

**SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 11, 2017

Senate Chambers
State Capitol

Senate convened at 11:00 a.m. President Sales presiding. Invocation by Senator Moore. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

4/11/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, and seventieth legislative days, find the same to be correct.

Correctly printed: **SR 3, SR 59, SR 60, SR 61, SR 65, SJ 23, SJ 24, SJ 25, SJ 27, HB 6, HB 7, HB 9, HB 11, HB 216, HB 224, HB 225, HB 228, HB 339, HB 344, HB 365, HB 429, HB 433, HB 572, HB 585, HB 599, HB 604, HB 631.**

Correctly engrossed: **SJ 26, HB 387, HB 550, HB 591, HB 595, HB 600, HB 652.**

Correctly enrolled: **SB 45, SB 93, SB 116, SB 117, SB 213, SB 240, SB 242, SB 254, SB 278, SB 279, SB 286, SR 6, SR 54, SR 55, SR 56.**

Examined by the sponsor and found to be correct: **SB 43, SB 44, SB 45, SB 46, SB 93, SB 99, SB 116, SB 117, SB 118, SB 144, SB 158, SB 163, SB 175, SB 176, SB 200, SB 207, SB 213, SB 216, SB 240, SB 242, SB 260, SB 270, SB 274, SB 284, SB 286, SB 291, SB 292, SB 319, SR 6, SR 54, SR 55, SR 56.**

Transmitted to the House: **HB 4, HB 118, HB 554, HB 574, HB 583, HB 589.**

REPORTS OF STANDING COMMITTEES

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

4/11/2017

SJ 26, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.

Following: "SYSTEM"

Insert: "RELATING TO BEER AND WINE"

2. Page 1, line 9.

Strike: "alcohol"

Insert: "beer and wine"

3. Page 1, line 21.

Strike: "alcohol"

Insert: "beer and wine"

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4. Page 1, line 24.

Strike: "liquor,"

5. Page 2, line 7 through line 10.

Strike: "BE IT FURTHER" on line 7 through "controlled system." on line 10

And, as amended, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/10/2017
SR 60, be adopted.
SR 61, be adopted.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/6/2017
HB 585, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/10/2017
HB 387, be amended as follows:

1. Title, page 1, line 5 through line 7.

Strike: "DEPARTMENT OF" on line 5 through "ESTABLISH" on line 6

Insert: "CONTINUED USE OF"

Strike: "INTENSIVE BEHAVIOR CENTER"

Insert: "SECURE FACILITY"

2. Title, page 1, line 8.

Following: "CENTER;"

Insert: "EXTENDING THE DATE FOR COURT COMMITMENTS TO THE MONTANA DEVELOPMENTAL CENTER; PROVIDING A CAP ON THE CENSUS AT THE MONTANA DEVELOPMENTAL CENTER; PROVIDING DIRECTION TO THE DEPARTMENT;"

Following: "DEFINITIONS;"

Strike: "PROVIDING" through "AMENDING SECTION 1,"

Insert: "AMENDING SECTIONS 53-20-125 AND 53-20-129, MCA; AMENDING SECTIONS 1, 3, and 4,"

3. Title, page 1, line 9 through line 10.

Following: "2015;" on line 9

Insert: "REPEALING SECTION 2, CHAPTER 444, LAWS OF 2015;"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

Strike: ";AMENDING" on line 9 through "2015" on line 10

4. Page 1, line 19 and line 20.

Strike: "The department" on line 19 through the first "a" on line 20

Insert: "There is a state-operated"

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Strike: "as a new service" on line 20

5. Page 1, line 27.

Strike: "the department" through "to file"

6. Page 1, line 28.

Following: "petition"

Insert: "has been filed"

7. Page 1, line 29 through line 30.

Strike: "through imposition" on line 29 through "53-20-121" on line 30

8. Page 2, line 3.

Strike: "4"

Insert: "3"

9. Page 2, line 6 through line 7.

Strike: section 4 in its entirety

Renumber: subsequent sections

10. Page 2.

Following: line 8

Insert: "**Section 4.** Section 53-20-125, MCA, is amended to read:

"53-20-125. Outcome of screening -- recommendation for commitment or imposition of community treatment plan -- hearing. (1) A court may commit a person to a residential facility or impose a community treatment plan only if the person:

(a) is 18 years of age or older; and

(b) is determined to be seriously developmentally disabled and in need of commitment to a residential facility or imposition of a community treatment plan by the residential facility screening team, as provided in 53-20-133, and by a court, as provided in 53-20-129 or in this section.

(2) After the screening required by 53-20-133, the residential facility screening team shall file its written recommendation and report with the court. The report must include the factual basis for the recommendation and must describe any tests or evaluation devices that have been employed in evaluating the respondent. The residential facility screening team shall provide to the court, the county attorney, the respondent's attorney, and any other party requesting it the social and placement information that the team relied on in making its determination.

(3) The residential facility team may recommend commitment to a specific residential facility.

(4) Notice of the determination of the residential facility screening team must be mailed or delivered to:

(a) the respondent;

(b) the respondent's parents, guardian, or next of kin, if known;

(c) the responsible person;

(d) the respondent's advocate, if any;

(e) the county attorney;

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(f) the residential facility to which the residential facility screening team has recommended commitment;

(g) the attorney for the respondent, if any; and

(h) the attorney for the parents or guardian, if any.

(5) The respondent, the respondent's parents or guardian, the responsible person, the respondent's advocate, if any, or the attorney for any party may request that a hearing be held on the recommendation of the residential facility screening team. The request for a hearing must be made in writing within 15 days of service of the report.

(6) Notice of the hearing must be mailed or delivered to each of the parties listed in subsection (5).

(7) The hearing must be held before the court without jury. The rules of civil procedure apply.

(8) Upon receiving the report of the residential facility screening team and after a hearing, if one is requested, the court shall enter findings of fact and take one of the following actions:

(a) If both the residential facility screening team and the court find that the respondent is seriously developmentally disabled and in need of commitment to a residential facility, the court shall order the respondent committed to a residential facility for an extended course of treatment and habilitation, subject to the provisions of subsection (12).

(b) If both the residential facility screening team and the court find that the respondent is seriously developmentally disabled but either the residential facility screening team or the court finds that a less restrictive community treatment plan has been proposed, the court may impose a community treatment plan that meets the conditions set forth in 53-20-133(4). If the court finds that a community treatment plan proposed by the parties or recommended by the residential facility screening team does not meet the conditions set forth in 53-20-133(4), it may order the respondent committed to a residential facility. The court may not impose a community treatment plan unless the residential facility screening team certifies that all services in the proposed plan meet the conditions of 53-20-133(4)(c) and (4)(d).

(c) If either the residential facility screening team or the court finds that the respondent has a developmental disability but is not seriously developmentally disabled, the court shall dismiss the petition and refer the respondent to the department of public health and human services to be considered for placement in voluntary community-based services according to 53-20-209.

(d) If either the residential facility screening team or the court finds that the respondent does not have a developmental disability or is not in need of developmental disabilities services, the court shall dismiss the petition.

(9) (a) If the residential facility screening team recommends commitment to a residential facility or imposition of a community treatment plan and none of the parties notified of the recommendation request a hearing within 15 days of service of the screening team's report, the court may:

(i) issue an order committing the respondent to the residential facility for an extended period of treatment and habilitation;

(ii) issue an order imposing a community treatment plan that the court finds meets the conditions set forth in 53-20-133(4); or

(iii) initiate its own inquiry as to whether an order should be granted.

(b) The court may not impose a community treatment plan unless the residential facility screening team certifies that all services in the proposed plan meet the conditions in 53-20-133(4)(c) and (4)(d).

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(10) The court may refuse to authorize commitment of a respondent to a residential facility for an extended period of treatment and habilitation if commitment is not in the best interests of the respondent.

(11) A court order entered in a proceeding under this part must be provided to the residential facility screening team.

(12) (a) A court may not commit a respondent to a residential facility unless the facility has confirmed in writing that admission of the respondent will not cause the census at the residential facility to exceed its licensed capacity.

(b) After ~~December 31, 2016~~ March 31, 2019, a court may not commit a respondent to the Montana developmental center."

Insert: "Section 5. Section 53-20-129, MCA, is amended to read:

"53-20-129. Emergency admission and commitment. (1) Subject to the provisions of subsection (3), a person believed to be seriously developmentally disabled may be admitted to a residential facility or a temporary court-ordered community treatment plan may be imposed on an emergency basis without notice to the person or approval by the residential facility screening team when necessary to protect the person or others from death or serious bodily injury, as defined in 45-2-101.

(2) An emergency admission to a residential facility may be initiated only by a developmental disabilities professional.

(3) (a) An emergency admission to a residential facility may not proceed unless the residential facility has confirmed in writing that admission of the person will not cause the census at the facility to exceed its licensed capacity and that the facility can accommodate the emergency needs of the person.

(b) After ~~December 31, 2016~~ March 31, 2019, an emergency admission may not be made to the Montana developmental center.

(4) A petition for emergency commitment must be filed on the next judicial day after an emergency admission to a residential facility by the county attorney of the county where the respondent resides.

(5) A petition for imposition of an emergency community treatment plan may be filed by the county attorney of the county where the respondent resides and must include or have attached the written report of a case manager. Any temporary community treatment plan must meet the conditions set forth in 53-20-133(4).

(6) The residential facility screening team shall report back to the court on the seventh judicial day following the filing of the petition for emergency commitment or imposition of a temporary community treatment plan.

(7) Once the report of the residential facility screening team is received by the court, continued placement in the residential facility or continued imposition of the temporary community treatment plan may not continue without an order of the court for emergency commitment or continued imposition of the community treatment plan.

(8) A court may order an emergency commitment or continue a temporary community treatment plan only when the residential facility screening team has recommended and the court has determined that the emergency commitment or continued imposition of a community treatment plan is necessary to protect the respondent or others from death or serious bodily injury, as defined in 45-2-101. Any temporary community treatment plan must meet the conditions set forth in 53-20-133(4).

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(9) An order for emergency commitment or continued imposition of a temporary community treatment plan may be entered without a hearing before the court if the court finds that the record supports the order.

(10) An emergency commitment to a residential facility or imposition of a temporary community treatment plan may not continue for longer than 30 days after placement in the residential facility or imposition of a temporary community treatment plan unless a petition for an extended commitment to the residential facility or for imposition of a community treatment plan as provided in 53-20-121 has been filed."

11. Page 2, line 15.

Following: "2019;"

Strike: "and"

12. Page 2, line 18.

Following: "and"

Insert: ";

13. Page 2, line 24.

Strike: "."

14. Page 2, line 25.

Insert: "(3) cap the census at the Montana developmental center at 24 residents and continue to transition residents out of the Montana developmental center and into community-based services. As part of this transition, the legislature intends for the department of public health and human services to:

(a) actively pursue the timely discharge of Montana developmental center residents into community-based services; and

(b) work with community providers to develop necessary services.

(4) by no later than September 30, 2017, submit to the centers for medicare and medicaid services a request for an amendment to the medicaid home and community-based services 0208 waiver for individuals with developmental disabilities that, while not exceeding the amount of medicaid waiver appropriations in House Bill No. 2:

(a) allows individuals and providers to use the entirety of each individual's cost plan to provide services that the individual needs to be successful in the community, including a request to pay a daily rate rather than an hourly rate as one option for fully using the cost plan;

(b) provides the flexibility necessary to enable the provision of professional services to an individual; and

(c) provides a sufficient number of emergency slots throughout Montana to accommodate individuals who may go into crisis."

Insert: "Section 7. Section 3, Chapter 444, Laws of 2015, is amended to read:

"Section 3. Transition planning -- department Department of public health and human services responsibilities -- rulemaking. The department of public health and human services shall:

~~—(1) provide members of the transition planning committee with necessary information and staff support to carry out the committee's duties;~~

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~~— (2) implement a plan for the closure of the Montana developmental center based on recommendations from the transition planning committee; and~~
~~— (3) designate by rule the criteria that a community-based service must meet to be designated as a residential facility."~~

Insert: "Section 8. Section 4, Chapter 444, Laws of 2015, is amended to read:

"Section 4. Transfer fee. The department of public health and human services shall assess a fee of ~~\$1,000~~ \$1,100 on a provider of community-based services who returns an individual to the Montana developmental center within 90 days after accepting the individual for community-based services."

15. Page 2, line 27.

Following: "center"

Insert: " -- report to legislature"

16. Page 2, line 28.

Following: "services to"

Insert: ":

(1) use the assessment and stabilization unit at the Montana developmental center campus as the intensive behavior center provided for in [section 2];

(2)"

17. Page 2, line 29.

Following: "2017"

Strike: ", and to"

Insert: ";

(3) report to the 2019 legislature on:

(a) the availability of crisis services in the community, including any unmet need for crisis services and the department's plans for meeting that need;

(b) the status of the closure efforts; and

(c) recommendations for completing closure of the Montana developmental center, including recommendations for any legislative action needed; and

(4)"

18. Page 3, line 1 through line 3.

Strike: section 7 in its entirety

Insert: "NEW SECTION. Section 10. Repealer. Section 2, Chapter 444, Laws of 2015, is repealed."

Renumber: subsequent section

19. Page 3.

Following: line 23

Insert: "NEW SECTION. Section 12. Termination. [Sections 1 through 3] terminate June 30, 2019."

And, as amended, be concurred in.

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HB 572, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

4/10/2017

SR 59, be adopted.

HB 599, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 145**

Report No. 001, April 10, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 145** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 145** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 12.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

2. Page 2, line 29.

Strike: "policyholder"

Insert: "policyowner"

3. Page 3, line 1.

Strike: "policyholder"

Insert: "policyowner"

4. Page 3, line 3.

Strike: "policyholder"

Insert: "policyowner"

5. Page 9, line 5.

Strike: "on passage and approval"

Insert: "January 1, 2018"

For the Senate:

Buttrey, Chair
Pomnichowski
Vance

For the House:

Z. Brown, Vice Chair
Grubbs
Treas

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CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 280**
Report No. 001, April 10, 2017

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 280** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 280** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8 through line 9.

Strike: "AND" on line 8 through "EMPLOYEES" on line 9

2. Page 2, line 5 through line 6.

Following: "officer" on line 5

Strike: remainder of line 5 through "SERGEANT-AT-ARMS," on line 6

3. Page 2, line 14 through line 15.

Following: "officers" on line 14

Strike: remainder of line 14 through "ARE" on line 15

4. Page 3, line 20.

Following: "officer"

Strike: ", INCLUDING" through "SERGEANT-AT ARMS,"

For the Senate:

K. Regier, Chair

Sands

Vincent

For the House:

Berglee, Vice Chair

Brodehl

Perry

MESSAGES FROM THE GOVERNOR

April 10, 2017

The Honorable Scott Sales

President of the Senate

State Capitol

Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 155** (SB 155), "AN ACT PROVIDING CONSISTENCY OF AGRICULTURAL AND VEGETABLE SEED REGULATION BY

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THE STATE; PROHIBITING LOCAL GOVERNMENT REGULATION OF AGRICULTURAL SEED; PROVIDING EXCEPTIONS; AMENDING SECTIONS 7-1-111, 80-5-120, AND 80-5-1236, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 155 seeks to provide consistent regulation of agricultural and vegetable seed. In its current form, it goes further than is necessary to accomplish its stated intent. My amendments clarify that local governments are not prohibited from adopting regulations governing the registration, labeling, notification of use; and marketing of agricultural and vegetable seeds.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 155
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 10, 2017 (11:07am)

1. Page 2, line 24.

Strike: "registration, labeling, marketing,"

Following: "possession,"

Strike: "notification of use,"

2. Page 8, line 5 through line 6.

Strike: "registration, labeling, marketing," on line 5

Strike: "notification" on line 5 through the first "use," on line 6

April 10, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the

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State of Montana, I hereby **return with amendments Senate Bill 127** (SB 127), "AN ACT REVISING PUBLIC OFFICE VACANCY LAWS; PROVIDING THAT AN OFFICE BECOMES VACANT ON THE EFFECTIVE DATE STIPULATED IN THE OFFICIAL RESIGNATION OF AN INCUMBENT; PROVIDING THAT RESIGNATIONS MUST STIPULATE AN EFFECTIVE DATE; CLARIFYING LEGISLATOR APPOINTMENT LAWS REGARDING VACANCY AND RESIGNATION; AND AMENDING SECTIONS 2-16-501, 2-16-502, AND 5-2-402, MCA."

SB 127 revised the public office vacancy laws so that resignations of public officers are effective upon the date stipulated in a resignation letter, rather than after the 72-hour period within which a resignation may be withdrawn. The bill maintains the 72-hour rule, but makes the resignation "official" rather than "effective" upon the passage of the 72 hours. The bill was brought with a legislative vacancy in mind, where it takes weeks to seat a successor. If a legislator withdraws his or her resignation within 72 hours of its submission, no great harm is done because the process to seat a successor will have only just begun and can be easily terminated.

Unfortunately, the mechanics of the bill may not always work with other public officer vacancies. For example, a vacancy could occur in the office of the Attorney General or the Secretary of State. In such a case, the governor must appoint a person to fill the unexpired term. See, e.g., § 2-16-505-506, MCA. Under SB 127, it would be possible for an officer to resign effective immediately and be replaced immediately thereafter by the governor's appointee. However, the resignee could still change his or her mind within the 72-hour period, after the appointee has already taken office. This creates a situation where two people could claim a right to the same office.

I support the clarity that SB 127 is attempting to bring to the resignation process. My amendments further simplify the bill by eliminating the 72-hour rule entirely. The 72-hour rule unnecessarily creates uncertainty when there is a need for clarity. By eliminating the rule, it is absolutely clear that a resignation is effective and final upon the date stipulated in a resignation letter.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 127
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 25, 2017 (4:17pm)

1. Page 2, line 5.
Strike: "(1)"

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2. Page 2, line 7.

Strike: "(a)"

Insert: "(1)"

3. Page 2, line 9.

Strike: "(b)"

Insert: "(2)"

4. Page 2, line 10.

Strike: "(c)"

Insert: "(3)"

5. Page 2, line 13.

Strike: "(d)"

Insert: "(4)"

6. Page 2, line 15.

Strike: "(e)"

Insert: "(5)"

7. Page 2, line 16.

Strike: "(f)"

Insert: "(6)"

8. Page 2, line 17.

Strike: "(g)"

Insert: "(7)"

9. Page 2, line 18 through line 20.

Strike: subsection (2) in its entirety

10. Page 2, line 28 through line 29.

Strike: "or OFFICIAL" on line 28 through "2-16-502(2)" on line 29

11. Page 3, line 1.

Strike: "or OFFICIAL resignation"

12. Page 3, line 19.

Strike: "or OFFICIAL resignation"

13. Page 3, line 28.

Strike: "or OFFICIAL resignation"

14. Page 4, line 5.

Strike: "OR OFFICIAL RESIGNATION"

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15. Page 4, line 11 through line 12.

Strike: "OR OFFICIAL" on line 11 through "RESIGNATION" on line 12

16. Page 4, line 14.

Strike: "OR OFFICIAL RESIGNATION"

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/10/2017

SB 254, introduced by M. Blasdel

SB 278, introduced by S. Hinebauch

SB 279, introduced by C. Vincent

SB 281, introduced by C. Vincent

Senate joint resolution concurred in and returned to the Senate: 4/10/2017

SJ 15, introduced by D. Howard

Free Conference Committee Report No.1 adopted: 4/10/2017

SB 25, introduced by M. Blasdel

Senate amendments to House bills concurred in: 4/10/2017

HB 126, introduced by R. Shaw

HB 393, introduced by D. Zolnikov

HB 415, introduced by S. Morigeau

HB 416, introduced by E. Greef

HB 485, introduced by T. Manzella

HB 510, introduced by A. Hertz

HB 516, introduced by K. Dudik

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/10/2017

HB 148, introduced by D. Zolnikov

MOTIONS

Majority Leader Thomas moved that **SR 3** be taken from the Highways and Transportation Committee and placed on second reading this date. Without objection, so ordered.

Majority Leader Thomas moved that **HB 136** be taken from today's second reading agenda and

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re-referred to the Finance and Claims Committee. Without objection, so ordered.

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

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

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

SR 20, SR 21, SR 43, SR 44, HB 622 - Senator Connell moved consideration of **SR 20, SR 21, SR 43, SR 44** and **HB 622** be placed at the bottom of the board. Without objection, so ordered.

Senator Olszewski excused at this time.

HB 550 - Senator Hoven moved **HB 550** be concurred in.

HB 550 - Senator Richmond moved **HB 550**, second reading copy, be amended as follows:

1. Page 2, line 25.

Following: "~~(B)~~"

Insert: "(a) Except as provided in subsection (11)(b), a taxpayer that claims a federal net operating loss carryback is automatically considered to have elected a state net operating loss carryback, and a taxpayer that claims a federal net operating loss carryover is automatically considered to have elected a state net operating loss carryover. If a taxpayer is permitted to claim a federal net operating loss carryback for a term greater than the three preceeding tax periods, then the taxpayer is considered to have elected a 3-year net operating loss carryback.

(b)"

2. Page 2, line 25.

Following: "CARRYOVER"

Insert: "or carryover"

3. Page 2, line 26.

Strike: "ENTIRE CARRYBACK PERIOD"

Insert: "automatic election in subsection (11)(a)"

4. Page 2, line 27.

Following: "BACK OR"

Insert: "back or"

Strike: "ONLY"

Insert: "as elected by the taxpayer"

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Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Swandal, Vuckovich, Whitford, Wolken, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: Olszewski.
Total 1

HB 550 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Olszewski.
Total 1

Senator Olszewski present at this time.

SR 57 - Senator Whitford moved **SR 57** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 39

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Nays: Brown, Fielder, Hinebauch, Keenan, Moore, Osmundson, Regier, Vance, Vincent, Webb, Mr.President.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 390 - Senator L. Jones moved consideration of **HB 390** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 344 - Senator Welborn moved **HB 344** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 631 - Senator Salomon moved **HB 631** be concurred in. Motion carried as follows:

Yeas: Ankney, Buttrey, Caferro, Connell, Facey, Gauthier, Gross, Hinkle, Jones, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Welborn, Whitford, Wolken.
Total 27

Nays: Barrett, Blasdel, Boland, Brown, Cohenour, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, MacDonald, Malek, Pomnichowski, Sands, Smith F, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.

Total 23

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, MacDonald, Malek, McClafferty, Osmundson, Phillips, Regier, Richmond, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Fitzpatrick, Hoven, Keenan, Lang, McNally, Moore, Olszewski, Pomnichowski, Salomon, Sands, Smith F, Tempel, Vuckovich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Committee arose. Senate resumed. President Sales presiding.

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

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this date. Motion carried. Senate recessed at 12:25 p.m.

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Senate reconvened at 12:58 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair):

4/11/2017

SJ 25, do pass.

SR 65, be adopted.

HB 595, be amended as follows:

1. Page 1, line 23.

Following: line 23

Insert: "(3) No cause of action shall arise as a consequence of harm caused to an unborn baby by an unintentional act of its mother."

Renumber: subsequent subsection

And, as amended, be concurred in.

Without objection, committee reports were adopted.

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

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

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

HB 325 - Senator K. Regier moved **HB 325** be concurred in.

HB 325 - Senator Thomas moved **HB 325**, second reading copy, be amended as follows:

1. Title, page 1, line 15.

Strike: "PROVIDING GOVERNMENTAL IMMUNITY;"

2. Page 1, line 24 through line 25.

Strike: "-- immunity" on line 24 through "liability" on line 25

3. Page 3, line 2 through line 3.

Strike: subsection (7) in its entirety

4. Page 3, line 28.

Strike: "-- immunity from liability"

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5. Page 17, line 23 through line 25.

Strike: section 23 in its entirety

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Caferro, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, MacDonald, Osmundson, Phillips, Regier, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Wolken, Mr.President.

Total 23

Nays: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 325 - Thereupon, the Senate reverted to the original motion of Senator K. Regier which **failed** as follows:

Yeas: Blasdel, Brown, Caferro, Fielder, Hinebauch, Hinkle, Howard, Kary, MacDonald, McClafferty, Osmundson, Phillips, Regier, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Wolken, Mr.President.

Total 22

Nays: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Keenan, Lang, Malek, McNally, Moore, Olszewski, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 325 - Majority Leader Thomas moved **HB 325** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski,

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Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Caferro, Fielder, Hinebauch, Hinkle, Howard, MacDonald, Regier, Salomon, Smith C, Thomas, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 3 - Majority Leader Thomas moved consideration of **SR 3** be placed at the top of the second reading board. Without objection, so ordered.

Senator Moore excused at this time.

SR 3 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 3**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 39

Nays: Brown, Howard, Keenan, Olszewski, Osmundson, Smith C, Swandal, Vance, Webb, Welborn.
Total 10

Absent or not voting: None.
Total 0

Excused: Moore.
Total 1

Senator Moore present at this time.

HB 442 - Senator R. Webb moved **HB 442** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vincent, Vuckovich, Webb, Whitford, Wolken.

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Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 442 - Majority Leader Thomas moved **HB 442** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Welborn, Wolken, Mr.President.

Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Webb, Whitford.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 28 - Senator Ankney moved **SJ 28** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 29 - Senator Ankney moved **SJ 29** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 42 - House Amendments - Senator Barrett moved House amendments to **SB 42** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 - House Amendments - Senator Wolken moved House amendments to **SB 63** be **not** concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 64 - House Amendments - Senator Wolken moved House amendments to **SB 64** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 92 - House Amendments - Senator Olszewski moved House amendments to **SB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120 - House Amendments - Senator Swandal moved House amendments to **SB 120** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126 - House Amendments - Senator K. Regier moved House amendments to **SB 126** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Cohenour, Gross, Malek, Pomnichowski.
Total 5

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

HB 148 - Governor's Amendments - Senator Swandal moved Governor's amendments to **HB 148** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 652 - Senator C. Smith moved **HB 652** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 6 - Senator Welborn moved **HB 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

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Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 7 - Senator Sesso moved **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 9 - Senator Welborn moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Brown, Fielder, Hinebauch, Hinkle, Kary, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 11 - Senator Sesso moved **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 591 - Senator Olszewski moved **HB 591** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Connell, Gauthier, Howard, Jones, Lang, Malek, McClafferty, McNally, Olszewski, Phillips, Salomon, Sands, Sesso, Tempel, Vuckovich, Whitford, Wolken.
Total 21

Nays: Blasdel, Brown, Buttrey, Cohenour, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Kary, Keenan, MacDonald, Moore, Osmundson, Pomnichowski, Regier, Richmond, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 591 - Majority Leader Thomas moved **HB 591** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Sands, Small,

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Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn,
Mr.President.

Total 41

Nays: Barrett, Caferro, Gauthier, McNally, Phillips, Salomon, Sesso, Whitford, Wolken.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 20 - Senator Vincent moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 20**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: Webb.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 21 - Senator Vincent moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 21**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 43 - Senator Vincent moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 43**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 44 - Senator Vincent moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 44**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 622 - Senator Vincent moved **HB 622** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 390 - Senator L. Jones moved **HB 390** be concurred in.

HB 390 - Senator L. Jones moved **HB 390**, second reading copy, be amended as follows:

1. Page 7.

Following: line 7

Insert: "(3) If [this act], Senate Bill No. 260, and Senate Bill No. 307 are passed and approved, then up to \$2 million of the earnings transferred from the school facilities fund provided for in [section 1(1) of Senate Bill No. 260] to the account established in [section 8 of Senate Bill No. 307] is appropriated in fiscal year 2019 to the office of public instruction for the uses described in [section 8 of Senate Bill No. 307]."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 390 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

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

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: 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:

SJ 23 passed as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 44

Nays: Brown, Facey, Keenan, Pomnichowski, Vincent, Mr.President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 24 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.

Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Howard, Keenan, Moore, Osmundson, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 27 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 44

Nays: Hinebauch, Keenan, Smith C, Swandal, Vincent, Mr.President.

Total 6

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 143, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 27, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Caferro, Cohenour, Gross, MacDonald, Sesso.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 197 as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: MacDonald, Sands.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 208 as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Barrett, Cohenour, Facey, MacDonald, McNally, Pomnichowski, Sesso.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 16

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283, as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, Pomnichowski, Sands, Smith F, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Cohenour, Howard, Kary, Moore, Osmundson, Salomon, Smith C, Vance.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 40

Nays: Blasdel, Brown, Fitzpatrick, Gross, Hinebauch, Hinkle, Keenan, Smith C, Welborn, Mr.President.
Total 10

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 13, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 18, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 216 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 224 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 39

Nays: Brown, Hinebauch, Kary, Keenan, Lang, Regier, Smith C, Swandal, Vance, Vincent, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 225 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 30

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Salomon, Smith C, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 20

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 339 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 365 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 429 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder,

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Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Cohenour, Keenan, Malek.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 433 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 228 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Fielder, Hinebauch, Regier, Smith C, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair):

4/11/2017

HB 133, be amended as follows:

1. Title, page 1, line 11 through line 12.

Strike: "LIMITING" on line 11 through "YOUNGER;" on line 12

Insert: "REVISING THE MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES
WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER;"

2. Title, page 1, line 15.

Strike: "ABOLISHING"

Insert: "REVISING"

3. Title, page 1, line 19.

Strike: "46-18-222,"

4. Title, line 20.

Strike: "53-30-403,"

Strike: "61-8-410,"

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5. Title, page 1, line 21.

Following: "61-8-731,"

Insert: "AND"

Following: "61-8-732,"

Strike: "AND 61-11-101,"

6. Page 6, line 22.

Following: "conviction"

Strike: "or"

Insert: "and"

7. Page 16, line 28.

Strike: "25"

Insert: "10"

8. Page 16, line 29.

Strike: "46-18-222(1) through (5)"

Insert: "46-18-222"

Strike: "25"

Insert: "10"

9. Page 16, line 30.

Strike: "The exception" through "apply."

10. Page 18, line 6.

Strike: "25"

Insert: "10"

11. Page 18, line 7.

Strike: "46-18-222(1) through (5)"

Insert: "46-18-222"

Strike: "25"

Insert: "10"

12. Page 18, line 8.

Strike: "The exception" through "apply."

13. Page 20, line 1.

Strike: "25"

Insert: "10"

14. Page 20, line 2.

Strike: "46-18-222(1) through (5)"

Insert: "46-18-222"

Strike: "25"

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Insert: "10"

15. Page 20, line 3.

Strike: "The exception" through "apply."

16. Page 29, line 27.

Following: "(2)"

Insert: "(a)"

Following: "provided in"

Strike: "subsection"

Insert: "subsections (2)(b) and"

17. Page 29, following line 29.

Insert: "(b) A person convicted of a second or subsequent violation of subsections (1)(a) through (1)(f) within 1 year shall be fined an amount not to exceed \$100 or be imprisoned in the county jail for a term not to exceed 10 days."

18. Page 29, line 30.

Following: "through"

Strike: "(i)"

Insert: "(1)(i)"

19. Page 37, line 27 and line 28.

Strike: "THAT ARE" on line 27 through "46-23-502" on line 28

20. Page 37, line 28.

Strike: "SEXUAL OFFENSE" on line 28 through "IS A" on line 29

21. Page 37, line 29.

Following: "FELONIES."

Insert: "At least one of the three felonies must be a sexual offense or a violent offense as those terms are defined in 46-23-502."

22. Page 38, line 1 through line 2.

Strike: "SEXUAL" on line 1 through "46-23-502," on line 2

Insert: "offenses"

23. Page 45, line 11 through page 46, line 7.

Strike: section 27 in its entirety

Renumber: subsequent sections

24. Page 50, line 24 through page 51, line 19.

Strike: section 31 in its entirety

Renumber: subsequent sections

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25. Page 54, line 19 through line 24.

Strike: subsection (b)(i) in its entirety

Insert: "(b)(i) A person convicted of the offense of driving a motor vehicle without proof of a statutory exemption for the second time shall be punished by imprisonment for not less than 2 days or more than 6 months and may be fined not more than \$500.

(ii) Except as provided in subsection (1)(b)(iii), a person convicted of the offense of driving during a suspension or revocation period shall be fined an amount not to exceed \$500 or be imprisoned for a term of not more than 6 months, or both."

Renumber: subsequent subsections

26. Page 54, line 29.

Strike: "be"

Following: "a term of"

Strike: "not"

Following: "2 days or"

Insert: "a term of not less than 2 days or"

27. Page 58, line 9 through line 29.

Strike: section 38 in its entirety

Renumber: subsequent sections

28. Page 66, line 7.

Following: "education,"

Insert: ", education,"

29. Page 66, line 10.

Strike: "and"

Insert: "(b) for a first conviction, except as provided in subsection (8)(b), a chemical dependency education course; and"

Renumber: subsequent subsections

30. Page 66, line 16.

Strike: "shall"

Insert: "may, in the judge's discretion,"

31. Page 66, line 19.

Following: "sentence:"

Insert: "If the assessment is not ordered or completed before sentencing, the judge shall order the chemical dependency assessment as part of the sentence."

32. Page 66, line 20.

Following: "course"

Insert: "and the chemical dependency education course"

33. Page 66, line 25.

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Following: "~~course,~~"

Insert: ", the education course,"

34. Page 66, line 27.

Following: "~~education,~~"

Insert: "education,"

Following: "~~, or both~~"

Insert: ", or both"

35. Page 67, line 8.

Following: the first "~~education or~~"

Insert: "education or"

Following: the second "~~education or~~"

Insert: "the education or"

36. Page 67, line 9.

Following: "~~course or~~"

Insert: "education course or"

37. Page 67, line 10.

Following: "~~course or~~"

Insert: "course or"

38. Page 67, line 15.

Following: "(8)"

Insert: "(a)"

39. Page 67, following line 18.

Insert: "(b) If treatment is ordered under subsection (8)(a) for a first-time offender, the offender may not also be required to attend a chemical dependency education course."

40. Page 67, line 28 through page 70, line 6.

Strike: section 42 in its entirety

Renumber: subsequent sections

41. Page 70, line 18.

Following: line 18

Insert: "COORDINATION SECTION. Section 41. Coordination instruction. If Senate Bill No. 280 and [this act] are both passed and approved and if both contain a section that amends 61-5-212, then the section in Senate Bill No. 280 that amends 61-5-212 is void."

And, as amended, be concurred in.

HB 600, be amended as follows:

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1. Title, page 1, line 6 through line 7.

Following: "CARD;" on line 6

Strike: "PROVIDING A FEE FOR THE FORM OF THE VICTIM'S RIGHTS CARD;" on line 6 through line 7

2. Page 2, line 6 through line 8.

Strike: "Each" on line 6 through "card." on line 8

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Senator Gross moved that **HB 142** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wolken moved to change her second-reading vote on **HB 631** from No to Yes.

Without objection, so ordered.

Majority Leader Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 294** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/11/2017

Senator Fitzpatrick, Chair

Senator Buttrey

Senator Facey

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Majority Leader Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 64** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/11/2017

Senator Fielder, Chair
Senator Swandal
Senator Wolken

Majority Leader Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 63** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/11/2017

Senator K. Regier, Chair
Senator Hinkle
Senator Wolken

Majority Leader Thomas moved that **HB 391** be taken from the second reading board and re-referred to the Taxation Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 637** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate reconsider its action on **SB 348**, and that **SB 348** be placed on second reading the next legislative day. Motion failed as follows:

Yeas: Caferro, Facey, Fielder, Gross, Hinkle, Hoven, Kary, Keenan, MacDonald, Moore, Olszewski, Richmond, Salomon, Swandal, Thomas, Webb, Wolken.
Total 17

Nays: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Fitzpatrick, Gauthier, Hinebauch, Howard, Jones, Lang, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Thomas moved the Senate adjourn until 10:30 a.m., Wednesday, April 12, 2017, the seventy-seventh legislative day. Motion carried.

Senate adjourned at 3:15 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate