

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

Helena, Montana  
April 25, 2019

Senate Chambers  
State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 4/25/2019

Correctly printed: **HJ 32, HJ 48, HJ 49, HJ 50, HJ 56, HJ 57, HJ 61, HJ 62.**

Correctly enrolled: **SB 32, SB 125, SB 252, SB 265, SB 299, SB 330, SB 346, SB 349, SJ 3, SJ 10, SJ 20, SR 27, SR 28, SR 48, SR 57, SR 59, SR 61.**

Examined by the sponsor and found to be correct: **SB 125, SB 265, SB 330, SB 349.**

Transmitted to the House: **HB 694, HJ 32, HJ 39, HJ 40, HJ 48, HJ 49, HJ 50, HJ 56.**

Signed by the Secretary of the Senate at 7:40 a.m., April 23, 2019: **SB 8, SB 12, SB 24, SB 43, SB 49, SB 51, SB 67, SB 74, SR 54.**

Signed by the President at 9:30 a.m., April 25, 2019: **SB 8, SB 12, SB 24, SB 43, SB 49, SB 51, SB 67, SB 74 SR 54.**

**MESSAGES FROM THE OTHER HOUSE**

**HB 670** - The House failed to concur in Senate amendments to **HB 670**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 670**:

4/24/2019

Representative F. Moore, Vice Chair  
Representative Lenz  
Representative Ryan

**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 Sales in the chair.

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

**SR 59** - Senator Howard moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. 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,

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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

**HJ 32** - Senator Malek moved **HJ 32** be concurred in. Motion carried as follows:

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

Total 33

Nays: Bogner, Brown, Cuffe, Ellsworth, Hinebauch, Howard, Kary, Lang, Osmundson, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 17

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJ 48** - Senator Sands moved **HJ 48** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, 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, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.

Total 47

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Nays: Cuffe, Tempel, Welborn.

Total 3

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJ 50** - Senator Gross moved **HJ 50** 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, Thomas, Vuckovich, Webb, Webber.

Total 46

Nays: Tempel, Vance, Welborn, Mr President.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 247 - Free Conference Committee Report No. 1** - Senator Cohenour moved the Free Conference Committee report to **SB 247** be adopted. Motion carried as follows:

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

Total 46

Nays: Cuffe, Olszewski, Tempel, Vance.

Total 4

Paired: None.

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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.

Majority Leader Thomas 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, 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

**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:

**HJ 49** 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, Mr President.

Total 49

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Nays: Welborn.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 252, as amended by the House**, passed as follows:

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

Total 30

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

Total 20

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJ 10, as amended by the House**, passed as follows:

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

Total 43

Nays: Barrett, Ellis, Malek, Phillips, Sands, Smith F, Webber.

Total 7

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 32, Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, 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 46

Nays: Fielder, Hoven, Keenan, Tempel.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 201, Free Conference Committee Report No. 1**, adopted 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, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 44

Nays: Barrett, Phillips, Pomnichowski, Sands, Smith F, Webber.

Total 6

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 346, Conference Committee Report No. 1**, adopted as follows:

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

Total 45

Nays: Brown, Howard, Olszewski, Regier, Tempel.

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 433, Conference Committee Report No. 1**, adopted as follows:

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

Total 36

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, MacDonald, Malek, Phillips, Pomnichowski, Sands, Smith F, Webber.

Total 14

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**MOTIONS**

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 670**. Motion carried. President Sales appointed:

4/25/2019

Senator C. Smith, Chair  
Senator Kary  
Senator McConnell

Majority Leader Thomas moved the Senate Conference Committee on **HB 22** be dissolved and that the President appoint the same members to a Free Conference Committee on **HB 22**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.  
Total 26

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Flowers, Gross, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.  
Total 24

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Minority Leader Sesso moved the Senate reconsider its action of the previous day on **SR 48** and that **SR 48** be placed on second reading this date. 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, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 49

Nays: Thomas.  
Total 1

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate recess until 11:00 a.m. Senate recessed at 9:34 a.m.

**Senate reconvened** at 11:04 a.m., President Sales presiding.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 670**  
Report No. 001, April 25, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 670** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 670** (reference copy -- salmon) be amended as follows:

1. Page 1, line 19.

**Strike:** "2020"

**Insert:** "2019"

**Strike:** "34"

**Insert:** "32"

For the Senate:

C. Smith, Chair

Kary

McConnell

For the House:

F. Moore, Vice Chair

Lenz

Ryan

Without objection, select committee report was adopted.

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**MESSAGES FROM THE OTHER HOUSE**

**Senate joint resolutions** concurred in and returned to the Senate: 4/25/2019

**SJ 20**, introduced by J. Welborn  
**SJ 24**, introduced by D. Brown  
**SJ 28**, introduced by D. Sands  
**SJ 30**, introduced by J. Cohenour  
**SJ 32**, introduced by K. Bogner

**Senate joint resolutions not** concurred in and returned to the Senate: 4/24/2019

**SJ 21**, introduced by J. Ellis  
**SJ 29**, introduced by D. Brown

**Senate joint resolutions not** concurred in and returned to the Senate: 4/25/2019

**SJ 22**, introduced by D. Brown

**Conference Committee Report** No.1 adopted: 4/25/2019

**SB 32**, introduced by J. Sesso  
**SB 346**, introduced by S. Fitzpatrick  
**HB 433**, introduced by F. Moore

**Senate amendments to House bill** concurred in: 4/25/2019

**HB 8**, introduced by J. Keane

**Senate amendments to House joint resolution** concurred in: 4/25/2019

**HJ 35**, introduced by A. Redfield

**House joint resolution** passed and transmitted to the Senate for concurrence: 4/25/2019

**HJ 66**, introduced by F. Moore

**This resolution is being transmitted after the deadline** for interim study resolutions and requires a 2/3 vote for the resolution to be considered by the receiving house.

**MOTIONS**

Majority Leader Thomas moved to place **HB 670** on the next second reading. Without objection, so ordered.

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Senator Bennett moved **HB 536** be taken from the State Administration Committee and that **HB 536** be placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.  
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.  
Total 25

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. President Sales in the chair.

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

**SR 48** - Senator Fielder moved **SR 48** be adopted.

**SR 48** - Senator Ellsworth moved **SR 48**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "APPOINTMENTS"

**Insert:** "APPOINTMENT"

2. Page 1, line 8.

**Strike:** "appointments"

**Insert:** "appointment"

3. Page 1, line 9.

**Strike:** "have"

**Insert:** "has"

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4. Page 1, line 10.

**Strike:** "members"

**Insert:** "a member"

5. Page 1, line 11.

**Strike:** line 12

6. Page 1, line 16.

**Strike:** "appointments"

**Insert:** "appointment"

Amendment **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Kary, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb.

Total 16

Nays: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.

Total 34

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SR 48** - Thereupon, the Senate reverted to the original motion of Senator Fielder which passed as follows:

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

Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.

Total 19

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 715 - Free Conference Committee Report No. 1** - Senator Osmundson moved the Free Conference Committee report to **HB 715** be adopted. Motion carried as follows:

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

Total 40

Nays: Brown, Fielder, Hinebauch, Howard, Keenan, Olszewski, Pomnichowski, Regier, Vance, Mr President.

Total 10

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 670 - Conference Committee Report No. 1** - Senator C. Smith moved the Conference Committee report to **HB 670** be adopted. Motion carried as follows:

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

Total 31

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

Total 19

Paired: None.

Excused: None.

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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.

Majority Leader Thomas 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, 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.

Total 49

Nays: Mr President.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Regier, Chair):

4/25/2019

**HJ 56**, be concurred in.

**HJ 57**, be concurred in.

**HJ 61**, be concurred in.

**HJ 62**, be concurred in.

Without objection, committee reports were adopted

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

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**SPECIAL ORDERS OF THE DAY**

President Pro Tempore Blasdel assumed the chair.

Majority Leader Thomas, Senator Barrett, and President Sales made their farewell remarks.

President Pro Tempore Blasdel presented farewell gifts to Majority Leader Thomas and President Sales. Senator Pomnichowski presented a farewell gift to Minority Leader Sesso.

Majority Leader Thomas moved that the Senate recess until 1:30 p.m. Senate recessed at 12:02 p.m.

**Senate reconvened** at 1:46 p.m., President Sales presiding.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 352**  
Report No. 001, April 25, 2019

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 352** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 352** (reference copy -- salmon) be amended as follows:

1. Page 1, line 6.

**Following:** "FUNDS;"

**Strike:** "PROVIDING LEGISLATIVE INTENT; PROVIDING APPROPRIATIONS;"

**Insert:** "TRANSFERRING FUNDS; PROVIDING COORDINATION INSTRUCTIONS FOR A GENERAL FUND TRANSFER TO THE STATEWIDE PUBLIC SAFETY COMMUNICATIONS SYSTEM ACCOUNT AND AN APPROPRIATION IN THE GENERAL APPROPRIATIONS ACT; PROVIDING COORDINATION INSTRUCTIONS REMOVING RESIDENT MOTOR VEHICLE REGISTRATION FEES FROM AQUATIC INVASIVE SPECIES FUNDING AND AN APPROPRIATION IN THE GENERAL APPROPRIATIONS ACT;"

2. Page 1, line 14 through page 9, line 19.

**Strike:** section 1 through section 29 in their entirety

**Insert:** "NEW SECTION. Section 1. Transfer of funds. By August 15, 2019, the state treasurer shall transfer \$100 from the general fund to the state special revenue fund established in 1-11-301."

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. If [this act], [House Bill No. 2], and [House Bill No. 694] are passed and approved, then:

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(1) Section 44-4-1607, MCA, must be amended as follows:

**"44-4-1607. Statewide public safety communications system account.** (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the statewide public safety communications system account.

(2) There must be deposited in the account:

(a) money received from legislative allocations and general fund transfers;

(b) a transfer of money from a state or local agency for the purposes of this part;

(c) rates, charges, or fees collected by the department in accordance with

44-4-1606(3)(h);

(d) funds accepted in accordance with 44-4-1606(3)(i) and (3)(j); and

(e) a gift, donation, grant, legacy, bequest, or devise made for the purposes of this part.

(3) There is an account in the federal special revenue fund established in 17-2-102 to be known as the statewide public safety communications system account. There must be deposited in the account money received from the federal government for the purposes of this part.

(4) For each fiscal year beginning July 1, 2019, and ending June 30, 2029, there is transferred \$3.75 million from the state general fund to the state special revenue account provided for in this section.

~~(4)~~(5) Funds in either account created in this section must be used by the department for the purposes of this part."; and

(2) [House Bill No. 2] is amended to include a new section that reads:

**"NEW SECTION. Section 13. Appropriations.** There is appropriated \$3,750,000 to the department of justice from the state special revenue account provided for in 44-4-1607 for each fiscal year beginning July 1, 2019, and ending June 30, 2021, for the purpose of upgrading and maintaining the existing public safety radio system infrastructure for the benefit of all law enforcement agencies statewide. It is the intent of legislature that this appropriation be included in the base budget for the 2023 biennium.""

**Insert: "COORDINATION SECTION. Section 3. Coordination instruction.** If [this act], [House Bill No. 2], [House Bill No. 411], and [House Bill No. 694] are passed and approved, then: (1) [section 4 of House Bill No. 411], amending 61-3-321, is void and the references to 61-3-321 in [sections 6 and 7 of House Bill No. 411], amending 80-7-1004, are stricken; and

(2) [House Bill No. 2] is amended to include a new section that reads:

**"NEW SECTION. Section 14. Appropriations.** There is appropriated from the general fund to the department of fish, wildlife, and parks \$283,620 in the fiscal year beginning July 1, 2019, and \$398,625 in the fiscal year beginning July 1, 2020, to supplement aquatic invasive species prevention programs.""

**Renumber:** subsequent section

For the Senate:  
Thomas, Chair  
Osmundson  
Sesso

For the House:  
M. Regier, Vice Chair  
Ballance  
Lynch

Without objection, the select committee report was adopted.

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**MOTIONS**

Majority Leader Thomas moved that **SB 352** and **HB 694** be placed on second reading this date. Without objection, so ordered.

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

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

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

Senator Olszewski excused at this time.

**HJ 56** - Senator Bennett moved **HJ 56** be concurred in. Motion carried as follows:

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

Total 25

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

Total 24

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**HJ 57** - Senator Gross moved **HJ 57** be concurred in. Motion carried as follows:

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

Total 25

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie,

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Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb, Welborn, Mr President.  
Total 24

Paired: None.

Excused: Olszewski.  
Total 1

Absent or not voting: None.  
Total 0

**HJ 61** - Senator Fielder moved **HJ 61** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Bennett, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gross, Hoven, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.  
Total 24

Nays: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.  
Total 25

Paired: None.

Excused: Olszewski.  
Total 1

Absent or not voting: None.  
Total 0

**HJ 61** - Majority Leader Thomas moved **HJ 61** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.  
Total 38

Nays: Barrett, Bennett, Cohenour, Ellis, Fitzpatrick, Gross, Hoven, Keenan, McNally, Smith F, Vuckovich.  
Total 11

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Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**HJ 62** - Senator Esp moved **HJ 62** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Mr President.

Total 33

Nays: Blasdel, Bogner, Cuffe, Ellis, Gauthier, Gillespie, Gross, Hinebauch, Howard, Lang, Osmundson, Salomon, Smith C, Tempel, Vance, Welborn.

Total 16

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**SB 352 - Conference Committee Report No. 1** - Majority Leader Thomas moved the Conference Committee report to **SB 352** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.

Total 35

Nays: Bogner, Brown, Hinebauch, Hoven, Howard, Kary, Keenan, Pomnichowski, Regier, Richmond, Smith C, Vance, Webb, Mr President.

Total 14

Paired: None.

Excused: Olszewski.

Total 1

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Absent or not voting: None.

Total 0

**HB 694** - Senator Jacobson moved **HB 694** be concurred in. Motion carried as follows:

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

Total 31

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

Total 18

Paired: None.

Excused: Olszewski.

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.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 45

Nays: Boland, Brown, McClafferty, Pomnichowski.

Total 4

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

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Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJ 32** concurred in as follows:

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

Total 28

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

Total 21

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**HJ 48** concurred in as follows:

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

Total 41

Nays: Ankney, Cuffe, Gross, Osmundson, Smith C, Tempel, Welborn, Mr President.

Total 8

Paired: None.

Excused: Olszewski.

Total 1

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Absent or not voting: None.

Total 0

**HJ 50** concurred in as follows:

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

Total 38

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Fielder, Osmundson, Smith C, Tempel, Vance, Welborn, Mr President.

Total 11

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**SB 247, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gillespie, Gross, Hinebauch, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn, Mr President.

Total 34

Nays: Bogner, Brown, Cuffe, Esp, Gauthier, Hoven, Howard, Kary, Keenan, Osmundson, Smith C, Tempel, Thomas, Vance, Webb.

Total 15

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**HB 715, Free Conference Committee Report No. 1**, adopted as follows:

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Yeas: Barrett, Bennett, Blasdel, Bogner, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Salomon, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.  
Total 26

Nays: Ankney, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Pomnichowski, Regier, Richmond, Sands, Smith C, Tempel, Vance, Webb, Welborn, Mr President.  
Total 23

Paired: None.

Excused: Olszewski.  
Total 1

Absent or not voting: None.  
Total 0

**HB 670, Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Osmundson, Phillips, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.  
Total 32

Nays: Bennett, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Hinebauch, MacDonald, McClafferty, McNally, Pomnichowski, Regier, Sesso, Vance, Welborn, Mr President.  
Total 17

Paired: None.

Excused: Olszewski.  
Total 1

Absent or not voting: None.  
Total 0

**HJ 56**, concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.  
Total 25

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

Total 24

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**HJ 57, failed** as follows:

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

Total 24

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

Total 25

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**HJ 62, failed** as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Fielder, Fitzpatrick, Flowers, Gauthier, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Phillips, Regier, Richmond, Small, Smith F, Webb, Mr President.

Total 21

Nays: Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, Osmundson, Pomnichowski, Salomon, Sands, Sesso, Smith C, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.

Total 28

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Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**SB 352, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.

Total 31

Nays: Bogner, Brown, Cuffe, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Pomnichowski, Regier, Richmond, Smith C, Tempel, Vance, Webb, Welborn, Mr President.

Total 18

Paired: None.

Excused: Olszewski.

Total 1

Absent or not voting: None.

Total 0

**HB 694** concurred in as follows:

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

Total 28

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

Total 21

Paired: None.

Excused: Olszewski.

Total 1

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Absent or not voting: None.

Total 0

**MESSAGES FROM THE GOVERNOR**

April 25, 2019

The Honorable Scott Sales  
President, Montana State Senate  
Capitol Station  
Helena, MT 59620

By Hand Delivery

Dear President Sales:

I withdraw the following nomination:

Mr. Jim Molloy to the Montana State Fund (submitted January 10, 2019).

Sincerely,

STEVE BULLOCK  
Governor

**SPECIAL ORDERS OF THE DAY**

Minority Leader Sesso gave his farewell remarks.

**MOTIONS**

Majority Leader Thomas moved to propose amendments to the Joint Rules Committee, as allowed under **Joint Rule 60-10**, to provide for a tie breaker in interim committee meetings.

Senator Sesso made a **substitute motion** that the Senate adjourn sine die. Motion carried as follows:

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

Total 25

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

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Total 24

Paired: None.

Excused: Olszewski.  
Total 1

Absent or not voting: None.  
Total 0

Senate **adjourned Sine Die** at 2:41 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate