

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

Helena, Montana
February 26, 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 Ankney excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

2/26/2021

Correctly printed: **SB 16, SB 204, SB 226, SB 236, SB 240, SB 253, SB 259, SB 277, SB 278, SB 280, SB 284, SB 286, SB 318, SB 332, SB 348, SB 372, SB 373, SJR 8, SR 72, SR 77, SR 78, SR 79, SR 80, HB 136, HB 140, HB 167, HB 171.**

Correctly engrossed: **SB 188, SB 199, SB 224, SB 233, SB 234, SB 250, SB 251, SB 262, SB 294, HB 129.**

Examined by the sponsor and found to be correct: **SB 28, SB 56, SB 70, SR 42.**

Transmitted to the House: **SB 29, SB 51, SB 91, SB 154, SB 175, SB 183, SB 211, SB 216, SB 219, SB 222, SB 223, HB 143.**

Signed by the Secretary of the Senate at 4:30 p.m., February 25, 2021: **SR 56, SR 63, SR 65, SR 66, SR 68, SR 70, SR 71.**

Signed by the President at 7:30 a.m., February 26, 2021: **SR 56, SR 63, SR 65, SR 66, SR 68, SR 70, SR 71.**

Signed by the Speaker at 3:46 p.m., February 25, 2021: **SB 17, SB 54, SB 74, SB 102, SB 110.**

Delivered to the Secretary of State at 4:08 p.m., February 25, 2021: **SR 69, SR 73.**

Delivered to the Secretary of State at 10:13 a.m., February 26, 2021: **SR 56, SR 63, SR 65, SR 66, SR 68, SR 70, SR 71.**

Delivered to the Governor for information February 25, 2021: **SR 69, SR 73.**

Delivered to the Governor for information February 26, 2021: **SR 56, SR 63, SR 65, SR 66, SR 68, SR 70, SR 71.**

Delivered to the Governor for signature at 4:11 p.m., February 25, 2021: **SB 17, SB 54, SB 74, SB 102, SB 110.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair):

2/25/2021

SB 270, introduced bill, be amended as follows:

1. Page 1, line 10 through line 11.

Strike: "northeast" on line 10 through "Helena" on line 11

Insert: "regional land offices"

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And, as amended, do pass.

SB 307, do pass.

SJ 11, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair):

2/25/2021

SB 87, introduced bill, be amended as follows:

1. Title, line 5 through line 7.

Strike: "PROVIDING" on line 5 through "LOCATED;" on line 7

2. Title, line 7.

Strike: "PUMPING"

Insert: "CONVEYANCE"

3. Title, line 7 through line 8.

Strike: the first "AND" on line 7 through "COSTS" on line 8

4. Title, line 9.

Following: "REMEDIATION;"

Strike: "PROVIDING DEFINITIONS;"

5. Page 1, line 14 through page 2, line 3.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 5, line 12 through line 13.

Strike: section 4 in its entirety

Renumber: subsequent sections

And, as amended, do pass.

SB 213, do pass.

SB 291, do pass.

SB 292, introduced bill, be amended as follows:

1. Page 1.

Following: line 10

Insert: "NEW SECTION. Section 1. Definition. As used in [sections 1 through 5], unless the context clearly indicates otherwise, "utility" means a public utility regulated by the commission pursuant to this chapter."

Renumber: subsequent sections

2. Page 1, line 16.

Strike: "2"

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Insert: "3"

3. Page 2, line 3.

Strike: "1"

Insert: "2"

4. Page 2, line 3.

Strike: "3"

Insert: "4"

5. Page 2, line 16.

Strike: "1"

Insert: "2"

6. Page 2, line 21.

Strike: "1"

Insert: "2"

7. Page 2, line 21.

Strike: "3"

Insert: "4"

8. Page 4, line 24.

Strike: "2(6)"

Insert: "3(6)"

9. Page 4, line 27.

Strike: "4"

Insert: "5"

10. Page 4, line 28.

Strike: "4"

Insert: "5"

11. Page 5, line 2.

Strike: "4"

Insert: "5"

12. Page 5, line 4.

Strike: "4"

Insert: "5"

13. Page 5, line 7.

Strike: "4"

Insert: "5"

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14. Page 5, line 9.

Strike: "4"

Insert: "5"

And, as amended, do pass.

FISH AND GAME (Hinebauch, Chair):

2/25/2021

SB 267, do pass.

SB 314, do pass.

SB 327, do pass.

SB 337, do pass.

SB 354, do pass.

SJ 18, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

2/25/2021

SB 274, do pass.

SB 300, introduced bill, be amended as follows:

1. Title, line 11.

Following: "COURSE;"

Insert: "ALLOWING A TEMPORARY OPPORTUNITY FOR A STUDENT TO OBTAIN A LEARNER LICENSE AFTER TAKING AN ONLINE TRAFFIC EDUCATION COURSE DUE TO THE COVID-19 PANDEMIC;"

2. Title, line 11.

Following: "20-7-502,"

Insert: ","

Strike: "AND"

3. Title, line 11.

Following: "20-7-503,"

Insert: "AND 61-5-106,"

Following: "AN"

Insert: "IMMEDIATE"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 2.

Following: line 25

Insert: "**Section 3.** Section 61-5-106, MCA, is amended to read:

61-5-106. Instruction permits -- temporary driver's permits. (1) (a) The department may issue a learner license, which is valid for 1 year from the date of issuance, to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has successfully passed the knowledge test and the vision examination, as provided in 61-5-110. Except as provided in subsections (1)(b) and (1)(c), a learner license entitles the licensee, while in immediate

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- possession of the license and accompanied by a licensed driver seated beside the licensee, to drive a motor vehicle other than a motorcycle upon the public highways.
- (b) If the licensee is under 18 years of age, the driver supervising the licensee must be a parent or a legal guardian of the licensee or, with the permission of the licensee's parent or legal guardian, a licensed driver 18 years of age or older. Each occupant of a motor vehicle driven by a licensee who is under 18 years of age shall wear a properly adjusted and fastened seatbelt or, if 61-9-420 applies, must be properly restrained in a child safety restraint.
 - (c) A person holding a learner license for a motorcycle may drive a motorcycle upon a public highway if the person is not carrying a passenger, has immediate possession of the license, and is under the immediate and proximate visual supervision of one of the following persons, who must be at least 18 years of age if the licensee is under 18 years of age:
 - (i) a motorcycle-endorsed licensed driver who is riding with the licensee and who is operating a separate motorcycle or other motor vehicle; or
 - (ii) a licensed driver who is operating a separate motor vehicle if the licensee has successfully completed a motorcycle safety training course through a cooperative driver testing program certified under 61-5-110.
 - (2) (a) The department may issue a learner license, which is valid for 1 year from the date of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside within the geographical boundaries of or attend a school in the school district that offers the course. A learner license entitles the licensee to operate a motor vehicle when accompanied by an approved instructor, a licensed parent or guardian, or other driver as provided in subsection (1)(b) and may be restricted to specific times or areas.
 - (b) A person who meets the age requirements established in subsection (2)(a) and was unable to participate in a traffic education course as a result of the covid-19 pandemic must be allowed to test for and receive a learner license upon showing proof of completion of an online traffic education course.
 - (3) (a) An instructor of a traffic education program approved by the department and by the superintendent of public instruction may issue a traffic education permit that is effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department and who meets the age requirements specified in 20-7-503.
 - (b) When in immediate possession of the traffic education permit, the permittee may operate on a designated highway or within a designated area:
 - (i) a motor vehicle when an approved instructor is seated beside the permittee; or
 - (ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved instructor.
 - (4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

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- (5) The department may in its discretion issue a temporary commercial driver's license to an applicant permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial driver's license. The temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause has been refused.
- (6) The department may in its discretion issue a temporary medical assessment and rehabilitation driving permit, as provided in 61-5-120."

Renumber: subsequent sections

5. Page 2, line 26.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 4. {standard} **Effective date.** [This act] is effective on passage and approval.

NEW SECTION. Section 5. Termination. [Section 3] terminates June 30, 2021."

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair):

2/24/2021

SB 302, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 26, 2021

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

Dear President Blasdel:

On Friday, February 23, I signed the following Senate Bills:

Senate Bill 104 - Welborn
Senate Bill 68 - Fitzpatrick
Senate Bill 66 - Fitzpatrick
Senate Bill 41 - Webber
Senate Bill 26 - Gillespie
Senate Bill 27 - Gillespie
Senate Bill 3 - Small

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

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/25/2021

HB 50, introduced by F. Garner
HB 244, introduced by D. Lenz
HB 255, introduced by L. Brewster
HB 277, introduced by B. Mercer
HB 362, introduced by R. Fitzgerald
HB 380, introduced by K. Seekins-Crowe
HB 393, introduced by J. Gillette
HB 401, introduced by S. Galloway
HB 407, introduced by M. Noland
HB 416, introduced by D. Lenz
HB 427, introduced by J. Fuller
HB 429, introduced by L. Jones
HB 430, introduced by K. Whitman
HB 436, introduced by S. Kerns
HB 439, introduced by S. Galloway
HB 451, introduced by R. Farris-Olsen

House joint resolution passed and transmitted to the Senate for concurrence: 2/25/2021

HJ 9, introduced by R. Marshall

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill, previously introduced was referred to committee:

SB 139, introduced by M. Cuffe, referred to State Administration.

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

HB 50, introduced by F. Garner (by request of the Legislative Finance Committee), referred to Energy and Telecommunications.
HB 244, introduced by D. Lenz, referred to Judiciary.
HB 255, introduced by L. Brewster, V. Ricci, J. Patelis, J. Kassmier, A. Regier, K. Seekins-Crowe,

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M. Stromswold, K. Whitman, referred to Local Government.

HB 277, introduced by B. Mercer, L. Jones, G. Custer, W. McKamey, M. Regier, D. Bartel, B. Usher, S. Vinton, J. Dooling, T. Moore, D. Bedey, L. Reksten, J. Gillette, M. Bertoglio, referred to State Administration.

HB 362, introduced by R. Fitzgerald, F. Garner, referred to State Administration.

HB 380, introduced by K. Seekins-Crowe, D. Skees, J. Read, D. Kary, T. McGillvray, D. Howard, C. Smith, D. Ankney, B. Molnar, C. Glimm, D. Lenz, B. Brown, J. Hinkle, T. Manzella, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, D. Bartel, B. Usher, J. Patelis, S. Vinton, F. Fleming, . Duram, J. Fuller, . Knudsen, B. Mercer, T. Moore, B. Ler, F. Nave, L. Brewster, K. Zolnikov, B. Mitchell, A. Regier, P. Fielder, S. Galloway, S. Gist, E. Hill, M. Stromswold, C. Hinkle, C. Friedel, referred to Judiciary.

HB 393, introduced by J. Gillette, referred to Judiciary.

HB 401, introduced by S. Galloway, J. Read, S. Fitzpatrick, M. Blasdel, G. Hertz, S. Berglee, F. Garner, L. Sheldon-Galloway, J. Trebas, B. Usher, J. Patelis, J. Fuller, J. Kassmier, T. Moore, B. Phalen, F. Nave, L. Brewster, A. Regier, S. Gist, E. Hill, J. Schillinger, M. Malone, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, referred to Judiciary.

HB 407, introduced by M. Noland, referred to Business, Labor, and Economic Affairs.

HB 416, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

HB 427, introduced by J. Fuller, B. Tschida, referred to Judiciary.

HB 429, introduced by L. Jones, D. Salomon, D. Bedey, referred to State Administration.

HB 430, introduced by K. Whitman, E. Buttrey, F. Garner, K. Holmlund, V. Ricci, D. Loge, J. Patelis, S. Vinton, T. Welch, M. Hopkins, J. Fuller, J. Dooling, B. Mercer, S. Greef, B. Phalen, L. Brewster, S. Galloway, E. Hill, M. Malone, M. Binkley, referred to Judiciary.

HB 436, introduced by S. Kerns, S. Berglee, J. Hinkle, B. Usher, C. Hinkle, referred to Judiciary.

HB 439, introduced by S. Galloway, E. Buttrey, S. Fitzpatrick, D. Kary, K. Regier, M. Blasdel, D. Ankney, B. Keenan, G. Hertz, W. Galt, F. Garner, M. Noland, B. Tschida, S. Hinebauch, C. Knudsen, B. Usher, S. Vinton, B. Mercer, B. Ler, F. Nave, K. Zolnikov, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, C. Hinkle, M. Binkley, referred to Judiciary.

HB 451, introduced by R. Farris-Olsen, referred to Judiciary.

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

HJ 9, introduced by R. Marshall, J. Fuller, D. Bedey, C. Hinkle, referred to State Administration.

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

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

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

SJ 9 - Majority Leader Smith moved consideration of **SJ 9** be placed at the bottom of the

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second reading board. Without objection, so ordered.

SR 75 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 75**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Gross.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 10 - Senator Small moved **SJ 10** 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, Webber, Welborn, Mr. President.
Total 48

Nays: Tempel, Vance.
Total 2

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 192 - Senator Osmundson moved **SB 192** 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: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 6 - Senator Ellis moved **SJ 6** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, 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, Webber, Welborn, Mr. President.
Total 46

Nays: Glimm, Howard, Keenan, Vance.
Total 4

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 249 - Senator Lang moved **SB 249** 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, Vance, Webber, Welborn, Mr. President.

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Total 49

Nays: Manzella.

Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 258 - Senator Small moved **SB 258** 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 260 - Senator Fitzpatrick moved **SB 260** do pass.

SB 260 - Senator Fitzpatrick moved **SB 260**, second reading copy, be amended as follows:

1. Page 3, line 6.

Following: "GROWING,"

Insert: "manufacturing,"

Following: "marijuana"

Insert: "or marijuana products"

Amendment **adopted** as follows:

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

Total 34

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

Total 15

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 260 - As amended, **SB 260** 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 265 - Senator Fitzpatrick moved **SB 265** do pass. Motion carried 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, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 33

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Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 266 - Senator Fitzpatrick moved **SB 266** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, 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 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Webber.
Total 16

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 230 - Senator Lang moved **SB 230** 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.

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Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 247 - Senator Boldman moved **SB 247** do pass. Motion carried as follows:

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

Total 41

Nays: Gillespie, Glimm, Hinebauch, Howard, Keenan, McGillvray, O'Brien, Regier K, Smith C.

Total 9

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

SB 248 - Senator Boldman moved **SB 248** do pass. Motion carried as follows:

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

Total 43

Nays: Esp, Glimm, Howard, Kary, Pope, Regier K, Salomon.

Total 7

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

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Senator Cuffe excused at this time.

SB 16 - Senator Gross moved **SB 16** do pass. Motion carried 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, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.

Total 18

Voted absentee: Ankney, No.

Excused: Ankney.

Total 1

Absent or not voting: Cuffe.

Total 1

Senator Blasdel reassumed the chair.

SJ 9 - Senator Hertz moved **SJ 9** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, 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: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: Cuffe.

Total 1

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee

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arose. Senate resumed. President Blasdel presiding.

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

Yeas: 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 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Ankney.

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 133 passed as follows:

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

Total 37

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

Total 13

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.

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Total 0

SB 240 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 286 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 8 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie,

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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

HB 136 concurred in 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.

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

HB 140 concurred in 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, Mr. President.

Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch,

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McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber,
Welborn.
Total 20

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 167 concurred in 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, 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,
Welborn.
Total 20

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 171 concurred in 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.

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Excused: Ankney.

Total 1

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

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

2/26/2021

SB 273, do pass.

SB 275, introduced bill, be amended as follows:

1. Page 7, line 6.

Strike: "and"

Insert: "or"

2. Page 8.

Following: line 4

Insert: "(g) as provided for in 37-47-345, investigate violations of 37-47-301(1) and (2) and 37-47-404;"

Renumber: subsequent subsections

And, as amended, do pass.

SB 297, do pass.

SB 301, do pass.

SB 316, introduced bill, be amended as follows:

1. Title, line 5.

Following: "FOR"

Insert: "CONSTRUCTION REPAIRS AND PROPERTY"

Following: "RESTORATION;"

Insert: "REVISING THE MONTANA CONTAMINATED PROPERTY AND RESTORATION ACT;"

2. Title, line 6.

Following: the first "FOR"

Insert: "CONSTRUCTION REPAIRS AND"

3. Title, line 7.

Following: "ESCROW"

Insert: "OR TRUST ACCOUNTS"

4. Title, line 9.

Following: the first "AN"

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Insert: "IMMEDIATE EFFECTIVE DATE AND AN"

5. Page 1, line 16.

Strike: "restoration"

Insert: "construction repair"

6. Page 1, line 17.

Strike: "\$25,000"

Insert: "\$100,000"

7. Page 1, line 17.

Strike: "restoration"

Insert: "construction repair"

8. Page 1, line 19.

Following: "part"

Insert: ":"

(a)"

9. Page 1, line 20.

Following: "statute"

Insert: "; or

(b) may be construed to create a private cause of action"

10. Page 1, line 23.

Strike: "restoration"

Insert: "construction repair"

11. Page 1, line 25 through line 27.

Strike: subsections (a) through (b) in their entirety

Re-number: subsequent subsections

12. Page 1, line 28.

Following: "a"

Insert: "building,"

Following: "structure"

Insert: ", "

13. Page 2, line 2.

Following: "land"

Insert: "caused by a damaged building, structure, or fixture"

14. Page 2, line 12.

Strike: "**restoration**"

Insert: "**construction repair**"

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15. Page 2, line 12.

Following: "**escrow**"

Insert: "**or trust**"

16. Page 2, line 13.

Strike: "restoration"

Insert: "construction repair"

17. Page 2, line 14.

Strike: "restoration" in two places

Insert: "construction repair" in two places

18. Page 2, line 15 through line 17.

Strike: subsections (a) in its entirety

Renumber: subsequent subsections

19. Page 2, line 18.

Strike: "paying the costs outlined in subsection (1)(a)"

Insert: "receiving the money for construction repair damages and after deducting any outstanding attorney fees and costs of litigation owed"

20. Page 2, line 18.

Strike: "restoration"

Insert: "construction repair"

21. Page 2, line 19.

Following: the first "escrow"

Insert: "or a trust account"

Following: the second "escrow"

Insert: "or trust account"

22. Page 2, line 20.

Strike: "restore the property"

Insert: "repair the building, structure, or fixture"

23. Page 2, line 21.

Following: "escrow"

Insert: "or trust"

24. Page 2, line 21.

Strike: "remedial and corrective action"

Insert: "repairs"

25. Page 2, line 22.

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Strike: "contamination"

Insert: "condition"

26. Page 2, line 24.

Strike: "remedial and corrective action"

Insert: "repairs"

27. Page 2, line 26.

Strike: "Remedial and corrective action"

Insert: "Repairs"

28. Page 2, line 27.

Strike: "restoration or remediation"

Insert: "repair"

29. Page 2, line 28.

Strike: "is offered by the party seeking restoration"

Insert: "served as the basis for the award or settlement of construction repair"

30. Page 2, line 28.

Strike: "restoration"

Insert: "repair"

31. Page 3, line 3.

Strike: "and remediation or corrective action is not"

Insert: "before repairs are"

32. Page 3, line 3.

Following: "escrow"

Insert: "or trust"

33. Page 3, line 4.

Following: "complete."

Insert: "The funds must be held in escrow or trust and used in accordance with this section."

34. Page 3, line 5.

Strike: "When"

Insert: "After all"

35. Page 3, line 5.

Following: "escrow"

Insert: "or trust account"

36. Page 3, line 5 through line 6.

Strike: "remedial" on line 5 through "property" on line 6

Insert: "construction repairs"

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37. Page 3, line 6.
Following: "escrow"
Insert: "or trust"

38. Page 3, line 7.
Following: "escrow"
Insert: "or trust"

39. Page 3, line 8.
Following: "overseeing the"
Insert: "escrow or"
Following: "trust"
Strike: "to request the return of the funds, who may"
Insert: "account. The qualified professional shall"

40. Page 3, line 9.
Following: "funds"
Insert: "to the property owner"

41. Page 3, line 9.
Strike: "remediation or corrective action"
Insert: "construction repairs"

42. Page 3, line 9.
Strike: "has"
Insert: "have"

43. Page 3, line 10.
Following: "section."
Insert: "(6) (a) A defendant, an insurer, or an attorney representing a defendant or an insurer has no duty to ensure funds are used in accordance with this section.
(b) After the funds are placed in an escrow or trust account, an attorney representing a property owner has no duty to ensure funds are used in accordance with this section."

44. Page 3.
Following: line 14
Insert: "

NEW SECTION. Section 5. {standard} **Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 6. {standard} **Effective date.** [This act] is effective on passage and approval. "

Renumber: subsequent sections

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45. Page 3, line 15 through line 16.
Strike: "October" on line 15 through "2021" on line 16
Insert: "[the effective date of this act]"

And, as amended, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 2/26/2021
SB 100, do pass.
SB 159, do pass.

JUDICIARY (Regier, Chair): 2/26/2021
SB 283, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "MAKING" on line 5 through "DISCRETIONARY;" on line 6
Insert: "CLARIFYING WHAT MODIFYING THE REQUIREMENT FOR EXPULSION MEANS;"

2. Title, line 8 through line 9.
Strike: "PROVIDING" on line 8 through "EMPLOYMENT;" on line 9

3. Page 2, line 4.
Strike: "decrease the length of the"
Insert: "modify the requirement for"

4. Page 2, line 4.
Following: "student"
Insert: ", up to and including eliminating the requirement for expulsion,"

5. Page 2, line 12.
Following: "prior to"
Insert: "a"

6. Page 2, line 13.
Following: "is"
Strike: "probable"

7. Page 2, line 23.
Strike: "an evidentiary"
Insert: "a"

8. Page 2, line 26.
Strike: "evidentiary"

9. Page 3, line 1.

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Strike: "an evidentiary"

Insert: "a due process"

10. Page 3, line 1 through line 3.

Following: "hearing"

Strike: ". The" on line 1 through "hearing," on line 3

Insert: "that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless"

11. Page 3, line 3 through line 4.

Strike: "by a" on line 3 through "evidence" on line 4

12. Page 3, line 6.

Strike: "an evidentiary"

Insert: "a"

13. Page 3, line 11.

Strike: "apply to"

Insert: "require expulsion of"

14. Page 3, line 16.

Following: "(a)"

Strike: "(i)"

15. Page 3, line 17 through line 22.

Strike: subsection (ii) in its entirety

16. Page 3, line 24.

Following: "home, a"

Insert: "locked"

And, as amended, do pass.

SB 290, do pass.

SB 338, do pass.

TAXATION (Hoven, Chair):

2/25/2021

SB 212, introduced bill, be amended as follows:

1. Page 2, line 11 through line 17.

Strike: subsection (b) in its entirety

Insert: "(b) (i) The department of revenue, with the support of the department of administration, shall provide to county treasurers information on:

(A) the consumer price index adjusted for population and the average annual growth rate of

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- Montana personal income; and
(B) estimated property taxes levied over the previous 10 years by the state, the county, and any incorporated cities or towns within the county.
(ii) The county treasurer shall include the information received from the department of revenue pursuant to subsection (2)(b)(i) with the written notice."

And, as amended, do pass.

SB 214, do pass.

SB 263, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "0.33%"

Insert: "0.31%"

And, as amended, do pass.

SB 288, do pass.

HB 303, be concurred in.

HJ 5, do pass.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Smith moved to re-refer **SB 249** to the Finance and Claims Committee then withdrew his motion.

Majority Leader Smith moved to **suspend Senate Rules** 40-40, 40-60, 50-190, and Joint Rule 40-150 until the forty-sixth legislative day. Without objection, so ordered.

Senator Sweeney moved that **SB 187** be taken from the Business, Labor and Economic Affairs Committee, and placed on second reading tomorrow, February 27, 2021, Motion **failed** as follows:

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

Nays: 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 30

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Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Senator Molnar moved to change his vote on the **SB 187** blast motion from Yes to No. Without objection, so ordered. The preceding vote count reflects the change of vote.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 328**. Without objection, so ordered.

SB 328 (D. Ankney, Chief Sponsor)
Senator J. Welborn
Senator J. Small.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 8:00 a.m., Saturday, February 27, 2021, the forty-second legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate