

**SENATE JOURNAL
66TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
April 4, 2019

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Fielder and Hoven excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/4/2019

Correctly printed: **HB 3, HB 16, HB 48, HB 111, HB 224, HB 262, HB 281, HB 288, HB 292, HB 295, HB 302, HB 332, HB 356, HB 376, HB 394, HB 397, HB 416, HB 456, HB 489, HB 514, HB 523, HB 527, HB 535, HB 576, HB 585, HB 633, HB 638, HB 639, HJ 17, HJ 28.**

Correctly engrossed: **HB 173, HB 286, HB 428, HB 662, HB 669, HB 684, HB 688.**

Examined by the sponsor and found to be correct: **SB 101, SB 115, SB 130, SB 148, SB 150, SB 212.**

Transmitted to the House: **HB 204, HB 233, HB 244, HB 245, HB 319, HB 324, HB 328, HB 331, HB 481, HB 502, HB 520, HB 537, HB 604, HB 617, HJ 14, HJ 24, HJ 27.**

Signed by the Speaker at 5:00 p.m., April 3, 2019: **SB 64, SB 88, SB 261, SB 274.**

Delivered to the Governor at 10:17 a.m., April 4, 2019: **SB 64, SB 88, SB 261, SB 274.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/3/2019
SR 47, be adopted.

FINANCE AND CLAIMS (Osmundson, Chair): 4/3/2019
HB 6, be concurred in.
HB 7, be concurred in.
HB 9, be concurred in.
HB 11, be concurred in.
HB 662, be amended as follows:

1. Title, page 1, line 5.

Following: "SECTION E;"

Insert: "REVISING ALLOCATION OF APPROPRIATIONS FOR K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION;"

Following: "TRANSFERS;"

Insert: "AMENDING SECTION 20-7-305, MCA;"

2. Page 1.

Following: line 11

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Insert: "Section 2. Section 20-7-305, MCA, is amended to read:

"20-7-305. Funding for secondary K-12 career and vocational/technical education programs -- application -- rules. (1) The superintendent of public instruction shall annually distribute money from the biennial appropriation for secondary K-12 career and vocational/technical education. The money must be allocated to:

(a) high school districts providing approved secondary K-12 career and vocational/technical education programs in accordance with ~~this section and 20-7-306~~ and this section; and

(b) career and technical student organizations for grants in accordance with 20-7-320.

(2) A high school district providing secondary K-12 career and vocational/technical education programs shall apply to the superintendent of public instruction for funds available under ~~this section and 20-7-306~~ and this section. The superintendent of public instruction shall by rule prescribe the method for distribution, the form of the application, budget procedures, and accounting rules for the funds. The superintendent of public instruction may prescribe other requirements for the receipt of funding consistent with Title 20, chapter 7, part 3.

(3) A secondary K-12 career and vocational/technical education program in a high school district may not be funded until that program has been offered by the school district for 1 school year.

(4) As used in ~~this section and 20-7-306~~ and this section the term "school district" means a district organized for the purpose of providing educational services for grades 9 through 12, but the term does not include postsecondary vocational education centers.""

Renumber: subsequent sections

And, as amended, be concurred in.

HB 669, be amended as follows:

1. Title, page 1, line 6.

Following: "ACCOUNTS;"

Insert: "ALLOWING THE GOVERNOR TO AUTHORIZE A SUPPLEMENTAL APPROPRIATION TRANSFER FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING THE GOVERNOR TO REPORT TO THE LEGISLATIVE FINANCE COMMITTEE;"

2. Title, page 1, line 10.

Following: "WAIVER;"

Insert: "TEMPORARILY REDUCING THE PHYSICIAN REIMBURSEMENT RATE;"

Following: "10-2-416,"

Insert: "17-7-301, 17-7-311,"

3. Title, page 1, line 11.

Following: "53-1-402,"

Insert: "53-6-125,"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

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4. Page 2, following line 10.

Insert: "Section 4. Section 17-7-301, MCA, is amended to read:

"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined -- limit on second-year expenditures. (1) An agency may make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium if authorized by the general appropriations act. An agency that is not authorized in the general appropriations act to make first-year expenditures may be granted spending authorization by the approving authority upon submission and approval of a proposed supplemental appropriation to the approving authority. The proposal submitted to the approving authority must include a plan for reducing expenditures in the second year of the biennium that allows the agency to contain expenditures within appropriations. If the approving authority finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of the agency during the year for which the appropriation was made, the approving authority shall, after careful study and examination of the request and upon review of the recommendation for executive branch proposals by the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst.

(2) The plan for reducing expenditures required by subsection (1) is not required if the proposed supplemental appropriation is:

(a) due to an unforeseen and unanticipated emergency for fire suppression;

(b) requested by the superintendent of public instruction, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid, transportation aid, or equalization aid to elementary and secondary schools for the current biennium; ~~or~~

(c) requested by the department of public health and human services when the expenditures for the approved level of medicaid benefits exceed the level of the appropriations for medicaid benefits; or

~~(e)~~(d) requested by the attorney general and:

(i) is to pay the costs associated with litigation in which the department of justice is required to provide representation to the state of Montana; or

(ii) in accordance with the provisions of 7-32-2242, is to pay costs for which the department of justice is responsible for confinement of an arrested person in a detention center.

(3) Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the approving authority may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium. Except as provided in subsection (2), the approving authority shall require the agency to implement the plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations.

(4) The agency may expend the amount authorized by the approving authority only for the purposes specified in the authorization.

(5) The approving authority shall report to the next legislature in a special section of the budget the amounts expended as a result of all authorizations granted by the approving authority and shall request that any necessary supplemental appropriation bills be passed.

(6) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium.

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(7) (a) Except as provided in subsections (2) and (7)(b), an agency may not make expenditures in the second year of the biennium that, if carried on for the full year, will require a deficiency appropriation, commonly referred to as a "supplemental appropriation".

(b) An agency shall prepare and, to the extent feasible, implement a plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations. The approving authority is responsible for ensuring the implementation of the plan. If, in the second year of a biennium, mandated expenditures that are required by state or federal law will cause an agency to exceed appropriations or available funds, the agency shall reduce all nonmandated expenditures pursuant to the plan in order to reduce to the greatest extent possible the expenditures in excess of appropriations or funding. An agency may not transfer funds between fund types in order to implement a plan."

Insert: "Section 5. Section 17-7-311, MCA, is amended to read:

"17-7-311. Proposed fiscal year transfer supplemental appropriation -- procedure.

(1) ~~A~~ Except as provided in subsection (6), a proposed supplemental appropriation to transfer appropriations between fiscal years of a biennium and all supporting documentation must be submitted to the legislative fiscal analyst. ~~The~~ Except as provided in subsection (6), the governor may not approve a proposed fiscal year transfer supplemental appropriation until the governor receives the legislative finance committee's written report for that proposed fiscal year transfer supplemental appropriation unless:

(a) the report is not received within 90 calendar days from the date the proposed fiscal year transfer supplemental appropriation and supporting documentation were forwarded to the legislative finance committee, in which case the governor may approve the proposed fiscal year transfer supplemental appropriation; or

(b) there has been a waiver of the review and report requirements, as provided in subsection (4).

(2) The legislative fiscal analyst shall review each proposed fiscal year transfer supplemental appropriation submitted by the governor for compliance with statutory requirements and standards and to determine the expenditures that will be reduced in order to contain spending within legislative appropriations. The legislative fiscal analyst shall present a written report of this review to the legislative finance committee. Within 10 days after the legislative finance committee's consideration of the proposed fiscal year transfer supplemental appropriation, the legislative fiscal analyst shall submit the legislative finance committee's report to the governor.

(3) Upon receipt of the legislative finance committee's written report, the governor may approve or deny the proposed fiscal year transfer supplemental appropriation or may return the proposed fiscal year transfer supplemental appropriation to the requesting agency for further information. If the governor has returned the proposed fiscal year transfer supplemental appropriation to the requesting agency and the requesting agency resubmits the proposed fiscal year transfer supplemental appropriation to the governor, all procedures provided in this section apply to the resubmitted proposed fiscal year transfer supplemental appropriation.

(4) (a) If an emergency occurs that poses a serious threat to the life, health, or safety of the public, the legislative fiscal analyst may waive the written review and the legislative finance committee's written report required by this section. After a waiver, the legislative fiscal analyst may complete the written review.

(b) Upon receipt of the waiver, the governor may approve the proposed fiscal year transfer supplemental appropriation.

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(c) A waiver affects only the legislative fiscal analyst's written review and the legislative finance committee's written report on the proposed fiscal year transfer supplemental appropriation. All other proposed fiscal year transfer supplemental appropriation requirements and standards remain in effect.

(5) Nothing in this part confers on the legislative finance committee authority to approve or deny a proposed fiscal year transfer supplemental appropriation.

(6) For the biennium beginning July 1, 2019, the provisions of this section do not apply to a supplemental appropriation transfer for the department of public health and human services if the expenditures for the approved level of medicaid benefits exceed the level of the appropriations for medicaid benefits. Prior to approving a supplemental appropriation transfer for the department in that circumstance, the governor shall notify the legislative fiscal analyst in writing and shall subsequently report to the legislative finance committee on the dollar amount of the supplemental appropriation by September 30, 2020."

Renumber: subsequent sections

5. Page 5.

Following: line 1

Insert: "Section 8. Section 53-6-125, MCA, is amended to read:

"53-6-125. Physician services reimbursement. (1) The fee for a covered service provided by a physician under the medicaid program is determined by multiplying the conversion factor times the relative value unit for that service times any applicable policy adjusters.

(2) (a) For fiscal years 2018 and 2019, the conversion factor must be increased, at a minimum, by the same numerical inflation factor calculated in accordance with 20-9-326.

(b) For each subsequent fiscal year, the conversion factor must be increased, at a minimum, by the same percentage increase as the consumer price index for medical care for the previous year, as calculated by the bureau of labor statistics of the United States department of labor.

(3) For the biennium beginning July 1, 2019, the amount of reimbursement calculated under this section each fiscal year is reduced to fund the development of health information exchange by the following amounts:

(a) for the fiscal year beginning July 1, 2019, \$200,000; and

(b) for the fiscal year beginning July 1, 2020, \$400,000."

Renumber: subsequent sections

6. Page 5.

Following: line 27

Insert: "NEW SECTION. **Section 13. Termination.** [Sections 4, 5, and 8] terminate June 30, 2021. "

And, as amended, be concurred in.

HB 684, be amended as follows:

1. Title, page 1, line 13.

Following: "STAKEHOLDERS;"

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Insert: "REVISING RULEMAKING AUTHORITY REGARDING CORRECTIONAL FACILITIES;"

2. Title 1, page 15.

Strike: "AND"

Following: "53-6-1312,"

Insert: "AND 53-30-507,"

3. Page 2, line 22.

Strike: line 22

4. Page 5, line 11.

Following: "treatment;"

Strike: "or"

5. Page 5, line 12.

Following: "2-17-506"

Strike: " "

Insert: "; or"

6. Page 5.

Following: line 12

Insert: "(C) employees who are medical professionals involved in medical evaluations and treatment."

7. Page 12.

Following: line 21

Insert: "**Section 14.** Section 53-30-507, MCA, is amended to read:

"53-30-507. Rulemaking authority. (1) The department may adopt rules to implement this part, including rules for the determination of how sites are to be chosen for regional correctional facilities. The rules must provide that in selecting a site, the department shall consider the need for a regional correctional facility in the area, the ability and willingness of a local governmental entity or a corporation to enter into a long-term contract with the department, and the availability of rehabilitative services to inmates. The rules must require that a corporation respond to a request for proposals prepared by the department for a regional correctional facility before a contract may be entered with that corporation.

(2) The department shall adopt rules that include the minimum applicable standards for the construction, operation, and physical condition of a state correctional facility portion of a regional correctional facility and for the security, safety, health, treatment, and discipline of persons confined in a state correctional facility portion of a regional correctional facility. The rules must require that a privately operated or privately owned and operated state correctional facility portion of a regional correctional facility conform to applicable American correctional association and national commission on correctional health care standards.

(3) (a) The department shall adopt rules pursuant to Title 2, chapter 4, that specify a per diem rate that must be paid to a regional correctional facility for the confinement of persons in the state correctional facility portion of the regional correctional facility.

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- (b) The rules adopted pursuant to subsection (3)(a) must include but are not limited to:
 - (i) a definition of per diem rate;
 - (ii) a method of calculating the per diem rate; and
 - (iii) the costs to be included in the per diem rate calculation.
- (c) At a minimum, the per diem rate must include compensation for:
 - (i) direct costs, including budget expenditures directly attributable to confining inmates;
 - (ii) indirect costs, including budget expenditures that are not directly associated with the confinement of inmates but that are incurred to provide support services for the regional correctional facility, not to exceed 3% annually;
 - (iii) capital costs, including depreciation or a pro-rata portion of capital costs incurred; and limited to the following use allowances:
 - (A) for buildings and improvements, not to exceed 2% of acquisition cost for no more than 40 years; and
 - (B) for equipment with an individual acquisition cost of \$5,000 or more, not to exceed 6 2/3% of acquisition cost for no more than 15 years; and
 - (iv) other costs that the department determines are necessary, including medical or transportation costs.
- (d) The department shall determine by rule the costs that are not allowable as part of a per diem rate. Unallowable costs must include programs and services that do not have a direct benefit to persons confined in the regional correctional facility and depreciation for capital improvements paid for by the department and depreciation for equipment used in providing support services.
- (e) A population factor must be included in the per diem rate to allow for accurate compensation based on the number of inmates confined in the regional correctional facility.
- (f) The rules must provide for billing procedures and must allow for review of the per diem rate at least once each fiscal year. When reviewing the per diem rate, the department shall accept public comment that must be considered when the department is determining the accuracy of the per diem rate for the next fiscal year.
- (4) ~~For the biennium beginning July 1, 2017, the department may pay to a regional correctional facility no more than the rate it paid to that facility on December 6, 2016. Beginning July 1, 2019, the regional correctional facility and the department must mutually agree on any personal services increases or nonroutine purchases exceeding a total of \$5,000 in a fiscal year.~~

Renumber: subsequent sections

8. Page 13, line 5.

Following: "transfers."

Insert: "(1)"

9. Page 13, line 5 through line 6.

Strike: "make" on line 5 through "transfers" on line 6

Insert: "transfer \$2,353,000 to the general fund"

10. Page 13, line 6.

Strike: "."

Insert: "."

- (2) By June 30, 2019, the state treasurer shall transfer the following amounts from the

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general fund:

11. Page 13, line 7.

Strike: "(1)"

Insert: "(a)"

12. Page 13, line 9.

Strike: "(2)"

Insert: "(b)"

13. Page 13, line 10.

Strike: "."

Insert: "; and

(c) \$250,000 to a state special revenue account to the credit of the state library."

14. Page 13, line 19.

Strike: "SECTIONS 14 AND 16 THROUGH 18"

Insert: "[Sections 15 and 17 through 19]"

And, as amended, be concurred in.

HB 688, be amended as follows:

1. Title, page 1, line 5.

Following: "TRANSFERS;"

Insert: "AMENDING SECTION 28, CHAPTER 6, SPECIAL LAWS OF NOVEMBER 2017;"

2. Page 1.

Following: line 9

Insert: "**Section 1.** Section 28, Chapter 6, Special Laws of November 2017, is amended to read:
"Section 28. Termination. (1) ~~[This act]~~ Except as provided in subsection (2), [this act]
terminates June 30, 2019.

(2) [Section 13] terminates June 30, 2021."

Renumber: subsequent sections

3. Page 1, line 10.

Following: "transfer."

Insert: "(1)"

4. Page 1, line 10 through line 11.

Following: "transfer"

Strike: "\$100" on line 10 through line 11

Insert: "to the general fund \$56,852 from the state special revenue account referenced in 30-10-115(2)(a).

(2) By August 15, 2020, the state treasurer shall transfer to the general fund the following

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amounts:

- (a) \$284,299 from the state special revenue account referenced in 33-2-708(3)(c); and
- (b) \$56,740 from the state special revenue account referenced in 30-10-115(2)(a)."

And, as amended, be concurred in.

LOCAL GOVERNMENT (Lang, Chair): 4/3/2019
HB 19, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 4/3/2019
HB 34, be concurred in.
HB 286, be amended as follows:

1. Page 2, line 18 through line 27.

Strike: subsection (2) through subsection (3) in their entirety

Insert: "(2) The state may not obtain an ownership interest in a water right or the ground water development works of a water right that is diverted from a well or developed spring located on private land exclusively based on trustee obligations for state trust land unless:

(a) a court of competent jurisdiction determines that the state is an owner of that particular water right; or

(b) the state is in possession of a deed transferring ownership of the water right to the state."

Renumber: subsequent subsections

2. Page 2, line 28.

Following: "acquired"

Insert: "to satisfy trustee obligations for state trust land"

3. Page 2, line 29 through line 30.

Strike: "to satisfy" on line 29 through "land" on line 30

Strike: "subsections (2) or (3)" on line 30

Insert: "subsection (2)"

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/3/2019
SR 39, be adopted.
SR 40, be adopted.
SR 41, be adopted.
SR 42, be adopted.
SR 49, be adopted.
SJ 21, do pass.

Without objection, committee reports were adopted.

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MESSAGES FROM THE GOVERNOR

April 3, 2019

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

Dear President Sales:

On Wednesday, April 3, 2019, I signed the following bills:

Senate Bill 59--McClafferty
Senate Bill 84--Fitzpatrick
Senate Bill 144--Jacobson
Senate Bill 207--Jacobson
Senate Bill 260--Malek

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/3/2019

SB 154, introduced by S. Sales
SB 177, introduced by T. Jacobson
SB 191, introduced by D. Ankney
SB 197, introduced by J. Welborn
SB 264, introduced by J. Small
SB 270, introduced by M. McNally

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/3/2019

SB 38, introduced by M. MacDonald
SB 133, introduced by B. Gillespie
SB 268, introduced by K. Bogner
SB 276, introduced by R. Webb
SB 305, introduced by T. Gauthier

Senate bill not concurred in and returned to the Senate:

4/2/2019

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SB 23, introduced by K. Regier

Senate amendments to House bills concurred in:

4/3/2019

HB 238, introduced by T. Manzella

HB 586, introduced by B. Hamlett

FIRST READING AND COMMITMENT OF BILLS

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

SJ 23, introduced by P. Flowers, D. Barrett, B. Bennett, K. Bogner, J. Ellis, P. Flowers, J. Gross, J. Keane, K. Kelker, M. Lang, S. Malek, N. McConnell, M. McNally, M. Phillips, J. Pomnichowski, K. Regier, W. Sales, D. Salomon, T. Woods, referred to Education and Cultural Resources.

SJ 24, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.

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

HB 457, introduced by D. Zolnikov, B. Bennett, J. Ellsworth, D. Dunn, J. Read, K. Sullivan, referred to Judiciary.

HB 661, introduced by G. Custer, D. Ankney, referred to Highways and Transportation.

HB 715, introduced by L. Jones, N. Ballance, referred to Finance and Claims.

**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. President Pro Tempore Blasdel in the chair.

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

HB 2 - Senator Osmundson moved **HB 2** be concurred in. Senator Osmundson made opening comments and explained the process for presentation of **HB 2**.

Senators Cuffe, Fielder, Hoven, and Olszewski excused at this time.

Global Amendments

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with **amendment O001** as follows:

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1. Page C-2, line 17: Department of Environmental Quality.
Strike: "12,194,017 12,191,443" [State Special Fund FY20 FY21]
Insert: "11,694,017 11,691,443" [State Special Fund FY20 FY21]

2. Page C-2: Department of Environmental Quality.
Following: line 19
Insert: "b. Petroleum Tank Cleanup (Restricted/OTO)"
Insert: "500,000 500,000" [State Special Fund FY20 FY21]

3. Page D-2, line 30: Department of Justice.
Strike: line 30 in its entirety

4. Page D-4, line 21: Department of Corrections.
Strike: "77,693,562 78,222,097" [General Fund FY 20 FY 21]
Insert: "77,278,112 77,750,302" [General Fund FY 20 FY 21]

Following: line 23
Insert: "b. Provider Rate Increases"
Insert: "415,450 471,795 " [General Fund FY 20 FY 21]

5. Page E-6, line 2: Montana State Library.
Strike: "1,880,403 1,947,312" [State Special Fund FY 20 FY 21]
Insert: "1,780,403 1,797,312" [State Special Fund FY 20 FY 21]

6. Page E-6: Montana State Library.
Following: line 4
Insert: "b. Montana State Library Funding (OTO)"
Insert: "100,000 150,000" [State Special Fund FY 20 FY 21]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Cuffe, Fielder, Hoven, Olszewski.
Total 4

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Absent or not voting: None.

Total 0

Senator Olszewski present at this time.

SECTION A. General Government

Senator Lang acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section A: Legislative Branch, Consumer Counsel, Governor's Office, Commissioner of Political Practices, State Auditor's Office, Department of Revenue, Department of Administration, Department of Commerce, Department of Labor and Industry, and Department of Military Affairs.

Senator Hoven present at this time; Senator Fitzpatrick and President Sales excused at this time.

HB 2 - Senator Flowers moved **HB 2**, second reading copy, be amended with **amendment A001** as follows:

1. Page A-5, line 36: .

Following: "Training"

Strike: "(OTO)"

Amendment **not** adopted as follows:

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

Total 20

Nays: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.

Total 26

Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick, Mr President.

Total 4

Absent or not voting: None.

Total 0

President Sales present at this time.

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HB 2 - Senator Webber moved **HB 2**, second reading copy, be amended with **amendment A002** as follows:

1. Page A-6, line 2: .

Following: "Development"

Strike: "(OTO)"

Amendment **not** adopted as follows:

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

Total 22

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

Total 25

Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick.

Total 3

Absent or not voting: None.

Total 0

HB 2 - Senator Webber moved **HB 2**, second reading copy, be amended with **amendment A003** as follows:

1. Page A-6, line 4: .

Following: "Biennial"

Strike: "/OTO"

Amendment **not** adopted as follows:

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

Total 22

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

Total 25

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Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick.
Total 3

Absent or not voting: None.
Total 0

HB 2 - Senator Pomnichowski moved **HB 2**, second reading copy, be amended with **amendment A004** as follows:

1. Page A-1: .

Following: line 16

Insert: "g. Constituent Services Account (Restricted)"

Insert: "290,925" [General Fund FY 20]

Following: line 31

Insert: "If HB 106 is not passed and approved, the appropriation for Constituent Services Account is void."

Amendment **adopted** as follows:

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

Total 40

Nays: Esp, Hinebauch, Hoven, Keenan, Olszewski, Regier, Webb.
Total 7

Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick.
Total 3

Absent or not voting: None.
Total 0

Senator Cuffe present at this time.

HB 2 - Senator Bennett moved **HB 2**, second reading copy, be amended with **amendment A005** as follows:

1. Page A-2: Secretary of State.

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Following: line 24

Insert: "SECRETARY OF STATE (32010)"

Insert: "1. Business and Government Services (01)"

Insert: "a. HAVA Funds for County Elections Offices (Restricted/Biennial)"

Insert: "750,000 750,000" [Federal Special Fund FY20 FY21]

Insert: "b. HAVA Funds (Biennial)"

Insert: "750,000 750,000" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

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

Total 21

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

Total 27

Paired: None.

Excused: Fielder, Fitzpatrick.

Total 2

Absent or not voting: None.

Total 0

Senator Osmundson moved **Section A** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, 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, Welborn, Mr President.

Total 45

Nays: Bennett, Ellis, Webber.

Total 3

Paired: None.

Excused: Fielder, Fitzpatrick.

Total 2

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Absent or not voting: None.

Total 0

Senate recessed at 8:50 a.m. and reconvened at 9:00 a.m., President Pro Tempore Blasdel in the chair.

SECTION B. Department of Public Health & Human Services

Senator Olszewski acknowledged and thanked fellow committee members and staff then reviewed the budget of the Department of Public Health & Human Services.

Senator Hoven excused at this time.

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended with **amendment B008** as follows:

1. Page B-2, line 7: Department of Public Health and Human Services.

Strike: "33,836,377 36,212,434" [General Fund FY20 FY21]

Insert: "35,016,555 38,366,895" [General Fund FY20 FY21]

Strike: "83,729,364 90,787,884" [Federal Special Fund FY20 FY21]

Insert: "85,918,235 94,750,575" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Gauthier, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McNally, Pomnichowski, Regier, Smith C, Tempel, Webb, Welborn.

Total 23

Nays: Ankney, Blasdel, Boland, Cohenour, Ellis, Flowers, Gillespie, MacDonald, Malek, McConnell, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webber, Mr President.

Total 24

Paired: None.

Excused: Fielder, Fitzpatrick, Hoven.

Total 3

Absent or not voting: None.

Total 0

Senator Hoven present at this time.

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HB 2 - Senator Kary moved **HB 2**, second reading copy, be amended with **amendment B001** as follows:

1. Page B-2, line 7: Department of Public Health and Human Services.

Strike: "33,836,377 36,212,434" [General Fund FY20 FY21]

Insert: "34,426,466 37,289,665" [General Fund FY20 FY21]

Strike: "83,729,364 90,787,884" [Federal Special Fund FY20 FY21]

Insert: "84,823,800 92,769,230" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Cuffe, Ellsworth, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, McNally, Phillips, Pomnichowski, Regier, Richmond, Small, Smith C, Webb, Welborn, Mr President.

Total 23

Nays: Barrett, Boland, Brown, Cohenour, Ellis, Esp, Flowers, Gauthier, Gillespie, Lang, MacDonald, Malek, McClafferty, McConnell, Olszewski, Osmundson, Salomon, Sands, Sesso, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber.

Total 25

Paired: None.

Excused: Fielder, Fitzpatrick.

Total 2

Absent or not voting: None.

Total 0

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended. Senator McNally then withdrew the motion and stated she did not intend to offer additional amendments.

Senator Fitzpatrick present at this time; Senator Welborn excused at this time.

HB 2 - Senator Jacobson moved **HB 2**, second reading copy, be amended with **amendment B006** as follows:

1. Page B-1, line 26: Department of Public Health and Human Services.

Strike: "469,637,176 488,932,654" [Federal Special Fund FY20 FY21]

Insert: "474,993,793 501,353,314" [Federal Special Fund FY20 FY21]

2. Page B-1, line 28: Department of Public Health and Human Services.

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Strike: "172,071,588 184,735,578" [General Fund FY20 FY21]

Insert: "174,943,261 191,453,069" [General Fund FY20 FY21]

Amendment **not** adopted as follows:

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

Total 20

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

Total 28

Paired: None.

Excused: Fielder, Welborn.

Total 2

Absent or not voting: None.

Total 0

HB 2 - Senator Sands moved **HB 2**, second reading copy, be amended with **amendment B007** as follows:

1. Page B-2: Department of Public Health and Human Services.

Following: line 12

Insert: "a. Behavioral Health Peer Support Services (Biennial/OTO)"

Insert: "1,000,000 1,000,000" [State Special Fund FY20 FY21]

Insert: "1,854,696 1,839,296" [Federal Special Fund FY20 FY21]

Insert: "b. Mobile Crisis Units (Biennial/OTO)"

Insert: "250,000 250,000" [State Special Fund FY20 FY21]

2. Page B-3: Department of Public Health and Human Services.

Following: line 6

Insert: "Both Behavioral Health Peer Support Services and Mobile Crisis Units are contingent upon passage and approval of an act that amends 50-46-345 to allow for transfers for peer support services or mobile crisis units from that account and provides transfers for one or more of those items.

If SB 30 is passed and approved and provides funding for peer support services, Peer Support Services is void.

If HB 660 is passed and approved and provides funding for mobile crisis units, Mobile Crisis Units is void."

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Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 27

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 21

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senator Osmundson moved **Section B** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber.
Total 39

Nays: Bennett, Brown, Ellis, Ellsworth, Esp, Hinebauch, Olszewski, Webb, Mr President.
Total 9

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senate recessed at 9:45 a.m. and reconvened at 9:58 a.m., President Pro Tempore Blasdel in the chair.

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SECTION C. Natural Resources & Transportation

Senator Ankney acknowledged and thanked fellow committee members and staff then reviewed agencies in Section C: Department of Fish, Wildlife, and Parks, Department of Environmental Quality, Department of Transportation, Department of Livestock, Department of Natural Resources and Conservation, and the Department of Agriculture.

HB 2 - Senator Ankney moved **HB 2**, second reading copy, be amended with **amendment C005** as follows:

1. Page C-4, line 28: Department of Natural Resources & Conservation.

Strike: "2,559,210 2,598,116" [State Special Fund FY20 FY21]

Insert: "2,818,510 2,858,768" [State Special Fund FY20 FY21]

2. Page C-5, line 11: Department of Natural Resources & Conservation.

Strike: "18,654,509 18,662,844" [State Special Fund FY20 FY21]

Insert: "18,769,185 18,777,178" [State Special Fund FY20 FY21]

Amendment **adopted** as follows:

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

Total 33

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

Total 15

Paired: None.

Excused: Fielder, Welborn.

Total 2

Absent or not voting: None.

Total 0

HB 2 - Senator Ellis moved **HB 2**, second reading copy, be amended with **amendment C001** as follows:

1. Page C-1, line 24: Department of Fish, Wildlife & Parks.

Strike: "7,950,951 7,956,831" [State Special Fund FY20 FY21]

Insert: "7,985,963 7,991,014" [State Special Fund FY20 FY21]

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Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 27

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senator Osmundson moved **Section C** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, 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, Mr President.
Total 46

Nays: Bennett, Ellis.
Total 2

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senate recessed at 10:38 a.m. and reconvened at 10:58 a.m., President Pro Tempore Blasdel in the chair.

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SECTION D. Judicial Branch, Law Enforcement, and Justice

Senator Howard acknowledged and thanked fellow committee members and staff then reviewed agencies in Section D: Judicial Branch, Department of Justice, Public Service Commission, Office of Public Defender, and the Department of Corrections.

Senator Welborn present at this time.

HB 2 - Senator Pomnichowski moved **HB 2**, second reading copy, be amended with **amendment D001** as follows:

1. Page D-1, line 15: Judicial Branch.

Strike: "30,524,989" [General Fund FY 21]

Insert: "30,775,585" [General Fund FY 21]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Mr President.

Total 24

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn.

Total 25

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

Senator Osmundson moved **Section D** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, 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.

Total 45

Nays: Bennett, Boland, Ellis, Mr President.

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Total 4

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

Senate recessed at 11:15 a.m. and reconvened at 11:22 a.m., President Pro Tempore Blasdel in the chair.

SECTION E. Education

Senator Salomon acknowledged and thanked fellow committee members and staff then reviewed agencies in Section E: Office of Public Instruction, Board of Public Education, Commissioner of Higher Education, School for the Deaf and Blind, Montana Arts Council, Montana State Library, and Montana Historical Society.

HB 2 - Senator Cohenour moved **HB 2**, second reading copy, be amended with **amendment E002** as follows:

1. Page E-6, line 11: Montana Historical Society.

Strike: "915,830 914,886" [General Fund FY20 FY21]

Strike: "38,978 40,701" [Federal Special Fund FY20 FY21]

Strike: "197,234 197,373" [Proprietary FY20 FY21]

Insert: "1,022,282 1,021,338" [General Fund FY20 FY21]

Insert: "51,439 53,162" [Federal Special Fund FY20 FY21]

Insert: "212,501 212,640" [Proprietary FY20 FY21]

2. Page E-6, line 15: Montana Historical Society.

Strike: "983,756 986,821" [General Fund FY20 FY21]

Insert: "1,132,972 1,136,037" [General Fund FY20 FY21]

3. Page E-6, line 17: Montana Historical Society.

Strike: "586,535 586,436" [General Fund FY20 FY21]

Insert: "598,432 598,333" [General Fund FY20 FY21]

4. Page E-6, line 19: Montana Historical Society.

Strike: "177,978 177,502" [General Fund FY20 FY21]

Strike: "313,478 313,612" [Proprietary FY20 FY21]

Insert: "186,599 186,123" [General Fund FY20 FY21]

Insert: "324,030 324,164" [Proprietary FY20 FY21]

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5. Page E-6, line 21: Montana Historical Society.

Strike: "222,931 223,798" [General Fund FY20 FY21]

Insert: "268,028 268,895" [General Fund FY20 FY21]

6. Page E-6, line 23: Montana Historical Society.

Strike: "56,081 55,865" [General Fund FY20 FY21]

Strike: "757,657 758,721" [Federal Special Fund FY20 FY21]

Insert: "56,630 56,414" [General Fund FY20 FY21]

Insert: "768,876 769,940" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Flowers, Gross, Jacobson, Keenan, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 21

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

Total 28

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

Senator Osmundson moved **Section E** be closed. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, 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 44

Nays: Barrett, Bennett, Boland, Cohenour, Ellis.

Total 5

Paired: None.

Excused: Fielder.

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Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas and Minority Leader Sesso spoke about the condition of **HB 2** and the remaining work to be done.

HB 2 - As amended, **HB 2** was concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Welborn.

Total 27

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Hinebauch, Jacobson, Kary, Keenan, Malek, McClafferty, Regier, Smith C, Smith F, Vance, Vuckovich, Webb, Webber, Mr President.

Total 22

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

HB 22 - Senator Richmond moved **HB 22** be concurred in. Motion carried as follows:

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

Total 27

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

Total 22

Paired: None.

Excused: Fielder.

Total 1

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Absent or not voting: None.

Total 0

HB 54 - Senator K. Regier moved **HB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, 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, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Vance.

Total 1

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senators Cohenour, Malek and McClafferty excused at this time.

President Pro Tempore Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McConnell, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Keenan, McNally.

Total 2

Paired: None.

Excused: Cohenour, Fielder, Malek, McClafferty.

Total 4

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Absent or not voting: None.

Total 0

Senate recessed at 12:12 p.m. and reconvened at 1:00 p.m., President Sales presiding.

**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 Barrett in the chair.

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

Senator Malek excused at this time.

HB 106 - Senator Pomnichowski moved **HB 106** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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 48

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 173 - Senator Bogner moved **HB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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.

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Total 48

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 221 - Senator Ellis moved **HB 221** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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 48

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 260 - Senator Osmundson moved **HB 260** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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 48

Nays: None.

Total 0

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Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 506 - Senator Cuffe moved **HB 506** be concurred in. Motion carried as follows:

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

Total 47

Nays: Mr President.

Total 1

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 580 - Senator R. Webb moved **HB 580** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cuffe, Ellis, Gauthier, Gillespie, Gross, Hoven, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.

Total 32

Nays: Brown, Cohenour, Ellsworth, Esp, Fitzpatrick, Flowers, Hinebauch, Howard, Jacobson, Kary, MacDonald, Salomon, Smith C, Smith F, Welborn, Mr President.

Total 16

Paired: None.

Excused: Fielder, Malek.

Total 2

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Absent or not voting: None.

Total 0

HB 599 - Senator Small moved **HB 599** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.

Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 20

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 21 - Senator Sands moved **HB 21** be concurred in. Motion carried as follows:

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

Total 42

Nays: Hinebauch, Howard, Kary, Lang, Tempel, Vance.

Total 6

Paired: None.

Excused: Fielder, Malek.

Total 2

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.

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

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 580**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Following discussion, Majority Leader Thomas withdrew the motion.

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 3 concurred in as follows:

Yeas: Ankney, Barrett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Bennett, Blasdel, Brown, Ellsworth, Esp, Keenan, Regier, Smith C, Vance, Webb, Mr President.
Total 11

Paired: None.

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Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 16 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.

Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Kary, Lang, Olszewski, Osmundson, Salomon, Smith C, Tempel, Vance, Webb, Mr President.

Total 18

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 126 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.

Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Thomas, Vance, Webb, Welborn, Mr President.

Total 21

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

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HB 231 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, McConnell, Olszewski, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 30

Nays: Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Keenan, MacDonald, McClafferty, McNally, Osmundson, Pomnichowski, Regier, Smith C, Thomas, Vance, Welborn, Mr President.
Total 18

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 262 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Boland, Cohenour, Gross, MacDonald, McClafferty, Pomnichowski.
Total 6

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 281 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn,

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Mr President.

Total 32

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

Total 16

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 288 concurred in as follows:

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

Total 34

Nays: Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Osmundson, Smith C, Thomas, Vance, Welborn, Mr President.

Total 14

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 394 concurred in as follows:

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

Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sesso, Vuckovich, Webber.

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Total 15

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 489 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich.
Total 16

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 514 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.

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Total 2

Absent or not voting: None.

Total 0

HB 523 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 28

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

HB 527 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Ellsworth, Esp, Hinebauch, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Vance, Mr President.
Total 11

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.

Total 0

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HB 576 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Brown, Esp, Hinebauch, Howard, Kary, Keenan, Osmundson, Smith C, Vance, Welborn, Mr President.
Total 11

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 633 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 638 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier,

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Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Cuffe, Esp, Hinebauch, Keenan, Smith C, Vance, Mr President.
Total 9

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 639 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, 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 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 584 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, McConnell, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.
Total 33

Nays: Brown, Esp, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, McClafferty, Olszewski, Pomnichowski, Regier, Thomas, Vance, Webb.

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Total 15

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced a new Page for the remainder of the week:

Helen Bovington from Helena, sponsored by Senator MacDonald

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, April 5, 2019, the seventy-first legislative day. Motion carried.

Senate adjourned at 2:04 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate