

**SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 12, 2019

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/12/2019
Correctly printed: **SR 54, SR 55, HB 4, HB 52, HB 405, HB 421, HB 431, HB 475, HB 500, HB 507, HB 525, HB 631, HB 632, HB 643, HB 654, HB 656, HB 657, HB 680, HB 716, HB 725, HB 751, HB 754, HB 763, HB 776.**
Correctly engrossed: **HB 293, HB 355, HB 389, HB 515, HB 532, HB 626, HB 636, HB 640, HB 661, HB 723, HB 727, HB 732, HB 773, HJ 35.**
Correctly enrolled: **SB 35, SB 37, SB 38, SB 69, SB 155, SB 334, SR 47, SR 49, SR 51.**
Examined by the sponsor and found to be correct: **SB 73, SB 116, SB 195, SB 241, SB 268, SB 271, SB 276, SR 36, SR 39, SR 40, SR 41, SR 42, SR 43, SR 46, SR 47, SR 49, SR 51.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/11/2019
HB 443, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/12/2019
SJ 24, do pass.
SR 52, be adopted.
SR 54, be adopted.
HB 731, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/11/2019
SR 44, be adopted.
HJ 12, be concurred in.
HJ 38, be concurred in.

FISH AND GAME (Fielder, Chair): 4/11/2019
HB 280, be concurred in.
HB 355, be amended as follows:

1. Page 3, line 9.
Strike: "designate,"

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2. Page 15, line 16.

Strike: "SUMMER MOTORIZED RECREATION"

Insert: "snowmobile"

Following: "SECTION"

Strike: "2"

Insert: "9"

And, as amended, be concurred in.

HB 407, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

4/11/2019

SJ 22, do pass.

SR 45, be adopted.

HB 389, be amended as follows:

1. Page 1, line 17.

Strike: "100"

Insert: "25"

And, as amended, be concurred in.

HB 661, be amended as follows:

1. Title, page 1, line 5.

Strike: "REDUCING"

Insert: "REPEALING"

2. Page 1, line 23.

Strike: "With the approval of the board, money"

Insert: "Money"

3. Page 1, line 24.

Following: "17-7-502, and"

Insert: "with the approval of the board"

Following: "may be used"

Strike: "only"

4. Page 2, line 9.

Following: "Gasoline"

Insert: " , "

Strike: "and"

Following: "fuel"

Insert: " , and aviation fuel"

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5. Page 2, line 24.

Strike: "6.5"

Insert: "5"

6. Page 6, line 8 through line 13.

Strike: subsection (6) in its entirety

7. Page 7, line 7.

Strike: "(A) EXCEPT AS PROVIDED IN SUBSECTION (3)(B), ALL"

Insert: "All"

8. Page 7, line 12 through line 16.

Strike: subsection (B) in its entirety

9. Page 11, line 12.

Following: "equal to the proceeds of"

Strike: "2"

Insert: "0.5"

10. Page 12, line 21 through line 25.

Strike: subsection (2) in its entirety

Insert: "(2) Money in the account is allocated to the aeronautics operations account provided for in [section 1]."

And, as amended, be concurred in.

HJ 16, be concurred in.

JUDICIARY (Regier, Chair):

4/12/2019

HB 532, be amended as follows:

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

Following: "AMENDING"

Strike: "SECTIONS" through the first "AND"

Insert: "SECTION"

Following: "PROVIDING AN"

Strike: "IMMEDIATE"

2. Page 1, line 29.

Strike: "3"

Insert: "4"

3. Page 2, line 1.

Insert: "NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 4], the following definitions apply:

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(1)(a) "Claim" means any claim against a government entity for money damages, including but not limited to employment-related claims and tort claims, that any person is legally entitled to recover.

(b) Claims do not include benefits disputes under Title 39, chapter 51 or 71.

(2) "Employee" means permanent employee, short-term worker, student intern, seasonal employee, personal staff, or temporary employee as those terms are defined in 2-18-101."

Renumber: subsequent sections

4. Page 2, line 8.

Following: line 8

Insert: "(2) If a member of the public requests a paper copy of information on the website or a paper copy of the quarterly report in [section 4], the department shall charge a fee for paper copies that is commensurate with the cost of printing."

Renumber: subsequent subsections

5. Page 2, line 10.

Following: "disclosure"

Insert: "and is designated confidential information as defined in 2-6-1002."

6. Page 2, line 11.

Strike: "30"

Insert: "60"

7. Page 2, line 15 through line 25.

Strike: subsection (5) through subsection (6) in their entirety

Insert: "(6) All money paid by warrant pursuant to a settlement or compromise must be consistently coded in the statewide accounting, budgeting, and human resource system so that when the code or codes are reviewed a complete list of all settled claims is provided. The department of administration shall set the standards for the coding."

8. Page 2, line 29.

Following: "claims"

Insert: "for money damages"

9. Page 3, line 4.

Following: "all"

Insert: "initial"

Following: "negotiations"

Strike: "and" through "requested"

Following: "resolve"

Strike: "the claim"

Insert: "claims for money damages and the amount requested to resolve the claims"

10. Page 3, line 6 through page 4, line 23.

Strike: section 4 through section 5 in their entirety

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Renumber: subsequent sections

11. Page 5, line 14.

Strike: the first "DEPARTMENT" through "JUSTICE"

Insert: "executive branch agencies and entities"

12. Page 5, line 17 through line 18.

Strike: section 8 in its entirety

Insert: "NEW SECTION. Section 7. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 2, chapter 6, and the provisions of Title 2, chapter 6, apply to [sections 1 through 4]."

13. Page 5, line 26.

Strike: "[This act]"

Insert: "[Section 5(1)(b)]"

And, as amended, be concurred in.

HB 640, be amended as follows:

1. Page 24.

Following: line 10

Insert: "NEW SECTION. Section 14. Coordination instruction. If both House Bill No. 502 and [this act] are passed and approved, then the references in [this act] to "report" in [section 6(6)] must be changed to "safety and risk assessment"."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 745, be concurred in.

HB 749, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

4/11/2019

SB 100, introduced by K. Regier

SB 139 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 139**:

4/11/2019

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Representative Berglee, Vice Chair
Representative Fuller
Representative Funk

SB 93 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 93**:

4/11/2019

Representative Zolnikov, Vice Chair
Representative Pope
Representative Skees

Senate amendments to House bills concurred in:

4/11/2019

HB 211, introduced by L. Jones
HB 221, introduced by F. Anderson
HB 316, introduced by K. White
HB 579, introduced by E. Buttrey
HB 580, introduced by R. Knudsen
HB 590, introduced by D. Fern

Conference Committee Report No.1 adopted:

4/11/2019

HB 268, introduced by S. Greef

FIRST READING AND COMMITMENT OF BILLS

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

SJ 31, introduced by C. Boland, referred to Business, Labor, and Economic Affairs.
SJ 32, introduced by K. Bogner, S. Sales, J. Sesso, referred to State Administration.

Senate recessed at 1:07 p.m. Senate reconvened at 1:26 p.m., President Sales presiding.

MOTIONS

Senator Sesso moved that **HB 658** be taken from the Senate and placed on second reading this date. Motion **failed** as follows:

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

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Total 24

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

Total 26

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**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 Kary in the chair.

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

HB 735 - Senator Fielder moved **HB 735** be concurred in.

HB 735 - Senator Fielder moved **HB 735**, second reading copy, be amended as follows:

1. Page 2, line 9.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

2. Page 3, line 21.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

3. Page 5, line 5.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

4. Page 5, line 7.

Following: "SECTIONS 1 THROUGH"

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Strike: "9"

Insert: "8"

5. Page 5, line 12.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

6. Page 5, line 16.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

7. Page 6, line 4.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

8. Page 6, line 12.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

9. Page 6, line 17.

Following: "1 THROUGH"

Strike: "9"

Insert: "8"

Following: "damages of at least"

Strike: "\$5,000"

Insert: "\$2,000 and not more than \$75,000"

10. Page 6, line 19.

Following: "THROUGH"

Strike: "9"

Insert: "8"

11. Page 6, line 25.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

12. Page 6, line 26.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

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Insert: "8"

13. Page 6, line 27.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

14. Page 6, line 30 through page 7, line 4.

Strike: section 9 in its entirety

Renumber: subsequent sections

15. Page 7, line 7.

Strike: "9"

Insert: "8"

16. Page 7, line 8.

Following: "SECTIONS 1 THROUGH"

Strike: "9"

Insert: "8"

Amendment **adopted** as follows:

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, Welborn, Mr President.

Total 29

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

Total 21

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 735 - Senator Bennett moved **HB 735**, second reading copy, be further amended as follows:

1. Title, page 1, line 11.

Strike: "PROVIDING PENALTIES FOR VIOLATIONS;"

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2. Page 2, line 9.

Strike: "9"

Insert: "6"

3. Page 3, line 21.

Strike: "9"

Insert: "6"

4. Page 5, line 5.

Strike: "9"

Insert: "6"

5. Page 5, line 7.

Strike: "9"

Insert: "6"

6. Page 5, line 12.

Strike: "9"

Insert: "6"

7. Page 5, line 16.

Strike: "9"

Insert: "6"

8. Page 6, line 3.

Strike: "9"

Insert: "6"

9. Page 6, line 11 through page 7, line 4.

Strike: section 7 through section 9 in their entirety

Renumber: subsequent sections

10. Page 7, line 7.

Strike: "9"

Insert: "6"

11. Page 7, line 8.

Strike: "9"

Insert: "6"

Amendment **not** adopted as follows:

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

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Total 21

Nays: 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, Welborn, Mr President.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 735 - As amended, **HB 735** was concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Boland, Cohenour, Ellis, Flowers, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 613 - Senator Olszewski moved **HB 613** be concurred in. Motion carried as follows:

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

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Nays: Brown, Fielder, Howard, Smith C.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 160 - House Amendments - Senator McConnell moved House amendments to **SB 160** 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, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.

Total 41

Nays: Brown, Hinebauch, Howard, Olszewski, Regier, Smith C, Thomas, Vance, Mr President.

Total 9

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 171 - House Amendments - Senator Fitzpatrick moved House amendments to **SB 171** 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

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Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 178 - House Amendments - Senator Jacobson moved House amendments to **SB 178** be concurred in. Motion carried as follows:

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

Total 45

Nays: Esp, Hoven, Howard, Keenan, Tempel.

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 225 - House Amendments - Senator Fitzpatrick moved House amendments to **SB 225** 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.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 240 - House Amendments - Senator Ellsworth moved House amendments to **SB 240** 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

Absent or not voting: None.

Total 0

SB 244 - House Amendments - Senator Blasdel moved House amendments to **SB 244** 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.

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Total 0

Absent or not voting: None.

Total 0

SB 254 - House Amendments - Senator Sands moved House amendments to **SB 254** 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

Absent or not voting: None.

Total 0

SB 257 - House Amendments - Senator Cuffe moved House amendments to **SB 257** 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, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 48

Nays: Sands, Webber.

Total 2

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 268 - Conference Committee Report No. 1 - Senator Esp moved the Conference Committee report to **HB 268** be adopted. 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

Absent or not voting: None.

Total 0

HB 403 - Senator Ankney moved **HB 403** be concurred in. Motion carried as follows:

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

Total 41

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, MacDonald, Pomnichowski, Sands, Webber.

Total 9

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 684 - Senator Howard moved **HB 684** 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

Absent or not voting: None.

Total 0

HB 5 - Senator Sesso moved **HB 5** be concurred in. Motion carried as follows:

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

Total 40

Nays: Brown, Ellsworth, Esp, Fielder, Gillespie, Howard, Kary, Keenan, Vance, Webb.

Total 10

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 441 - Senator Hoven moved **HB 441** 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,

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Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Webber.
Total 17

Paired: None.

Excused: None.
Total 0

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.

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

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 40

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, MacDonald, McClafferty, Phillips, Sands, Webber.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):
HB 8, be amended as follows:

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1. Page 2, line 14.

Strike: "and (3)"

Insert: "through (4)"

2. Page 2, line 27.

Strike: "Tunnel 2 and Canal System"

Insert: "Pump Station and River Diversion"

3. Page 2.

Following: line 29

Insert: "(4) (a) The interest rate for the project in this group is 3.0% or the rate at which the state bonds are sold, whichever is lower, for up to 30 years:

Loan	Amount
St. Mary's Diversion Project	
Local Share	\$40,000,000

(b) The loan in this subsection (4) is contingent on the following:

(i) the federal government entering into an agreement with the state that designates the federal and state share of the total project cost;

(ii) the forming of a water users' association of Montana users of the waters flowing from the Milk River that includes cities, towns, districts, water user associations, and other unassociated individuals and entities; and

(iii) the water users' association demonstrating to the satisfaction of the department of natural resources and conservation its financial capacity, through water user fees or other available sources of funding, to pay the annual costs of the loan repayment over the term of the loan."

4. Page 3, line 8.

Strike: "\$37,950,000"

Insert: "\$81,950,000"

Strike: "\$3,450,000"

Insert: "\$7,450,000"

And, as amended, be concurred in.

HB 293, be concurred in.

HB 643, be concurred in.

HB 652, be concurred in.

HB 670, be amended as follows:

1. Title, page 1, line 5.

Following: "SECTION B;"

Insert: "PROVIDING FOR A PROVIDER RATE INCREASE;"

2. Page 1.

Following: line 11

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Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If [this act], [House Bill No. 2], and [House Bill No. 669] are passed and approved, [section 2 of House Bill No. 669] must read as follows:

 "NEW SECTION. Section 2. Older Montanans trust state special revenue account.

(1) There is an account in the state special revenue fund established in 17-2-102 to the credit of the department of public health and human services to be known as the older Montanans trust state special revenue account.

(2) The purpose of the account is to fund an increase in the base daily reimbursement rate for adult residential slots of \$3.50 beginning July 1, 2020, and to fund 34 additional medicaid basic and adult residential waiver slots at senior and long-term care for elderly and physically disabled persons receiving home and community-based services through the big sky waiver as follows:

- (a) eight slots beginning July 1, 2019;
- (b) eight slots beginning January 1, 2020;
- (c) eight slots beginning July 1, 2020; and
- (d) eight slots beginning January 1, 2021."

And, as amended, be concurred in.

HB 715, be amended as follows:

1. Title, page 1, line 5.

Strike: "TAX"

Insert: "FINANCIAL"

2. Title, page 1, line 6.

Following: "MODERNIZATION"

Insert: "AND RISK ANALYSIS"

Strike: "JOINT"

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

Strike: "REVENUE AND TRANSPORTATION INTERIM AND"

4. Title, page 1, line 7.

Strike: "COMMITTEES"

Insert: "COMMITTEE"

Strike: "PUBLIC"

Insert: "OTHER"

5. Title, page 1, line 9.

Following: "STUDIES;"

Insert: "PROVIDING FOR A TRANSFER OF FUNDS INTO THE BUDGET STABILIZATION RESERVE FUND;"

6. Title, page 1, line 10.

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Following: "SECTIONS"

Insert: "5-12-205, 10-3-312,"

Following: "17-7-130"

Insert: ", "

7. Page 1.

Following: line 14

"Section 1. Section 5-12-205, MCA, is amended to read:

"5-12-205. Powers and duties of committee. The committee:

(1) may organize, adopt rules to govern its proceedings, form subcommittees, and meet as often as necessary, upon the call of the presiding officer, to advise and consult with the legislative fiscal analyst;

(2) may employ and, in accordance with the rules for classification and pay adopted by the legislative council, set the salary of the legislative fiscal analyst. The legislative fiscal analyst shall serve at the pleasure of and be responsible for providing services to the committee.

(3) may exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title;

(4) shall monitor the information technology policies of the department of administration with specific attention to:

(a) identification of information technology issues likely to require future legislative attention; and

(b) the evaluation of proposed information technology policy changes and the fiscal implications of the proposed changes and shall provide written responses to the department of administration communicating the committee's positions and concerns on proposed policy changes;

(5) may accumulate, compile, analyze, and provide information relevant to existing or proposed legislation on how information technology can be used to impact the welfare of the state;

(6) may prepare legislation to implement any proposed changes involving information technology; ~~and~~

(7) shall, before each regular and special legislative session involving budgetary matters, prepare recommendations to the house appropriations committee and the senate finance and claims committee on the application of certain budget issues. At a minimum, the recommendations must include procedures for the consistent application during each session of inflation factors, the allocation of fixed costs, and the personal services budget. The committee may also make recommendations on other issues of major concern in the budgeting process, such as estimating the cost of implementing particular programs based upon present law; and

(8) may, for the biennium beginning July 1, 2019, appoint up to six ad hoc nonvoting committee members from the house of representatives. These members may participate in meetings, but may not vote."

Renumber: subsequent sections

8. Page 1.

Following: line 14

Insert: "**Section 2.** Section 10-3-312, MCA, is amended to read:

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"10-3-312. Maximum expenditure by governor -- appropriation. (1) Whenever a disaster or an emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund an amount not to exceed \$16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund an amount not to exceed \$500,000 during the biennium to meet the state's share of the individuals and households grant programs as provided in 42 U.S.C. 5174. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(4) ~~At~~ Except as provided in subsection (5), at the end of each biennium, an amount equal to the unexpended and unencumbered balance of the \$16 million statutory appropriation in subsection (1), minus any amount appropriated pursuant to 10-3-310 in the same biennium, must be transferred by the state treasurer from the state general fund to the fire suppression account provided for in 76-13-150.

(5) For the biennium ending June 30, 2019, the state treasurer shall transfer the amount calculated pursuant to subsection (4) from the state general fund into the budget stabilization reserve fund established in 17-7-130."

Renumber: subsequent sections

9. Page 1, line 21.

Strike: "operating"

10. Page 3, line 17.

Following: "biennium."

Insert: "Starting January 1, 2021, a governor may not reduce total agency spending in the biennium by more than 4% of the second year appropriations for the agency."

11. Page 3, line 19.

Strike: "total"

Insert: "weighted average"

12. Page 5, line 9 through line 13.

Strike: subsection (6) in its entirety

Insert: "(6) Before January 1, 2021, the governor may authorize transfers from the budget stabilization reserve fund prior to making reductions in spending. A transfer under this subsection may not cause the fund balance of the budget stabilization reserve fund to be less than 1% of all general fund appropriations in the second year of the biennium."

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13. Page 5, line 23.

Strike: "tax"

Insert: "financial"

Following: "modernization"

Insert: "and risk analysis"

14. Page 5, line 25.

Following: "members"

Strike: "of the public"

Following: "budget"

Strike: "needs"

Following: "revenue"

Strike: "collections"

Insert: "needs"

15. Page 6, line 2.

Strike: "of the public"

16. Page 6, line 8.

Following: "structural"

Insert: "revenue"

17. Page 6, line 8 through line 17.

Strike: ", including" on line 8 through subsection (V) in their entirety

Insert: "with economic, demographic, and geographical variability considerations;"

18. Page 6, line 20.

Strike: "increasing"

Following: "costs"

Strike: "and"

Insert: ", "

Following: "consumption"

Insert: ", and funding"

19. Page 6, line 24.

Strike: "and"

20. Page 6.

Following: line 25

Insert: "(vii) local government spending including infrastructure; and"

21. Page 6, line 26.

Following: "legislature"

Strike: ", "

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Insert: "."

22. Page 6, line 27 through page 7, line 1.

Strike: line 27 through line 1

23. Page 7, line 4.

Strike: "policy practices of other states"

Insert: "conditions"

24. Page 7, line 6.

Strike: "and evaluation of state practices"

25. Page 7.

Following: line 8

Insert: "(b) local government expenditures and funding;"

Renumber: subsequent subsections

26. Page 7, line 9.

Following: "supporting"

Insert: "natural resource programs, education programs, and"

27. Page 7, line 16.

Strike: "\$10,000"

Insert: "\$80,000"

28. Page 7, line 18.

Strike: "[section 3]"

Insert: "[section 5]"

29. Page 7, line 20.

Strike: "[section 4]"

Insert: "[section 6]"

30. Page 7, line 30.

Strike: "operating"

31. Page 8, line 2.

Following: "issuance;"

Insert: "and"

32. Page 8, line 3.

Following: "legislature;"

Strike: "; and"

Insert: "."

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33. Page 8, line 4.

Strike: subsection (iii) in its entirety

34. Page 9.

Following: line 13

Insert: "COORDINATION SECTION. Section 9. Coordination instruction. If both [House Bill No. 175] and [this act] are passed and approved, then [section 4(4) of House Bill No. 175] must read:

"(4) The following money is appropriated for the biennium beginning July 1, 2019, to the office of budget and program planning from the designated state fund, to be distributed to agencies when personnel vacancies do not occur or leave payout costs exceed agency resources:

General Fund	\$2,000,000
State Special Revenue	\$700,000
Federal Special Revenue	\$250,000
Proprietary Funds	\$50,000"

35. Page 9, line 16.

Strike: "[section 3], [section 3 of this act]"

Insert: "[section 5], [section 5 of this act]"

36. Page 9, line 18.

Strike: "[section 4], [section 4 of this act]"

Insert: "[section 6], [section 6 of this act]"

37. Page 9, line 22.

Following: "(2)"

Strike: "[Section 3]"

Insert: "[Sections 2 and 5]"

38. Page 9, line 24.

Following: "~~terminates~~"

Insert: "(1)"

Strike: "[SECTIONS 3 AND 4]"

Insert: "[Sections 5 and 6]"

39. Page 9.

Following: line 25

Insert: "(2) [Section 2] terminates August 15, 2019."

And, as amended, be concurred in.

HB 725, be concurred in.

HB 763, be concurred in.

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Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 16**
Report No. 001, April 12, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 16** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 16** (reference copy -- salmon) be amended as follows:

1. Page 2, line 4.

Strike: subsection (vi) in its entirety

For the Senate:
R. Webb, Chair
Blasdel
McClafferty

For the House:
Fern, Vice Chair
T. Moore
Welch

Without objection, the select committee report was adopted.

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 4 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.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 413 concurred in as follows:

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

Total 32

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

Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 433 concurred in as follows:

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

Total 32

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

Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 440 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 38

Nays: Blasdel, Brown, Ellsworth, Hinebauch, Howard, Kary, Keenan, Osmundson, Phillips, Smith C, Vance, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 598 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Brown, Cuffe, Esp, Fielder, Howard, Smith C, Vance, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 631 concurred in as follows:

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

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Total 27

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

Total 23

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 654 concurred in as follows:

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

Total 44

Nays: Esp, Fielder, Keenan, Lang, Regier, Vance.

Total 6

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 657 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, 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.

Total 40

Nays: Brown, Cuffe, Esp, Fielder, Hinebauch, Howard, Keenan, Vance, Welborn, Mr President.

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Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 695 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, 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, Welborn, Mr President.
Total 46

Nays: Brown, Esp, Howard, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 716 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 32

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Smith C, Thomas, Vance, Welborn, Mr President.
Total 18

Paired: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 754 concurred in as follows:

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

Total 40

Nays: Ankney, Cuffe, Esp, Hinebauch, Keenan, Lang, Osmundson, Tempel, Vance, Welborn.

Total 10

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 10 concurred in as follows:

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

Total 38

Nays: Blasdel, Ellsworth, Esp, Hinebauch, Keenan, Lang, Olszewski, Osmundson, Smith C, Vance, Welborn, Mr President.

Total 12

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HJ 23 concurred in as follows:

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

Total 30

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

Total 20

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 292 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 567 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond,

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Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 29

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

Total 21

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 21 passed as follows:

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

Total 28

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Webb, Welborn, Mr President.

Total 22

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 67 passed as follows:

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

Total 40

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Nays: Barrett, Bennett, Boland, Ellis, Gross, McConnell, Phillips, Pomnichowski, Sands, Smith F.

Total 10

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 92 passed as follows:

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

Nays: Hinebauch, Keenan.

Total 2

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 162 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, 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 F, Tempel, Vuckovich, Webb, Webber.

Total 41

Nays: Blasdel, Ellsworth, Esp, Fielder, Smith C, Thomas, Vance, Welborn, Mr President.

Total 9

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 205 passed 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

SB 232 passed as follows:

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

Total 37

Nays: Blasdel, Cuffe, Ellsworth, Fielder, Hinebauch, Kary, Lang, Olszewski, Osmundson, Smith C, Vance, Welborn, Mr President.

Total 13

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 258 passed 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

SB 262 passed 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

SB 300 passed as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Kary, McConnell, McNally, Olszewski, Pomnichowski, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 12, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, 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 49

Nays: Esp.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 158, Conference Committee Report No. 5, 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,

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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

Majority Leader Thomas moved the Senate recess until 4:00 p.m. Motion carried. Senate recessed at 3:05 p.m.

Senate reconvened at 4:10 p.m., President Sales presiding.

MOTIONS

Senator Bennett moved that **HB 645** be taken from the Judiciary Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Cuffe arose on a point of personal privilege and apologized for providing incorrect

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information during the discussion of **HB 5**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):
HB 753, be concurred in.

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Without objection, the committee report was adopted.

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

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

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

HB 722 - Senator Esp moved **HB 722** 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

Absent or not voting: None.

Total 0

SB 200 - House Amendments - Senator R. Webb moved House amendments to **SB 200** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp,

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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 49

Nays: Cohenour.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 - House Amendments - Senator MacDonald moved House amendments to **SB 269** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 35

Nays: Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 - House Amendments - Senator Bennett moved House amendments to **SB 286** 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,

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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

SB 289 - House Amendments - Senator Sands moved House amendments to **SB 289** 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, Mr President.
Total 49

Nays: Welborn.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - House Amendments - Senator Thomas moved House amendments to **SB 291** 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.

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Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 - House Amendments - Senator Fitzpatrick moved House amendments to **SB 296** 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

Absent or not voting: None.
Total 0

SB 299 - House Amendments - Senator Lang moved do **not** concur in House amendments to **SB 299**. Motion carried as follows:

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

Total 35

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, McConnell,

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McNally, Pomnichowski, Sands, Smith F, Vuckovich, Webber.

Total 15

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 318 - House Amendments - Senator R. Webb moved House amendments to **SB 318** be concurred in. Motion carried as follows:

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

Total 46

Nays: Barrett, MacDonald, Phillips, Pomnichowski.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 9 - House Amendments - Senator Pomnichowski moved House amendments to **SJ 9** 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, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.

Total 48

Nays: Lang, Webb.

Total 2

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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.

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

Yeas: Ankney, Barrett, 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 49

Nays: Bennett.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Thomas moved that **HB 660** and **HB 661** be taken from the Senate and referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to appoint a Conference Committee on **SB 299** and request the House to appoint a like committee. Motion carried. President Sales appointed:

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Senator Lang, Chair
Senator Jacobson
Senator Richmond

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 9 a.m., Saturday, April 13, 2019, the seventy-eighth legislative day. Motion carried.

Senate adjourned at 4:33 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate