

**SENATE JOURNAL
68TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
May 01, 2023

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Ellsworth presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present. Senator Hayman, excused. Quorum present.

BILLS AND JOURNALS (Lang, Chair)

Correctly printed: **HB 742.**

Examined by the sponsor and found to be correct: **SB 3, SB 59, SB 93, SB 122, SB 499, SR 2, SR 68, SR 69.**

Correctly enrolled: **SB 59, SB 122, SB 498, SB 499, SR 2, SR 68, SR 69.**

Signed by the Secretary of the Senate at 10:15 a.m., April 20, 2023: **SB 16, SB 32, SB 33, SB 60, SB 150, SB 165, SB 171, SB 208, SB 228, SB 275, SB 301, SB 310, SB 330, SB 338, SB 340, SB 344, SB 345, SB 354, SB 358, SB 391, SB 426, SB 432, SB 444, SB 451, SB 452.**

Signed by the President of the Senate at 4:00 p.m., April 20, 2023: **SB 16, SB 32, SB 33, SB 60, SB 150, SB 165, SB 171, SB 208, SB 228, SB 275, SB 301, SB 310, SB 330, SB 338, SB 340, SB 344, SB 345, SB 354, SB 358, SB 391, SB 426, SB 432, SB 444, SB 451, SB 452.**

Signed by the Speaker of the House at 1:00 p.m., April 29, 2023: **SB 16, SB 32, SB 33, SB 60, SB 150, SB 165, SB 171, SB 208, SB 228, SB 275, SB 301, SB 310, SB 330, SB 338, SB 340, SB 344, SB 345, SB 354, SB 358, SB 391, SB 426, SB 432, SB 444, SB 451, SB 452.**

Delivered to the Governor at 9:00 a.m., May 1, 2023: **SB 16, SB 32, SB 33, SB 60, SB 150, SB 165, SB 171, SB 208, SB 228, SB 275, SB 301, SB 310, SB 330, SB 338, SB 340, SB 344, SB 345, SB 354, SB 358, SB 391, SB 426, SB 432, SB 444, SB 451, SB 452.**

Signed by the Secretary of the Senate at 10:30 a.m., April 26, 2023: **SB 4, SB 37, SB 54, SB 71, SB 78, SB 83, SB 201, SB 216, SB 217, SB 232, SB 252, SB 312, SB 321, SB 323, SB 325, SB 331, SB 392, SB 454, SB 455, SB 456, SB 457, SB 485, SB 491.**

Signed by the President of the Senate at 9:00 a.m., April 27, 2023: **SB 4, SB 37, SB 54, SB 71, SB 78, SB 83, SB 201, SB 216, SB 217, SB 232, SB 252, SB 312, SB 321, SB 323, SB 325, SB 331, SB 392, SB 454, SB 455, SB 456, SB 457, SB 485, SB 491.**

Signed by the Speaker of the House at 1:00 p.m., April 29, 2023: **SB 4, SB 37, SB 54, SB 71, SB 78, SB 83, SB 201, SB 216, SB 217, SB 232, SB 252, SB 312, SB 321, SB 323, SB 325, SB 331, SB 392, SB 454, SB 455, SB 456, SB 457, SB 485, SB 491.**

Delivered to the Governor at 10:50 a.m., May 1, 2023: **SB 4, SB 37, SB 54, SB 71, SB 78, SB 83, SB 201, SB 216, SB 217, SB 232, SB 252, SB 312, SB 321, SB 323, SB 325, SB 331, SB 392, SB 454, SB 455, SB 456, SB 457, SB 485, SB 491.**

Signed by the Secretary of the Senate at 10:15 a.m., April 20, 2023: **SB 154.**

Signed by the President of the Senate at 4:00 p.m., April 20, 2023: **SB 154.**

Signed by the Speaker of the House at 3:00 p.m., April 25, 2023: **SB 154.**

Delivered to the Governor 4:30 p.m., April 25, 2023: **SB 154.**

Signed by the Secretary of the Senate at 6:30 a.m., April 7, 2023: **SB 176.**

Signed by the President of the Senate at 10:00 a.m., April 21, 2023: **SB 176.**

Signed by the Speaker of the House at 9:15 a.m., May 1, 2023: **SB 176.**

Delivered to the Governor at 9:15 a.m., May 1, 2023: **SB 176.**

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Signed by the Secretary of the Senate at 7:30 a.m., April 19, 2023: **SB 274, SB 279, SB 286, SB 288, SB 289, SB 293, SB 300, SB 307, SB 309, SB 313, SB 324, SB 356, SB 363, SB 373, SB 398, SB 400, SB 448.**

Signed by the President of the Senate at 10:00 a.m., April 19, 2023: **SB 274, SB 279, SB 286, SB 288, SB 289, SB 293, SB 300, SB 307, SB 309, SB 313, SB 324, SB 356, SB 363, SB 373, SB 398, SB 400, SB 448.**

Signed by the Speaker of the House at 1:00 p.m., April 29, 2023: **SB 274, SB 279, SB 286, SB 288, SB 289, SB 293, SB 300, SB 307, SB 309, SB 313, SB 324, SB 356, SB 363, SB 373, SB 398, SB 400, SB 448.**

Delivered to the Governor at 11:40 a.m., May 1, 2023: **SB 274, SB 279, SB 286, SB 288, SB 289, SB 293, SB 300, SB 307, SB 309, SB 313, SB 324, SB 356, SB 363, SB 373, SB 398, SB 400, SB 448.**

SPECIAL ORDERS OF THE DAY

In a bill-signing ceremony held in the well of the Senate, Governor Greg Gianforte signed **Senate Bill 414**. The bill, introduced by President Ellsworth, renames certain Senate offices in the Capitol building as the Marilyn Miller Suite of offices in honor of the long-term Secretary of the Senate, who is retiring in coming months.

Senator Lynch read a proclamation of the Montana Legislature commending and recognizing Brook Glennon, a Butte teenager who is representing Shodair Hospital and Montana in the Children's Miracle Network's program Champions Across America. Senator Lynch presented Miss Glennon and her parents with a copy of the proclamation signed by the President of the Senate and Speaker of the House of Representatives.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE on House Amendments to Senate Bill 148 Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 148** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 148** (reference copy -- salmon) be amended with amendment [SB0148.002.002](#).

For the Senate:

Senator Lenz, Chair
Senator O'Brien
Senator Manzella

For the House:

Representative A. Regier
Representative Etchart
Representative L. Smith

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CONFERENCE COMMITTEE
on House Amendments to Senate Bill 149
Report No. 001, April 27, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 149** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 149** (reference copy -- salmon) be amended with amendment [SB0149.002.005](#).

For the Senate:

Senator Lenz, Chair
Senator Olsen
Senator Manzella

For the House:

Representative Duram
Representative Sheldon-Galloway
Representative Howell

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 221
Report No. 001, April 27, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 221** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 221** (reference copy -- salmon) be amended with amendment [SB0221.001.001](#).

For the Senate:

Senator Usher, Chair
Senator Olsen
Senator Manzella

For the House:

Representative Loge
Representative Fern
Representative Dooling

FREE CONFERENCE COMMITTEE
on House Amendments to Senate Bill 245
Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered House amendments to **Senate Bill 245** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 245** (reference copy -- salmon) be amended with amendment [SB0245.003.003](#).

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For the Senate:

Senator Zolnikov, Chair
Senator Dunwell
Senator Bogner

For the House:

Representative Gist
Representative Buckley
Representative Galloway

FREE CONFERENCE COMMITTEE
on House Amendments to Senate Bill 407
Report No. 001, April 26, 2023

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered House amendments to **Senate Bill 407** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 407** (reference copy -- salmon) be amended with amendment [SB0407.003.003](#).

For the Senate:

Senator Zolnikov, Chair
Senator Trebas
Senator Morigeau

For the House:

Representative Zolnikov
Representative Seekins-Crowe
Representative Buckley

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 531
Report No. 001, April 27, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 531** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 531** (reference copy -- salmon) be amended with amendment [SB0531.004.001](#).

For the Senate:

Senator Salomon, Chair
Senator Hayman
Senator Small

For the House:

Representative Buttrey
Representative Seekins-Crowe
Representative Sullivan

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 16
Report No. 001, April 27, 2023

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 with amendment [HB0016.004.001](#).

For the Senate:

Senator Lenz, Chair
Senator Flowers
Senator Manzella

For the House:

Representative Carlson
Representative Deming
Representative Smith

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 282
Report No. 001, April 27, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 282** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 282** (reference copy -- salmon) be amended with amendment [HB0282.003.002](#).

For the Senate:

Senator Small, Chair
Senator Gross
Senator Vermiere

For the House:

Representative Galloway
Representative Falk
Representative Bishop

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 317
Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 317** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 317** (reference copy -- salmon) be amended with amendment [HB0317.003.001](#).

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For the Senate:

Senator Small, Chair
Senator Webber
Senator McGillvray

For the House:

Representative Windy Boy
Representative Oblander
Representative Etchart

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 338
Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 338** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 338** (reference copy -- salmon) be amended with amendment [HB0338.003.001](#).

For the Senate:

Senator Small, Chair
Senator O'Brien
Senator Salomon

For the House:

Representative Essman
Representative Reksten
Representative Windy Boy

FREE CONFERENCE COMMITTEE
on Senate Amendments to House Bill 359
Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered Senate amendments to **House Bill 359** (reference copy -- salmon) and recommend this FreeConference Committee report be adopted.

And, recommend that **House Bill 359** (reference copy -- salmon) be amended with amendment [HB0359.004.001](#).

For the Senate:

Senator Usher, Chair
Senator Olsen
Senator Regier

For the House:

Representative Mitchell
Representative A. Regier
Representative Howell

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 402
Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 402** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 402** (reference copy -- salmon) be amended with amendment [HB0402.002.002](#).

For the Senate:

Senator Fitzpatrick, Chair
Senator Morigeau
Senator McKamey

For the House:

Representative Brockman
Representative Bedey
Representative Stafman

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 437
Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 437** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 437** (reference copy -- salmon) be amended with amendment [HB0437.002.001](#).

For the Senate:

Senator Mandeville, Chair
Senator Pope
Senator Trebas

For the House:

Representative Hawk
Representative Zolnikov
Representative Etchart

FREE CONFERENCE COMMITTEE
on Senate Amendments to House Bill 539
Report No. 001, April 26, 2023

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered Senate amendments to **House Bill 539** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 539** (reference copy -- salmon) be amended with amendment [HB0539.003.008](#).

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For the Senate:

Senator Small, Chair
Senator Boldman
Senator Trebas

For the House:

Representative Zolnikov
Representative Marshall
Representative Harvey

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 738
Report No. 001, April 27, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 738** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 738** (reference copy -- salmon) be amended with amendment [HB0738.002.001](#).

For the Senate:

Senator Lang, Chair
Senator Hinebauch
Senator Lynch

For the House:

Representative Fitzgerald
Representative Green
Representative Sullivan

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 783
Report No. 001, April 27, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 783** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 783** (reference copy -- salmon) be amended with amendment [HB0783.003.001](#).

For the Senate:

Senator Small, Chair
Senator Friedel
Senator Morigeau

For the House:

Representative Harvey
Representative Buttrey
Representative Nave

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Free Conference Committee Report No. 001 adopted: 04/30/2023

HB 260, introduced by M. Regier

Governor's amendments to House Bills not concurred: 04/27/2023

HB 635, introduced by J. Kassmier

SPECIAL ORDERS OF THE DAY

Senator Small introduced Hayley Torgerson, the single Page for the week. Hayley served as a Page earlier in the session. She is from Helena, Montana, and is sponsored by Senators Ellis and Dunwell.

MOTIONS

Senator Gross moved that **HB 742** be taken from the Judiciary Committee and brought before the Committee of the Whole this date. Motion **carried** as follows:

Yeas: Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Esp, Flowers, Fox, Friedel, Gillespie, Gross, Kelker, Lang, Lynch, McClafferty, McKamey, Molnar, Morigeau, Mr. President, O'Brien, Olsen, Pope, Sales, Salomon, Small, Trebas, Vermeire, Webber, Welborn, Zolnikov.
Total 31

Nays: Bartel, Beard, Brown, Emrich, Fitzpatrick, Fuller, Glimm, Hertz, Hinebauch, Lenz, Mandeville, Manzella, McGillvray, Noland, Regier K, Tempel, Usher, Vance.
Total 18

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

SB 285, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar,

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Mr. President, Noland, Regier K, Sales, Salomon, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 33

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Kelker, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Small, Webber.

Total 16

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 334, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 442, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Molnar.

Total 1

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Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 522, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 48

Nays: Lenz.
Total 1

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 561, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

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HB 185, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Glimm, Gross, Hertz, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 43

Nays: Esp, Fuller, Hinebauch, Manzella, Molnar, Regier K.
Total 6

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 576, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 33

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gillespie, Gross, Kelker, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.
Total 16

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Fitzpatrick moved to re-refer **HJ 28** from the Public Health, Welfare and Safety Committee to the State Administration Committee. Without objection, so ordered.

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Majority Leader Fitzpatrick moved the Senate **suspend Senate rules 40-40 and 50-190** to allow bills heard on second reading to continue to third reading this day. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

Senator Hertz moved the Senate **suspend Senate rule 50-90** to allow the Senate to reconsider action beyond the deadline for reconsideration. Motion requires a 3/5 vote. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Lang, Lenz, Lynch, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Trebas, Usher, Vance, Vermeire, Webber.
Total 42

Nays: Emrich, Kelker, Mandeville, Molnar, Tempel, Welborn, Zolnikov.
Total 7

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

Senator Hertz moved the Senate reconsider its action on **HB 397**, and that **HB 397** be placed on third reading this date. Motion carried as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch,

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Manzella, McClafferty, McGillvray, McKamey, Morigeau, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Trebas, Usher, Vance, Vermeire, Webber, Mr. President.

Total 42

Nays: Beard, Emrich, Mandeville, Molnar, Tempel, Welborn, Zolnikov.

Total 7

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Lang, who is serving his final Senate term, made his farewell remarks to the Senate.

Senator Small, who is serving his final Senate term, made his farewell remarks to the Senate.

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

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

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

HJ 18 - Senator Brown moved **HJ 18** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 47

Nays: Fuller, Regier K.

Total 2

Voted absentee: None.

Total 0

Excused: Webber.

Total 1

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Absent or not voting: None.
Total 0

SB 529 - Majority Leader Fitzpatrick moved consideration of **SB 529** be placed at the top of the board. Without objection, so ordered.

SB 507 - Majority Leader Fitzpatrick moved consideration of **SB 507** be placed at the top of the board. Without objection, so ordered.

SB 481 - Majority Leader Fitzpatrick moved consideration of **SB 481** be placed at the top of the board. Without objection, so ordered.

SB 95 - Majority Leader Fitzpatrick moved consideration of **SB 95** be placed at the top of the board. Without objection, so ordered.

SB 529 - House Amendments - Senator Hertz moved do not concur in House amendments to **SB 529**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 46

Nays: Dunwell, Ellis, O'Brien, Olsen.
Total 4

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 507 - House Amendments - Senator Zolnikov moved do not concur in House amendments to **SB 507**. Motion **failed** as follows:

Yeas: Bartel, Beard, Emrich, Fitzpatrick, Friedel, Fuller, Gillespie, Gross, Hertz, Kelker, Lang, Mandeville, McClafferty, McKamey, Molnar, Morigeau, Noland, Small, Trebas, Usher, Vance, Zolnikov.
Total 22

Nays: Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Flowers, Fox, Glimm, Hayman, Hinebauch, Lenz, Lynch, Manzella, McGillvray, Mr. President, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Tempel, Vermeire, Webber, Welborn.
Total 28

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Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 481 - House Amendments - Senator Glimm moved do not concur in House amendments to **SB 481**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 35

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.
Total 15

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 95 - House Amendments - Senator Usher moved do not concur in House amendments to **SB 95**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: Dunwell.
Total 1

Voted absentee: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

Senator Bogner assumed the chair.

HB 402 – Conference Committee Report 001 - Senator Manzella moved do not concur in the Conference Committee report to **HB 402**. Senator Esp clarified the motion should be to Do Not Adopt.

Majority Leader Fitzpatrick moved a substitute motion to Do Adopt the conference committee report to **HB 402**. Motion carried as follows:

Yeas: Beard, Bogner, Cuffe, Curdy, Dunwell, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Gross, Hayman, Kelker, Lang, Lenz, Lynch, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Sales, Salomon, Small, Tempel, Trebas, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 34

Nays: Bartel, Boldman, Brown, Ellis, Emrich, Glimm, Hertz, Hinebauch, Mandeville, Manzella, Noland, O'Brien, Olsen, Pope, Regier K, Usher.
Total 16

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

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

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 48

Nays: Hinebauch, Manzella.
Total 2

Voted absentee: None.
Total 0

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Fitzpatrick moved the President be authorized to appoint a Conference Committee, and request the House appoint a like committee, to confer on House amendments to **SB 95**. Without objection, so ordered. President Ellsworth appointed Senator Usher, chair, and Senators Esp and Gross.

Majority Leader Fitzpatrick moved the President be authorized to appoint a Free Conference Committee, and request the House appoint a like committee, to confer on House amendments to **SB 481**. Without objection, so ordered. President Ellsworth appointed Senator Glimm, chair, and Senators Manzella and Gross.

Majority Leader Fitzpatrick moved the President be authorized to appoint a Free Conference Committee, and request the House appoint a like committee, to confer on House amendments to **SB 529**. Without objection, so ordered. President Ellsworth appointed Senator Hertz, chair, and Senators Zolnikov and Morigeau.

Majority Leader Fitzpatrick moved the Senate accede to the request of the House and authorize the President to appoint a Free Conference Committee to confer on Senate amendments to **HB 226**. Without objection, so ordered. President Ellsworth appointed Senator McGillvray, chair, and Senators McKamey and Morigeau.

Majority Leader Fitzpatrick moved the Senate accede to the request of the House and authorize the President to appoint a Free Conference Committee to confer on Senate amendments to **HB 816**. Without objection, so ordered. President Ellsworth appointed Senator Esp, chair, and Senators Glimm and Boldman.

Majority Leader Fitzpatrick moved the Senate accede to the request of the House and authorize the President to appoint a Free Conference Committee to confer on Senate amendments to **HB 819**. Without objection, so ordered. President Ellsworth appointed Senator Fitzpatrick, chair, and Senators Small and Curdy.

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

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

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

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HB 437 - Majority Leader Fitzpatrick moved consideration of **HB 437** be moved to the bottom of the board. Without objection, so ordered.

HB 738 - Conference Committee Report 001 - Senator Welborn moved the Conference Committee report to **HB 738** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 221 - Conference Committee Report 001 - Senator Usher moved the Conference Committee report to **SB 221** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 148 – Conference Committee Report 001 - Senator Lenz moved the Conference Committee report to **SB 148** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Morigeau.
Total 1

Absent or not voting: None.
Total 0

SB 247 - Conference Committee Report 001 - Majority Leader Fitzpatrick moved the Conference Committee report to **SB 247** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 50

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 424 - Conference Committee Report 001 - Senator Mandeville moved the Conference Committee report to **SB 424** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McGillvray,

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McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 36

Nays: Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 14

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 531 - Conference Committee Report 001 - Senator Salomon moved the Conference Committee report to **SB 531** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 539 - Free Conference Committee Report 001 - Senator Small moved the Free Conference Committee report to **HB 539** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Kelker, Lynch, Mandeville, McClafferty, McKamey, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Salomon, Small, Trebas, Usher, Vance, Vermeire, Webber, Zolnikov.

Total 36

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Nays: Bogner, Emrich, Esp, Hayman, Hinebauch, Lang, Lenz, Manzella, McGillvray, Molnar, Olsen, Sales, Tempel, Welborn.

Total 14

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 245 - Free Conference Committee Report 001 - Senator Zolnikov moved the Free Conference Committee report to **SB 245** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Small, Trebas, Usher, Vance, Vermeire, Webber, Zolnikov.

Total 45

Nays: Hayman, Molnar, Salomon, Tempel, Welborn.

Total 5

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 458 - Governor's Amendments - Senator McClafferty moved do concur in Governor's amendments to **HB 458**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Hayman, Olsen.

Total 2

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Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 596 - Governor's Amendments - Senator Noland moved do concur in Governor's amendments to **HB 596**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 50

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 104 - House Amendments - Senator Fuller moved do concur in House amendments to **SB 104**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 50

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 506 - House Amendments - Senator Hertz moved do concur in House amendments to **SB 506**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 50

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 510 - House Amendments - Majority Leader Fitzpatrick moved do concur in House amendments to **SB 510**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 50

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 528 - House Amendments - Senator Hertz moved do concur in House amendments to **SB 528**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 47

Nays: McClafferty, Molnar, Pope.
Total 3

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 536 - House Amendments - Senator Hertz moved do concur in House amendments to **SB 536**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn.
Total 33

Nays: Boldman, Curdy, Dunwell, Ellis, Emrich, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber, Zolnikov.
Total 17

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 530 - House Amendments - Senator Hertz moved do concur in House amendments to **SB 530**. Motion carried as follows:

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Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Olsen.

Total 1

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 550 - House Amendments - Senator Hertz moved do concur in House amendments to **SB 550**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 437 - Conference Committee Report 001 - Senator Noland moved the Conference Committee report to **HB 437** be adopted. Motion carried as follows:

Yeas: Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Gross, Hertz, Hinebauch, Kelker, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Trebas, Usher, Vance, Vermeire, Webber, Zolnikov.

Total 39

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Nays: Bartel, Beard, Emrich, Glimm, Lang, Molnar, Mr. President, Regier K, Tempel, Welborn.
Total 10

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 742 - Senator Gross moved **HB 742** be concurred in. Motion carried as follows:

Yeas: Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Kelker, Lang, Lynch, McClafferty, McKamey, Molnar, Morigeau, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Vermeire, Welborn, Zolnikov.
Total 28

Nays: Bartel, Beard, Brown, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lenz, Mandeville, Manzella, McGillvray, Noland, Regier K, Usher, Vance, Mr. President.
Total 21

Voted absentee: Hayman, Morigeau, Aye.

Excused: Hayman, Morigeau, Webber.
Total 3

Absent or not voting: None.
Total 0

SB 507 – House Amendments - A previous second reading motion this date was not disposed of by a positive vote as required by Senate rules.

Senator Zolnikov moved do concur in House amendments to **SB 507**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: Molnar.
Total 1

Voted absentee: None.
Total 0

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

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

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McGillvray, McKamey, Molnar, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 47

Nays: Manzella.
Total 1

Voted absentee: None.
Total 0

Excused: Hayman, Morigeau.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

Majority Leader Fitzpatrick moved the Senate stand in recess until 5:15 p.m., this date. Without objection so ordered. Senate recessed at 3:20 p.m.

Senate reconvened at 5:21 p.m., President Ellsworth presiding.

MOTIONS

Majority Leader Fitzpatrick moved to re-refer **HJ 27** from the Agriculture, Livestock, and Irrigation Committee to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

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Majority Leader Fitzpatrick moved that **HJ 33** be re-referred from the Public Health, Welfare and Safety Committee to the Judiciary Committee. Senator Flowers objected. Vote went to the board. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Small, Trebas, Usher, Vance, Vermeire, Zolnikov.
Total 31

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Lynch, Manzella, McClafferty, Morigeau, O'Brien, Olsen, Pope, Salomon, Tempel, Webber, Welborn.
Total 18

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

HJ 18, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Mr. President, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 47

Nays: Morigeau, Regier K.
Total 2

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

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HB 402, not concurred in as follows:

Yeas: Beard, Bogner, Cuffe, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Hertz, Lang, Lenz, Mandeville, McGillvray, McKamey, Molnar, Mr. President, Sales, Salomon, Small, Tempel, Trebas, Vance, Vermeire, Zolnikov.

Total 24

Nays: Bartel, Boldman, Brown, Curdy, Dunwell, Ellis, Emrich, Flowers, Fox, Glimm, Gross, Hinebauch, Kelker, Lynch, Manzella, McClafferty, Morigeau, Noland, O'Brien, Olsen, Pope, Regier K, Usher, Webber, Welborn.

Total 25

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 437, concurred in as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 46

Nays: Beard, Glimm, Molnar.

Total 3

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 738, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau,

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Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 221 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 148 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

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Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 247 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 424 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Mr. President, Noland, Regier K, Sales, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 33

Nays: Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Kelker, Lynch, McClafferty, Molnar, Morigeau, O'Brien, Olsen, Pope, Salomon, Webber.
Total 16

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

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SB 531 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Molnar.

Total 1

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 539, concurred in as follows:

Yeas: Bartel, Beard, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Kelker, Lynch, Mandeville, McClafferty, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Salomon, Small, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 39

Nays: Bogner, Emrich, Esp, Hinebauch, Lang, Lenz, Manzella, McGillvray, Sales, Tempel.

Total 10

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 245 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

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Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 458, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 46

Nays: Hinebauch, Manzella, Regier K.
Total 3

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

HB 596, concurred in as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 47

Nays: Beard, Molnar.
Total 2

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

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Absent or not voting: None.
Total 0

SB 104, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 47

Nays: Ellis, Salomon.
Total 2

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 506, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 507, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau,

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Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 510, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Molnar.

Total 1

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

SB 528, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Molnar.

Total 1

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Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 536, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn.
Total 32

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Kelker, Lynch, McClafferty, Molnar, Morigeau, O'Brien, Olsen, Pope, Webber, Zolnikov.
Total 17

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

SB 530, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 34

Nays: Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Kelker, Lynch, McClafferty, Molnar, Morigeau, O'Brien, Olsen, Pope, Webber.
Total 15

Voted absentee: None.
Total 0

Excused: Hayman.
Total 1

Absent or not voting: None.
Total 0

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SB 550, as amended by the House, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

Nays: Dunwell, Olsen.

Total 2

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 742, concurred in as follows:

Yeas: Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Flowers, Fox, Gillespie, Gross, Kelker, Lang, Lynch, McClafferty, McKamey, Molnar, Morigeau, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Vermeire, Webber, Welborn, Zolnikov.

Total 29

Nays: Bartel, Beard, Brown, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Glimm, Hertz, Hinebauch, Lenz, Mandeville, Manzella, McGillvray, Mr. President, Noland, Regier K, Usher, Vance.

Total 20

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 397, concurred in as follows:

Yeas: Bartel, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Fuller, Gillespie, Glimm, Gross, Hertz, Kelker, Lang, Lenz, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Trebas, Usher, Vance, Vermeire, Webber.

Total 37

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Nays: Beard, Bogner, Emrich, Friedel, Hinebauch, Lynch, Mandeville, Molnar, Small, Tempel, Welborn, Zolnikov.

Total 12

Voted absentee: None.

Total 0

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

HB 8, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov, Mr. President.

Total 47

Nays: Molnar, Small.

Total 2

Voted absentee: None.

Excused: Hayman.

Total 1

Absent or not voting: None.

Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 351
Report No. 001, May 1, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 351**, (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 351** (reference copy -- salmon) be amended with amendment [SB0351.003.004](#).

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For the Senate:

Senator Zolnikov, Chair
Senator Olsen
Senator Bogner

For the House:

Representative K. Zolnikov
Representative C. Hinkle
Representative Sullivan

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 10
Report No. 001, May 1, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 10**, (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 10** (reference copy -- salmon) be amended with amendment [HB0010.003.002](#).

For the Senate:
Senator Esp, Chair
Senator McGillvray
Senator O'Brien

For the House:
Representative Hopkins
Representative Fitzpatrick
Representative Tuss

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 446
Report No. 001, April 28, 2023

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 446**, (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 446** (reference copy -- salmon) be amended with amendment [HB0446.002.001](#).

For the Senate:

Senator Regier, Chair
Senator Usher
Senator McClafferty

For the House:

Representative Sheldon-Galloway
Representative Carlson
Representative Sullivan

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FREE CONFERENCE COMMITTEE
on Senate Amendments to House Bill 229
Report No. 001, May 1, 2023

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered Senate amendments to **House Bill 229**, (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 229** (reference copy -- salmon) be amended with amendment [HB0229.003.002](#).

For the Senate:

President Ellsworth, Chair
Senator Pope
Senator Friedel

For the House:

Representative Gunderson
Representative Sullivan
Representative Hopkins

MESSAGES FROM THE GOVERNOR

May 1, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

Like you and members of the Legislature, I recognize the importance of providing parents, guardians, or other individuals who are the subject of a child abuse and neglect case with the information needed to protect their legal rights during a child protective services (CPS) investigation.

I appreciate the Legislature's work to promote transparency and parental rights during child abuse and neglect cases. However, Senate Bill 181 can be improved to ensure the protection of vulnerable children and the ability of Montana Department of Public Health and Human Services (DPHHS) Child and Family Services Division (CFSD) staff, who are required under state and federal law to investigate reports of child abuse and neglect, to conduct timely and thorough investigations, while promoting transparency and parental rights.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 181**: "AN ACT

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PROVIDING FOR THE PROVISION OF CERTAIN INFORMATION TO A PARENT, GUARDIAN, OR OTHER PERSON HAVING PHYSICAL OR LEGAL CUSTODY OF A CHILD WHO IS THE SUBJECT OF A CHILD ABUSE OR NEGLECT INVESTIGATION.”

As approved by the Legislature, Senate Bill 181 shifts the focus of CPS investigations away from children’s best interests in favor of the rights of parents who are the subject of an abuse or neglect investigation. Under Senate Bill 181, the prioritization of parental interests over a child’s could delay and hinders CFSD’s ability to fulfill its mandate to protect abused or neglected children when dangerous circumstances exist.

Specifically, Senate Bill 181 prevents DPHHS staff from properly investigating and providing for the safety of children in their home following an allegation of abuse and neglect. The legislation hinders DPHHS investigators as they engage with a parent, who is the subject of a child abuse and neglect case, to protect and ensure the safety of the child. Further, Senate Bill 181 fails to prohibit actions that could be used to abuse, terrify, intimidate, threaten, harass, injure, or endanger DPHHS employees when a child is removed from the parental home.

While I share the Legislature’s goal of promoting transparency and parental rights during DPS investigations, it is critical that the best interests of vulnerable children in Montana are not undermined and CFSD staff are not obstructed while protecting children who have been or are at substantial risk of abuse, neglect, or abandonment.

Therefore, I offer an amendment that strengthens the bill by ensuring the safety and well-being of Montana’s children and safeguarding the ability of DPHHS staff to properly fulfill their duties, while also promoting parental engagement and full notice of their legal rights during a CPS investigation.

Senate Bill 181 can be improved with vulnerable Montana children in mind, and I respectfully ask for your support of this amendment.

Sincerely,

Greg Gianforte
Governor

Enclosure: Amendment [SB0181.003.001](#).

May 1, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59620

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Dear President Ellsworth and Speaker Regier:

Like you and members of the Legislature, I understand the need to provide stable and predictable procedures in dependent and neglect (“DN”) cases that do not result in unnecessary or inordinate delays in the placement of children or reunification of families.

While I appreciate the intent of Senate Bill 184 to expedite DN cases by limiting a court’s ability to transfer venue and grant continuances, these provisions unduly limit a court’s ability to appropriately manage DN cases in the best interest of the children and parents involved.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, **I hereby return with amendments Senate Bill 184:** “AN ACT REVISING PROCEDURAL REQUIREMENTS IN CHILD ABUSE AND NEGLECT PROCEEDINGS; PROHIBITING TRANSFER OF VENUE OUTSIDE OF THE COUNTY IN WHICH AN ABUSE AND NEGLECT PETITION WAS FILED; PROVIDING EXCEPTIONS TO THE PROHIBITION ON TRANSFERS OF VENUE; PROHIBITING CONTINUANCES OF HEARINGS UNLESS EXIGENT CIRCUMSTANCES EXIST; DEFINING ‘EXIGENT CIRCUMSTANCES’; AND AMENDING SECTIONS 41-3-103 AND 41-3-434, MCA.”

First, Senate Bill 184 prohibits a court from transferring venue outside of the county in which the petition is filed unless venue is being transferred to a tribal court or treatment court. It is not uncommon for a party involved in a DN case to move to another county for any number of legitimate reasons, including employment, housing, or treatment opportunities. Prohibiting venue transfer in these circumstances could not only limit the ability of a parent, child, or other necessary party to meaningfully participate in the proceedings, but it may also hinder reunification efforts or a child’s permanent placement. The better course is to allow the original court to weigh and consider all of the circumstances—including the state of the proceedings, the location of witnesses, the child’s needs, a parent’s treatment progress, and the ability of parties to participate—to determine if a change in venue will best serve the interests of the child and the implementation of any reunification or permanent placement plans.

Therefore, I offer an amendment that authorizes a court to deny a motion to change venue if good cause exists or if transferring venue will result in delaying a child’s permanency.

Second, Senate Bill 184 prohibits a court from continuing a hearing unless a narrow set of exigent circumstances exists. DN cases are complex and involve many people. If a parent cannot be located, constitutional due process rights may require a continuance outside of the narrow exigent circumstances prescribed by the bill. Critical witnesses may not be available at the time of an originally-scheduled hearing. A parent may need additional time to complete a treatment component due to circumstances beyond their control. Senate Bill 184, even takes away the right of the parties themselves to agree to a continuance.

Recognizing the unique complexity of DN cases and the importance of parental rights, the amendment I offer appropriately allows a court to grant a continuance if good cause exists, as defined in the amendment, including consideration of a parent’s constitutional rights.

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To ensure courts in DN cases can take into account relevant facts when presented with a request for transfer of venue or a continuance, and to ensure courts can make a reasoned decision that protects the constitutional rights of parents while promoting the best interests of the child, I respectfully ask for your support of these amendments.

Sincerely,

Greg Gianforte
Governor

Enclosure: Amendment [SB0184.002.001](#).

May 1, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

I support the Legislature's interest in broadening the scope of the post-election audits to include audits in counties that only hand count votes. Senate Bill 254 pursues this intention but fails to remove all references to the vote-tabulating machine limitation.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 254**: "AN ACT REMOVING AN EXEMPTION FROM A POSTELECTION AUDIT FOR COUNTIES THAT TABULATE THEIR VOTES BY HAND; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 13-17-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The attached language further amends MCA 13-17-503, --which is entitled "**Random-sample audit of vote-counting machines required—rulemaking authority**" and currently directs that "the county audit committee shall conduct a random-sample audit of vote-counting machines"—to remove both references to vote-counting machines and instead, more broadly direct that "the county audit committee shall conduct a random-sample audit."

I respectfully request your concurrence with this amendment.

Sincerely,

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Greg Gianforte
Governor

Enclosure: Amendment SB0254.002.001.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate joint resolution concurred in and returned to the Senate: 05/01/2023

SJ 19, introduced by K. Bogner

HB 226 - The House failed to concur in Senate amendments to **HB 226**, authorized the Speaker to appoint the following Free Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 226**: The Speaker appointed:

05/01/2023

Representative Moore
Representative Jones
Representative Harvey

HB 816 - The House failed to concur in Senate amendments to **HB 816**, authorized the Speaker to appoint the following Free Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 816**: The Speaker appointed:

05/01/2023

Representative Kassmier
Representative Keenan
Representative Abbott

HB 819- The House failed to concur in Senate amendments to **HB 819**, authorized the Speaker to appoint the following Free Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 819**: The Speaker appointed:

05/01/2023

Representative Green
Representative Vinton
Representative Buckley

ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

Majority Leader Fitzpatrick moved the Senate adjourn until 11:00 a.m., 05/02/2023, the 87th legislative day. Motion carried.

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Senate adjourned at 5:43 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate