

**SENATE JOURNAL  
66TH LEGISLATURE  
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 21, 2019

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/21/2019

Correctly printed: **SB 317, SB 343, SB 344, SB 345, SR 26, SR 45, SJ 13, HB 37, HB 39, HB 190, HB 237, HB 243, HB 275, HB 422, HB 436, HB 444, HB 520, HB 586.**

Correctly engrossed: **SB 65, SB 195, HB 3, HB 305, HB 601.**

Correctly enrolled: **SB 72, SB 144, SB 207.**

Transmitted to the House: **HB 137, HB 164, HB 166, HB 383.**

Senator Hinebaugh introduced Annika Bennion from Sidney, Montana, who played two selections on the fiddle. Ms. Bennion is a state fiddle champion who placed second at the national level, and who is serving as a Page for the Senate this week.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 3/21/2019

**HB 344**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "ALLOWING TRADE SECRET DESIGNATION;"

2. Page 1, line 22.

**Strike:** "-- trade secrets"

3. Page 2, line 7 through line 10.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

And, as amended, be concurred in.

**HB 523**, be amended as follows:

1. Title, page 1, line 8.

**Following:** "BUSINESSES;"

**Insert:** "ADDING A FOCUS ON RURAL, VETERAN, MINORITY, AND WOMEN-OWNED BUSINESSES;"

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2. Page 1, line 18 through line 19.

**Strike:** "WITHIN" on line 18 through "HELP ALL" on line 19

**Insert:** "for rural-based, veteran-owned, minority-owned, and women-owned"

3. Page 6, line 12 through line 13.

**Strike:** "FOR BUSINESSES" on line 12 through "STATE" on line 13

**Insert:** ", with an emphasis on rural-based, veteran-owned, minority-owned, and women-owned businesses"

And, as amended, be concurred in.

**HB 581**, be concurred in.

**HB 624**, be concurred in.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair):

3/20/2019

**HB 351**, be concurred in.

**HB 387**, be concurred in.

**HB 601**, be amended as follows:

Amendment Text:

1. Page 1, line 13.

**Strike:** "fiscal year 2020"

**Insert:** "fiscal years 2020 and 2021"

And, as amended, be concurred in.

**FINANCE AND CLAIMS** (Osmundson, Chair):

3/20/2019

**SB 65**, introduced bill, be amended as follows:

1. Title, page 1, line 12.

**Following:** "23-2-535,"

**Insert:** "44-4-1202, 44-4-1203,"

2. Page 8, line 22.

**Strike:** "(i)"

3. Page 8, line 28.

**Strike:** "(II)"

**Insert:** "(b)"

4. Page 8, line 30.

**Strike:** "(2)(a)(i)(A)"

**Insert:** "(2)(a)"

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5. Page 9, line 1.

**Strike:** "(III)"

**Insert:** "(c)"

**Strike:** "; or"

**Insert:** "."

6. Page 9.

**Strike:** line 2 through line 6 in their entirety

7. Page 9, line 7.

**Strike:** "(2)(a)"

**Insert:** "(2)"

8. Page 9, line 22.

**Strike:** "either subsection (2)(a) or (2)(b)"

**Insert:** "subsection (2)"

9. Page 9, line 27.

**Strike:** "5 years" in two places

**Insert:** "1 year" in two places

10. Page 12, line 29.

**Following:** ";"

**Strike:** "OR"

11. Page 12.

**Following:** line 29

**Insert:** "(iii) a chemical dependency treatment program operated through the department of corrections; or"

**Renumber:** subsequent subsections

12. Page 13.

**Following:** line 3

**Insert:** "(c) If the defendant is sentenced to a program operated through the department of corrections, the department shall confirm that space is available so that the court may order that the offender be placed into the chemical dependency treatment program."

**Renumber:** subsequent subsections

13. Page 13, line 4.

**Strike:** "(9)(a)(III)"

**Insert:** "(9)(a)(iv)"

14. Page 24, line 17.

**Strike:** "[sections 3 and 4]"

**Insert:** "[section 3]"

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15. Page 26, line 19.

**Insert: "Section 19.** Section 44-4-1202, MCA, is amended to read:

**"44-4-1202. Purpose -- definitions.** (1) The legislature declares that driving in Montana upon a way of this state open to the public is a privilege, not a right. A driver who wishes to enjoy the benefits of this privilege shall accept the corresponding responsibilities.

(2) The legislature further declares that the purpose of this part is:

(a) to protect the public health and welfare by reducing the number of people on Montana's highways who drive under the influence of alcohol or dangerous drugs;

(b) to protect the public health and welfare by reducing the number of repeat offenders for crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) to strengthen the pretrial and posttrial options available to prosecutors and judges in responding to repeat DUI offenders or other repeat offenders who commit crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; and

(d) to ensure timely and sober participation in judicial proceedings.

(3) As used in this part, the following definitions apply:

(a) "Core components" means those elements of a sobriety program that analysis demonstrates are most likely to account for positive program outcomes.

(b) "Dangerous drug" has the meaning provided in 50-32-101.

(c) "Department" means the department of justice provided for in 2-15-2001.

(d) "Immediate sanction" means a sanction that is applied within minutes of a noncompliant test event.

(e) "Law enforcement agency" means the county sheriff's office or another law enforcement agency designated by the county sheriff's office that is charged with enforcing the sobriety program.

(f) "Sobriety program" or "program" means the 24/7 sobriety and drug monitoring program established in 44-4-1203, which authorizes a court or an agency as defined in 2-15-102, as a condition of bond, sentence, probation, parole, or work permit, to:

(i) require an individual who has been charged with or convicted of a crime in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime, including but not limited to a second or subsequent offense of driving under the influence of alcohol or dangerous drugs, to abstain from alcohol or dangerous drugs for a period of time; and

(ii) require the individual to be subject to testing to determine the presence of alcohol or dangerous drugs:

~~(A) twice a day at a central location where immediate sanctions may be applied;~~

~~— (B) when testing twice a day is impractical, by continuous, remote sensing, or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or~~

~~— (C) with the concurrence of the department, by an alternate method that is consistent with 44-4-1203.~~

(g) "Testing" means a procedure for determining the presence and level of alcohol or a dangerous drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration, and includes any combination of the use of in-person or remote breath testing, drug patch testing, urinalysis testing, saliva testing, or continuous remote sensing, or transdermal alcohol monitoring. With the concurrence of the department and consistent with 44-4-1203, alternate body fluids may

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be approved for testing.

(h) "Timely sanction" means a sanction that is applied as soon as practical following a noncompliant test event."

**Insert: "Section 20.** Section 44-4-1203, MCA, is amended to read:

**"44-4-1203. Sobriety and drug monitoring program created.** (1) There is a statewide 24/7 sobriety and drug monitoring program within the department to be administered by the attorney general.

(2) (a) The core components of the sobriety program must include use of a primary testing methodology for the presence of alcohol or dangerous drugs that:

- (i) best facilitates the ability to apply immediate sanctions for noncompliance; and
- (ii) is available at an affordable cost.

(b) Primary testing methods for alcohol include twice-a-day, in-person breath testing at a central location and other methodologies approved by the department. Primary testing methodologies must utilize devices that are capable of determining alcohol concentrations below an equivalent breath alcohol concentration of 0.010 grams per 210 liters of breath. If the primary testing methodology is a breath alcohol analysis, the device utilized must be listed on the most recent conforming products list for evidential breath alcohol measurement devices as published by the national highway traffic safety administration.

(b)(c) In cases of hardship or when a sobriety program participant is subject to less-stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized. Hardship testing methodologies include the use of transdermal alcohol monitoring devices, remote breath test devices, and other methods approved by the department. A hardship testing methodology may be used if the court or agency determines that hardship factors, including but not limited to distance from or lack of access to a primary testing method site, prevent the reasonable use of a primary testing method.

(3) The sobriety program must be supported by evidence of effectiveness and satisfy at least two of the following categories:

- (a) the program is included in the federal registry of evidence-based programs and practices;
- (b) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or
- (c) the program has been documented as effective by informed experts and other sources.

(4) If a law enforcement agency chooses to participate in the sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this part. The department shall also assist entities participating in the program in determining alternatives to incarceration.

(5) (a) If a law enforcement agency participates in the program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this part, except that the law enforcement agency's designee may not determine whether to participate in the sobriety program.

(b) The law enforcement agency shall establish the testing locations and times for the county but must have at least one testing location and two daily testing times approximately 12 hours apart.

~~(6) Any efforts by the department to alter or modify the core components of the statewide~~

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sobriety program must include a documented strategy for achieving and measuring the effectiveness of the proposed modifications. Before core components may be modified, a pilot program with defined objectives and timelines must be initiated in which measurements of the effectiveness and impact of any proposed modifications to the core components are monitored. The data collected from the pilot program must be assessed by the department, and a determination must be made as to whether the stated goals were achieved and whether the modifications should be formally implemented in the sobriety program.

~~(7)~~(6) All alcohol or drug testing ordered by a court must utilize the data management technology plan provided for in 44-4-1204(4). All alcohol or drug testing ordered by a court must utilize the data management technology system in accordance with the data management technology plan provided for in 44-4-1204(4). The data is owned by the state and maintained by the department. Approved testing methodologies, whether designated as primary or hardship, must be capable of electronically transferring data directly into the data management technology system through a department-approved interface.

~~(8)~~(7) ~~Alcohol~~ In order to provide a more complete record of drug and alcohol testing results, any alcohol or drug testing required by the department of corrections pursuant to this part other state or local agencies must may utilize the data management technology plan provided for in ~~44-4-1204(4)~~ system.""

**Renumber:** subsequent sections

16. Page 26, line 30 through page 27 line 1.

**Following:** "individual's" on line 30

**Strike:** remainder of line 30 through "program and" on page 27, line 1

**Insert:** "obtaining"

17. Page 62, line 28.

**Strike:** "45"

**Insert:** "180"

18. Page 63, line 4.

**Strike:** "45-day"

**Insert:** "180-day"

19. Page 63, line 10.

**Strike:** "90"

**Insert:** "180"

20. Page 63, line 16.

**Strike:** "45-day"

**Insert:** "180-day"

21. Page 63, line 25.

**Strike:** "90"

**Insert:** "180"

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22. Page 63, line 27.

**Strike:** "90-day"

**Insert:** "180-day"

And, as amended, do pass.

**SB 195**, introduced bill, be amended as follows:

1. Page 7.

**Following:** line 10

**Insert:** "**NEW SECTION. Section 6. Legislative intent.** It is the intent of the legislature that for purposes of [this act], in the 2021 biennium the department of environmental quality implement the energy performance contract program within appropriations provided in House Bill No. 2."

**Renumber:** subsequent sections

And, as amended, do pass.

**HB 3**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "TRANSFERS;"

**Insert:** "REDUCING A GENERAL FUND APPROPRIATION FOR FISCAL YEAR 2019; AMENDING SECTION 11, CHAPTER 8, SPECIAL LAWS OF NOVEMBER 2017;"

2. Page 2, line 13.

**Following:** line 12

**Insert:** "(3) The state treasurer shall transfer \$15 million from the general fund to the budget stabilization reserve fund established in 17-7-130.

(4) The state treasurer shall transfer \$6.5 million from the general fund to the fire suppression account established in 76-13-150."

3. Page 1, line 22.

**Strike:** "LANGFORD SETTLEMENT"

**Insert:** "Director's Office"

4. Page 2.

**Following:** line 4

**Insert:** "Centralized Services Division \$190,000 State Special Revenue"

5. Page 2.

**Following:** line 13

**Insert:** "**NEW SECTION. Section 4. Reduction to general fund appropriation for fiscal year 2019.** The following general fund appropriation for fiscal year 2019, as enacted in House Bill No.

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2, Chapter 8, Special Laws of November 2017, is reduced as follows:

**DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

1. Health Resources Division, from \$154,464,735 to \$140,964,735."

**Renumber:** subsequent sections

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair): 3/20/2019  
**HB 274**, be concurred in.  
**HB 282**, be concurred in.  
**HB 325**, be concurred in.  
**HB 357**, be concurred in.

**JUDICIARY** (Regier, Chair): 3/21/2019  
**HB 268**, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "AND"

2. Title, page 1, line 8.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5, line 9.

**Following:** line 8

**Insert:** "NEW SECTION. **Section 12. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

**NATURAL RESOURCES** (Welborn, Chair): 3/20/2019  
**HB 505**, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair): 3/20/2019  
**HB 518**, be concurred in.  
**HB 529**, be concurred in.  
**HB 537**, be concurred in.

**STATE ADMINISTRATION** (Brown, Chair): 3/20/2019  
**HB 234**, be concurred in.  
**HB 297**, be concurred in.  
**HB 305**, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "CLARIFYING" on line 5 through "FOR" on line 6

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2. Title, page 1, line 7 through line 8.

**Strike:** "SPECIFIC" on line 7 through "EMERGENCY" on line 8

**Insert:** "PROVIDING STATE DUTY FOR SPECIAL WORK IS LIMITED TO EXISTING PROVISIONS IN PREPARATION FOR DECLARATIONS OF EMERGENCIES AND DISASTERS AND CYBER-SECURITY OPERATIONS;"

3. Page 1, line 17 through line 18.

**Strike:** "AND OTHER" on line 17 through "PROSPERITY" on line 18

4. Page 2, line 3.

**Following:** "(2)"

**Insert:** "(a)"

**Following:** "means"

**Insert:** ":"

(i)"

**Strike:** "state-funded"

5. Page 2, line 7 through line 9.

**Strike:** "INCLUDING" on line 7 through "CONSTITUTION." on line 9

**Insert:** "such as administrative functions, exercises, training, coordination, or planning, that is conducted for the purposes of preparing the Montana national guard for active duty ordered by the governor under Article VI, section 13, of the Montana constitution; or  
(ii) cyber-security training and operations, including but not limited to vulnerability assessments, situational awareness, investigation, analysis, and incident response.  
(b)"

6. Page 2, line 10.

**Following:** "constitution"

**Insert:** ", of the Montana constitution"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 35**  
Report No. 001, March 20, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 35** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **House Bill 35** (reference copy -- salmon) be amended as follows:

1. Page 3, line 13.  
**Strike:** "10 YEARS"  
**Insert:** "1 year"

For the Senate:  
Blasdel, Chair  
Vance  
Vuckovich

For the House:  
Buttrey, Vice Chair  
Fitzgerald  
Pierson

Without objection, the select committee report was adopted.

**MESSAGES FROM THE GOVERNOR**

March 20, 2019

Senator Scott Sales, President  
Montana Senate  
Capitol Building  
Helena, MT 59601

Dear President Sales:

On Wednesday, March 20, 2019, I signed the following bills:

**Senate Bill 2** -- McDonald  
**Senate Bill 20** -- Webb  
**Senate Bill 58** -- Salomon

Sincerely,

STEVE BULLOCK  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill not** concurred in and returned to the Senate:

3/19/2019

**SB 108**, introduced by J. Sesso

**HB 205** - The House failed to concur in Senate amendments to **HB 205**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 205**:

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Representative Shaw, Vice Chair  
Representative Buttrey  
Representative Perry

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced and read first time:

**SB 346**, introduced by S. Fitzpatrick.  
**SB 347**, introduced by R. Webb.

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

**SR 46**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

**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 Lang in the chair.

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

**SR 17** - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 17**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.  
Total 0

Paired: None.

Excused: None.  
Total 0

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Absent or not voting: None.

Total 0

**SR 18** - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 18**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SR 19** - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 19**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

**HB 132** - Majority Leader Thomas moved consideration of **HB 132** be placed at the bottom of the second reading board. Without objection, so ordered.

**HB 229** - Senator Richmond moved **HB 229** be concurred in. Senator C. Smith disclosed this bill directly affects his family. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Smith F.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 388** - Senator McClafferty moved **HB 388** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

**HB 619** - Senator Bogner moved **HB 619** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.

Total 45

Nays: Brown, Hinebauch, Howard, Vance, Welborn.

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 238** - Senator Fielder moved **HB 238** be concurred in. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Vance, Webb, Mr President.

Total 24

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Webber, Welborn.

Total 26

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 238** - Majority Leader Thomas moved **HB 238** be **indefinitely postponed**. Motion carried as follows:

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Yeas: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Kary, Lang, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.

Total 34

Nays: Ankney, Blasdel, Esp, Fielder, Fitzpatrick, Gross, Hinebauch, Keenan, MacDonald, McConnell, Olszewski, Regier, Salomon, Smith C, Welborn, Mr President.

Total 16

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

President Sales assumed the chair.

**HB 132** - Senator Lang moved **HB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.

Total 21

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Majority Leader Thomas moved that **HB 238** be segregated from the Committee of the Whole report. Motion carried as follows:

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Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.

Total 22

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Lang moved the remainder of the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 35

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 15

Paired: None.

Excused: None.

Total 0

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:

**HB 237** concurred in as follows:

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Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.

Total 32

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Welborn, Mr President.

Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 422** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 436** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel,

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Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Brown, Fielder, Hinebauch, Vance.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 444** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 37

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Smith C, Vance, Mr President.

Total 13

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**UNFINISHED BUSINESS**

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 338**:

**SB 338** (T. Gauthier, Chief Sponsor)

Senators J. Sesso and J. Welborn

Representative L. Jones

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**MOTIONS**

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 205**. Motion carried. President Sales appointed:

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Senator Fielder, Chair  
Senator Flowers  
Senator Hinebauch

Majority Leader Thomas moved that **SB 239**, **HB 351** and **HB 387** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 326** be taken from the State Administration Committee and re-referred to the Judiciary Committee. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.  
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.  
Total 20

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 22, 2019, the fifty-ninth legislative day. Motion carried.

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Senate adjourned at 2:39 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate