, introduced bill, be amended as follows:

1. Page 1, line 24.

Strike: "water right demands"

Insert: "existing legal demands of water rights"

2. Page 1, line 26.

Strike: "water right demands"

Insert: "existing legal demands of water rights"

3. Page 1, line 28.

Strike: "water right demands"

Insert: "existing legal demands of water rights"

4. Page 3, line 4.

Strike: "water right demands"

Insert: "existing legal demands of water rights"

5. Page 3, line 4 through line 5.

Following: "projected" on line 4

Strike: "water" on line 4 through "demands" on line 5

Insert: "legal demands of water rights"

6. Page 4, line 7.

Strike: "water right demands"

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Insert: "existing legal demands of water rights"

7. Page 6, line 28.

Strike: "existing water right demands"

Insert: "existing legal demands of water rights"

8. Page 6, line 28.

Strike: "demands for water"

Insert: "legal demands of water rights"

9. Page 8, line 14.

Strike: "water right demands"

Insert: "existing legal demands of water rights"

And, as amended, do pass.

STATE ADMINISTRATION (Kary, Chair):

2/15/2021

SB 175, do pass.

SR 26, be adopted. (Refer to Journal for next legislative day)

TAXATION (Hoven, Chair):

2/16/2021

SR 69, be adopted.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

STATE ADMINISTRATION (Kary, Chair):

2/15/2021

SR 14, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/15/2021

SB 67, introduced by S. Fitzpatrick
SB 112, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence: 2/15/2021

HB 202, introduced by D. Loge
HB 217, introduced by E. Buttrey
HB 220, introduced by B. Putnam
HB 260, introduced by S. Berglee
HB 282, introduced by F. Anderson

FIRST READING AND COMMITMENT OF BILLS

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

SB 252, introduced by D. Howard, M. Blasdel, K. Bogner, B. Brown, J. Ellsworth, C. Friedel, T. Gauthier, B. Gillespie, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, B. Keenan, T. Manzella, T. McGillvray, B. Molnar, R. Osmundson, K. Regier, C. Smith, B. Usher, G. Vance, referred to Judiciary.

SB 253, introduced by G. Hertz, referred to Taxation.

SB 254, introduced by M. McNally, referred to State Administration.

SB 255, introduced by P. Flowers, J. Cohenour, referred to Fish and Game.

SB 256, introduced by P. Flowers, J. Cohenour, referred to Judiciary.

SB 257, introduced by J. Small, D. Ankney, S. Fitzpatrick, J. Welborn, referred to Local Government.

SB 258, introduced by D. Ankney, referred to Natural Resources.

SB 259, introduced by T. Manzella, M. Binkley, J. Ellsworth, J. Hinkle, R. Marshall, C. Smith, J. Trebas, referred to Judiciary.

SB 260, introduced by S. Fitzpatrick, M. Blasdel, J. Ellsworth, J. Small, referred to Business, Labor, and Economic Affairs.

SB 261, introduced by S. Fitzpatrick, referred to Judiciary.

SB 262, introduced by M. Cuffe, referred to Taxation.

SB 263, introduced by M. Cuffe, referred to Taxation.

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

SB 250, introduced by J. Cohenour, referred to Public Health, Welfare and Safety.

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SB 251, introduced by C. Smith, referred to Business, Labor, and Economic Affairs.

The following Senate bill was introduced and read first time:

SB 264, introduced by M. McNally.

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

SJ 11, introduced by E. Boldman, W. Curdy, B. Gillespie, S. Hinebauch, B. Hoven, L. Jones, R. Marshall, F. Smith, K. Walsh, referred to Agriculture, Livestock and Irrigation.

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

SR 75, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SR 76, introduced by D. Kary, referred to State Administration.

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

HB 202, introduced by D. Loge, referred to Fish and Game.

HB 217, introduced by E. Buttrey, F. Smith, T. Jacobson, R. Lynch, F. Garner, W. McKamey, . Harvey, K. Sullivan, A. Buckley, referred to Business, Labor, and Economic Affairs.

HB 220, introduced by B. Putnam, D. Ankney, G. Custer, B. Gillespie, referred to Local Government.

HB 260, introduced by S. Berglee, W. Galt, J. Hinkle, M. Noland, S. Vinton, J. Fuller, R. Farris-Olsen, T. Running Wolf, referred to Fish and Game.

HB 282, introduced by F. Anderson, E. Buttrey, L. Jones, S. Berglee, R. Fitzgerald, D. Bedey, W. Galt, S. Greef, J. Carlson, S. Galloway, S. Gist, M. Bertoglio, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Friedel in the chair.

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

SB 178 - Majority Leader Smith moved consideration of **SB 178** be placed at the bottom of the second reading board. Without objection, so ordered.

SR 60 - Senator Hinebauch moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 60**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

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Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 3 - Senator Gauthier moved **SJ 3** 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 140 - Senator K. Regier moved **SB 140** do pass.

SB 140 - Senator Gross moved **SB 140**, second reading copy, be amended as follows:

1. Page 1.

Following: line 16

Insert: "(b) (i) Members of the governor's family are ineligible for appointment.

(ii) The lieutenant governor, members of the governor's personal staff, and cabinet-level

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appointees are ineligible for appointment for a period of 2 years after leaving their positions."

Renumber: subsequent subsections

Amendment **failed** as follows:

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

Total 21

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

Total 29

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 140 - Thereupon, the Senate reverted to the original motion of Senator K. Regier which 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: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 135 - Senator Fitzpatrick moved **SB 135** do pass. 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, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 44 - Senator Esp moved **SB 44** 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 161 - Senator Esp moved **SB 161** 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.

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Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 149 - Senator McGillvray moved **SB 149** do pass.

SB 149 - Senator McGillvray moved **SB 149**, second reading copy, be amended as follows:

1. Page 1, line 12 through line 13.

Following: "requirements"

Strike: "--" on line 12 through "penalties" on line 13

Amendment **adopted** as follows:

Yeas: Ankney, 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, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 47

Nays: Bennett, Gross, Morigeau.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 149 - Senator McGillvray moved **SB 149**, as amended, 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,

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Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 144 - Senator Fitzpatrick moved **SB 144** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Cohenour, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Blasdel assumed the chair.

SB 178 - Senator Friedel moved **SB 178** 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

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Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

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

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, 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 36

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Esp arose on a point of personal privilege and apologized to Senate members for using specific business names during Committee of the Whole discussion.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, February 17, 2021, the thirty-third legislative day. Motion carried.

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Senate adjourned at 2:24 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate