SENATE JOURNAL

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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION SIXTY-SEVENTH LEGISLATURE

FIFTIETH LEGISLATIVE DAY MONDAY, FEBRUARY 26, 2024

Senate Chamber

President Bedke called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cook and VanOrden, absent and excused.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Kate Paine, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2024, was read and approved as corrected.

LAKEY, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 26, 2024

The JUDICIARY AND RULES Committee reports that S 1372, S 1373, S 1374, and S 1375 have been correctly printed.

LAKEY, Chairman

<u>S 1372</u> and <u>**S 1373**</u> were referred to the Finance Committee.

<u>S 1374</u> was referred to the State Affairs Committee.

<u>§ 1375</u> was referred to the Commerce and Human Resources Committee.

February 26, 2024

The STATE AFFAIRS Committee reports out <u>S 1275</u> and <u>S 1371</u> with the recommendation that they do pass.

GUTHRIE, Chairman

<u>S 1275</u> and <u>S 1371</u> were filed for second reading.

February 26, 2024

The STATE AFFAIRS Committee reports out $\underline{S \ 1364}$ with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GUTHRIE, Chairman

There being no objection, $\underline{S \ 1364}$ was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Senator VanOrden was recorded present at this order of business.

Messages from the Governor

February 23, 2024

The Honorable Scott Bedke President of the Senate Idaho State Senate

Dear Mr. President:

I have the honor to advise you that I have signed on February 20, 2024 and am transmitting to the Secretary of State the following Senate Bill, to wit:

<u>S 1266</u>

Sincerely, /s/ Brad Little Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 23, 2024

Dear Mr. President:

I transmit herewith <u>**H** 482</u>, <u>**HCR 23**</u>, and <u>**H** 521</u>, which have passed the House.

MCGINNIS, Chief Clerk

H 482, HCR 23, and H 521 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Anthon, granted by unanimous consent, $\underline{SCR 117}$ was placed before the Senate for final consideration at this time.

The President announced that <u>SCR 117</u> was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Ruchti, <u>SCR 117</u> was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Having been held, the President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Jeff McCray was before the Senate for final consideration, the question being, "Shall the report be adopted?" The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Having been held, the President announced that the Education Committee report relative to the Gubernatorial reappointment of Cally Roach was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Zuiderveld, seconded by Senator Ward-Engelking, the Gubernatorial reappointment of Cally Roach as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Anthon, granted by unanimous consent, the committee report relative to the Gubernatorial appointment of McKenzie Kraemer retained its place on the calendar for one legislative day.

The President announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Susan Kerrick was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Winder, seconded by Senator Ruchti, the Gubernatorial reappointment of Susan Kerrick as a member of the Idaho Lottery Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that <u>SCR 113</u> was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Lent, seconded by Senator Semmelroth, <u>SCR 113</u> was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that $\underline{SJM \ 103}$ was before the Senate for final consideration.

Moved by Senator Harris, seconded by Senator Anthon, that SJM 103 be adopted. The question being, "Shall the memorial be adopted?"

Pursuant to Senate Rule 39(H), Senator Anthon disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(C), a roll call vote was requested by Senator Anthon and supported by Senators Bernt and Burtenshaw.

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Ricks, Ruchti, Schroeder, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Zuiderveld. Total - 29.

NAYS-Just, Rabe, Semmelroth, Taylor, Wintrow. Total - 5.

Absent and excused-Cook. Total - 1.

Total - 35.

Whereupon the President declared $\underline{SJM 103}$ adopted, title was approved, and the memorial ordered transmitted to the House.

The President announced that <u>SCR 116</u> was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Carlson, seconded by Senator Ward-Engelking, <u>SCR 116</u> was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1376 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC OFFICIALS; AMENDING SECTION 74-604, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR CERTAIN PUBLIC OFFICIALS FOR THE USE OF PUBLIC PROPERTY OR RESOURCES WHILE ADVOCATING FOR OR AGAINST AN INITIATIVE OR REFERENDUM AND TO PROVIDE CONDITIONS; AMENDING SECTION 74-605, IDAHO CODE, TO REVISE A PROVISION REGARDING CAMPAIGNING OR ADVOCACY FOR OR AGAINST AN INITIATIVE OR REFERENDUM, TO PROVIDE THAT USE OF PUBLIC PROPERTY AND RESOURCES BY CERTAIN PUBLIC OFFICIALS ADVOCATING FOR OR AGAINST AN INITIATIVE OR REFERENDUM SHALL NOT BE PROHIBITED, AND TO PROVIDE CONDITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1377

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO BALLOT MEASURES; AMENDING SECTION 34-1807, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CIRCULATION OF PETITIONS, TO PROVIDE CERTAIN REQUIREMENTS FOR PAID SIGNATURE GATHERERS, TO REVISE PROVISIONS REGARDING THE VERIFICATION OF PETITION AND SIGNATURE SHEETS, TO REVISE PROVISIONS REGARDING CERTAIN REQUIREMENTS FOR THE CERTIFICATION OF PETITION SIGNERS, AND TO PROVIDE CONDITIONS UNDER WHICH CERTAIN PETITIONS ARE DEEMED VOID AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE. <u>S 1376</u> and <u>S 1377</u> were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

<u>**H**</u> 482, by Judiciary, Rules and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

<u>HCR 23</u>, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

<u>**H**</u> 521, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

<u>**H**</u> 472, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

<u>**H**</u> 428, <u>**H**</u> 429, <u>**H**</u> 430, <u>**H**</u> 431, and <u>**H**</u> 432, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

<u>**S** 1297</u>, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

<u>H</u> 488, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

<u>H</u> 496, by State Affairs Committee, was read the second time at length and filed for third reading.

<u>H</u> 390, by Judiciary, Rules and Administration Committee, was read the second time at length and filed for third reading.

On motion by Senator Anthon, seconded by Senator Wintrow, by voice vote the Senate recessed at 12:07 p.m. until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Bedke presiding.

Roll call showed all members present except Senator Carlson, absent and formally excused by the Chair; and Senators Harris and Ward-Engelking, absent and excused.

Prior to recess the Senate was at the Twelfth Order of Business, Second Reading of Bills.

On request by Senator Anthon, granted by unanimous consent, the Senate returned to the Fourth Order of Business.

Reading of Communications

Senator Harris was recorded present at this order of business.

February 26, 2024

Dear President Pro Tempore,

I have the honor to inform you that pursuant to Title 67-412, I have designated Eric Forsmann of Grangeville, Idaho, 83549 as a qualified substitute for Legislative District 7, Idaho County, State of Idaho.

This appointment is effective Monday, February 26, 2024 at 2:30 p.m., and will continue until Thursday, February 29, 2024.

Sincerely, /s/ Senator Cindy Carlson Having previously received the Oath of Office, Acting Senator Forsmann was recorded present at this order of business.

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 26, 2024

The FINANCE Committee reports out <u>S</u> 1372 and S 1373 with the recommendation that they do pass.

GROW, Chairman

S 1372 and S 1373 were filed for second reading.

February 26, 2024

The RESOURCES AND ENVIRONMENT Committee reports out S 1342 with the recommendation that it do pass.

BURTENSHAW, Chairman

S 1342 was filed for second reading.

February 26, 2024

The RESOURCES AND ENVIRONMENT Committee reports out <u>H 403</u> and <u>S 1337</u> with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, H 403 and S 1337 were referred to the Fourteenth Order of Business, General Calendar.

February 26, 2024

The JUDICIARY AND RULES Committee reports out **S 1325** with the recommendation that it do pass.

LAKEY, Chairman

S 1325 was filed for second reading.

February 26, 2024

The EDUCATION Committee reports out H 566 with the recommendation that it do pass.

LENT, Chairman

H 566 was filed for second reading.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 26, 2024

The Honorable Scott Bedke President of the Senate Idaho State Senate

Dear Mr. President:

I have the honor to advise you that I have signed on February 26, 2024 and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1267, S 1269, and S 1270

Sincerely, /s/ Brad Little Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1378

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO SALARIES OF JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SALARY OF THE JUSTICES OF THE SUPREME COURT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

<u>S 1378</u> was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Having been held, <u>S 1291</u> was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ricks arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Ricks, Schroeder, Toews, Trakel, VanOrden, Winder, Zuiderveld. Total - 28.

NAYS–Just, Rabe, Ruchti, Semmelroth, Taylor, Ward-Engelking, Wintrow. Total - 7.

Total - 35.

Whereupon the President declared <u>§ 1291</u> passed, title was approved, and the bill ordered transmitted to the House.

<u>S 1312</u> was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S 1312</u> passed, title was approved, and the bill ordered transmitted to the House.

<u>**S** 1313</u> was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hart

arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Hart and Just disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S 1313</u> passed, title was approved, and the bill ordered transmitted to the House.

 $\frac{S \ 1341}{Placed}$ was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Anthon, Burtenshaw, Harris, Taylor, and VanOrden disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>§ 1341</u> passed, title was approved, and the bill ordered transmitted to the House.

<u>S 1238</u> was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cook arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S 1238</u> passed, title was approved, and the bill ordered transmitted to the House.

 $\frac{S \ 1271}{Placed}$ was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Okuniewicz arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S 1271</u> passed, title was approved, and the bill ordered transmitted to the House.

 $\frac{S \ 1273}{P}$ was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Den Hartog arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Bernt, Burtenshaw, Cook, Den Hartog, Grow, Guthrie, Harris, Hartgen, Just, Lee, Lent, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 22.

NAYS–Anthon, Bjerke, Foreman, Forsmann (Carlson), Hart, Herndon, Lakey, Lenney, Nichols, Okuniewicz, Toews, Trakel, Zuiderveld. Total - 13.

Total - 35.

Whereupon the President declared <u>§ 1273</u> passed, title was approved, and the bill ordered transmitted to the House.

 $\frac{S \ 1263}{P}$ was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ruchti arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Hartgen disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S 1263</u> passed, title was approved, and the bill ordered transmitted to the House.

 $\frac{S \ 1276}{Placed}$ was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hartgen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S 1276</u> passed, title was approved, and the bill ordered transmitted to the House.

<u>S 1277</u> was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hart arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35. <u>S 1281</u> was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S</u> 1281 passed, title was approved, and the bill ordered transmitted to the House.

<u>S 1338</u> was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Forsmann (Carlson), Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared <u>S</u> 1338 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Anthon, seconded by Senator Wintrow, by voice vote, the Senate adjourned at 5:55 p.m. until the hour of 11 a.m., Tuesday, February 27, 2024.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary