

**SENATE JOURNAL
65TH LEGISLATURE
FIRST LEGISLATIVE DAY**

Helena, Montana
January 2, 2017

Senate Chambers
State Capitol

Senate convened at 12:03 p.m. Senator Fred Thomas, Dean of the Senate, Presiding.

Senator Thomas appointed Carl Spencer as temporary Sergeant-at-Arms.

Pledge of Allegiance to the Flag. Invocation by Reverend Terry Eichelberger of the Christian and Missionary Alliance Church in Townsend, Montana..

Senator Thomas appointed Marilyn Miller of Helena as temporary Secretary of the Senate. Secretary Miller called the roll of the newly-elected and appointed Senators:

Senate District 2	Dee L. Brown
Senate District 3	Keith Regier
Senate District 6	Albert D. Olszewski
Senate District 7	Jennifer Fielder
Senate District 10	Steve Fitzpatrick
Senate District 14	Russel Tempel
Senate District 15	Ryan Osmundson
Senate District 16	Frank J. Smith
Senate District 17	Mike L. Lang
Senate District 18	Steve Hinebauch
Senate District 21	Jason D. Small
Senate District 23	Roger Webb
Senate District 25	Jen Gross
Senate District 26	Margie MacDonald
Senate District 28	Tom Richmond
Senate District 31	Mike Phillips
Senate District 35	Scott Sales
Senate District 36	Jeff Welborn
Senate District 37	Jon C. Sesso
Senate District 38	Edith (Edie) McClafferty
Senate District 39	Gene Vuckovich
Senate District 40	Terry J. Gauthier
Senate District 44	Fred Thomas
Senate District 45	Dick Barrett
Senate District 46	Sue Malek
Senate District 47	Daniel R. Salomon

Sergeant-at-Arms Spencer admitted the Honorable Laurie McKinnon, Justice of the Montana Supreme Court, to the Senate chamber. Justice McKinnon administered the official oath of office to the newly-elected and appointed Senators before addressing the Senate.

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Secretary Miller called the roll of the entire Senate. Forty-eight Senators present, Senators Webb and C. Smith excused. Quorum present.

Senator Blasdel moved that the Rules of the Senate and the Joint Rules as reflected in **SR1** and **SJ1**, printed and placed on the members' desks this day, be adopted as the temporary operating rules of the 65th Legislature. The motion carried.

Senator Sands nominated Senator Scott Sales of Senate District 35 for the office of President of the Senate for the 65th Legislature, and moved that his election carry with it the name of Senator Bob Keenan of Senate District 5 for the office of President Pro Tempore.

Senator Sesso moved the nominations be closed and that Senator Sales be elected President of the Senate by acclamation and that the motion carry with it the name of Senator Bob Keenan for the office of President Pro Tempore. The motion carried.

President Sales assumed the chair and addressed the Senate. President Sales then introduced Senator Bob Keenan, President Pro Tempore; Senator Jon Sesso, Minority Leader; and Senator Fred Thomas, Majority Leader. Each Senator addressed the Senate.

Senator Smith and Senator Webb joined the Senate at this time.

The Senate Republican and Democratic caucuses presented President Sales with an engraved gavel.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brown, Chair)

Secretary Miller read the report from the Committee on Committees recommending the following committee appointments:

Agriculture, Livestock and Irrigation

Tu, Th; 3 p.m.; Rm 335

Hoven, Brian (R) - CH

Swandal, Nels (R) - VCh

MacDonald, Margaret (Margie) (D) - VCh

Caferro, Mary (D)

Lang, Mike (R)

Moore, Eric (R)

Olszewski, Albert (R)

Osmundson, Ryan (R)

Salomon, Daniel (R)

Sands, Diane (D)

Smith, Frank (D)

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Business, Labor, and Economic Affairs

M-F; 8 a.m.; Rm 422

Buttrey, Ed (R) - Ch

Brown, Dee (R) - VCh

Smith, Frank (D) -VCh

Connell, Pat (R)

Facey, Tom (D)

Fitzpatrick, Steve (R)

Salomon, Daniel (R)

Small, Jason (R)

Vance, Gordon (R)

Vuckovich, Gene (D)

Committee on Committees

On call

Brown, Dee (R)

Buttrey, Ed (R)

Osmundson, Ryan (R)

Vincent, Chas (R)

Welborn, Jeffrey (R)

Education and Cultural Resources

M, W, F; 3p.m.; Rm 422

Salomon, Daniel (R) - Ch

Blasdel, Mark (R)- VCh

Moe, Mary (D) - VCh

Facey, Tom (D)

Jones, Llew (R)

McClafferty, Edie (D)

Regier, Keith (R)

Tempel, Russel (R)

Energy and Telecommunications

Tu, Th; 3p.m.; Rm 317

Ankney, Duane (R) - Ch

Connell, Pat (R) - VCh

Wolken, Cynthia (D) - VCh

Barrett, Dick (D)

Blasdel, Mark (R)

Kary, Doug (R)

Malek, Sue (D)

McNally, Mary (D)

Regier, Keith (R)

Richmond, Tom (R)

Small, Jason (R)

Tempel, Russel (R)

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Vuckovich, Gene (D)

Ethics

On call

Swandal, Nels (R) - Ch

Osmundson, Ryan (R) - VCh

Cohenour, Jill (D)

MacDonald, Margaret (Margie) (D)

Smith, Cary (R)

Finance & Claims

M-F; 8a.m.; Rm 317

Jones, Llew (R) - Ch

Moore, Eric (R) - VCh

Ankney, Duane (R)

Caferro, Mary (D)

Gauthier, Terry (R)

Howard, David (R)

Kary, Doug (R)

Keenan, Bob (R)

Lang, Mike (R)

McNally, Mary (D)

Olszewski, Albert (R)

Osmundson, Ryan (R)

Phillips, Mike (D)

Sesso, Jon (D)

Smith, Cary (R)

Welborn, Jeffrey (R)

Whitford, Lea (D)

Wolken, Cynthia (D)

Fish and Game

Tu, Th; 3p.m.; Rm 422

Fielder, Jennifer (R) - Ch

Hinkle, Jedediah (R) - VCh

Phillips, Mike (D) - VCh

Cohenour, Jill (D)

Facey, Tom (D)

Hinebauch, Steve (R)

Howard, David (R)

McClafferty, Edie (D)

Smith, Cary (R)

Vincent, Chas (R)

Welborn, Jeffrey (R)

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Highways and Transportation

Tu, Th; 3p.m.; Rm 405

Vance, Gordon (R) - Ch

Fitzpatrick, Steve (R) - VCh

Whitford, Lea (D) -VCh

Brown, Dee (R)

Buttrey, Ed (R)

Gauthier, Terry (R)

Gross, Jen (D)

Moe, Mary (D)

Pomnichowski, JP (D)

Webb, Roger (R)

Judiciary

M-F; 9a.m.; Rm 303

Regier, Keith (R) - Ch

Fielder, Jennifer (R) - VCh

Sands, Diane (D) -VCh

Gross, Jen (D)

Hinebauch, Steve (R)

Hinkle, Jedediah (R)

MacDonald, Margaret (Margie) (D)

Moe, Mary (D)

Sales, Scott (R)

Swandal, Nels (R)

Vincent, Chas (R)

Legislative Administration

On call

Keenan, Bob (R) - Ch

Connell, Pat (R) - VCh

Brown, Dee (R)

Caferro, Mary (D)

Fielder, Jennifer (R)

Sands, Diane (D)

Webb, Roger (R)

Local Government

M, W, F; 3p.m.; Rm 405

Webb, Roger (R) - Ch

Lang, Mike (R) - VCh

Vuckovich, Gene (D) - VCh

Buttrey, Ed (R)

Fitzpatrick, Steve (R)

Gauthier, Terry (R)

Hoven, Brian (R)

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MacDonald, Margaret (Margie) (D)
Sesso, Jon (D)

Natural Resources

M, W, F; 3 p.m.; Rm 303
Vincent, Chas (R) - Ch
Welborn, Jeffrey (R) - VCh
Cohenour, Jill (D) - VCh
Ankney, Duane (R)
Barrett, Dick (D)
Connell, Pat (R)
Fielder, Jennifer (R)
Hinkle, Jedediah (R)
McNally, Mary (D)
Phillips, Mike (D)
Pomnichowski, JP (D)
Richmond, Tom (R)

Public Health, Welfare and Safety

M, W, F; 3 p.m.; Rm 317
Howard, David (R) - Ch
Smith, Cary (R) - VCh
Gross, Jen (D) - VCh
Caferro, Mary (D)
Hinebauch, Steve (R)
Moore, Eric (R)
Olszewski, Albert (R)
Sands, Diane (D)
Small, Jason (R)

Rules

On call
Thomas, Fred (R) - Ch
Keenan, Bob (R) - VCh
Barrett, Dick (D)
Blasdel, Mark (R)
Buttrey, Ed (R)
Jones, Llew (R)
Moore, Eric (R)
Olszewski, Albert (R)
Phillips, Mike (D)
Sales, Scott (R)
Sesso, Jon (D)
Smith, Cary (R)
Wolken, Cynthia (D)

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State Administration

M, W, F; 3p.m.; Rm 335

Brown, Dee (R)- Ch
Kary, Doug (R) - VCh
Malek, Sue (D) - VCh
Osmundson, Ryan (R)
Smith, Frank (D)
Swandal, Nels (R)
Vance, Gordon (R)
Whitford, Lea (D)

Taxation

M-F; 8a.m.; Rm 405

Blasdel, Mark (R) - Ch
Webb, Roger (R) - VCh
Barrett, Dick (D) - VCh
Cohenour, Jill (D)
Hoven, Brian (R)
Malek, Sue (D)
McClafferty, Edie (D)
Pomnichowski, JP (D)
Richmond, Tom (R)
Sales, Scott (R)
Tempel, Russel (R)
Thomas, Fred (R)

Senator Brown moved the adoption of the committee report. The motion carried.

LEGISLATIVE ADMINISTRATION COMMITTEE (Keenan, Chair)

Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments:

Secretary of the Senate

Marilyn Miller
Debra Polhemus
Nadine Spencer
Katie Spencer
Mary Gay Wells

Secretary of the Senate
Deputy Secretary of the Senate
Deputy Secretary of the Senate
Secretary to Sec. of the Senate
Secretary to the President

Sergeant's Office

Carl Spencer
Ray Todd
Bonner Armstrong
Bruce Nachtsheim
David Zellmer

Sergeant-at-Arms
Asst Sergeant-at-Arms, Safety
Asst Sergeant-at-Arms, Supplies
Safety & Facilities Aide
Safety & Facilities Aide

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Caleb Hinkle
Pat Hamilton
Laura Evilsizer

Safety & Facilities Aide
Safety & Facilities Aide
Page Supervisor

Majority Office

Steve Gibson
Scott Mendenhall
Jack Wells
Kenneth Bogner
Kevin Gardner
Rebekah Mohr
Matthew Pitzer

Majority Aide
Aide to President
Aide to President
Majority Aide
Majority Aide (Communications)
Majority Aide
Aide to President

Minority Office

Emily Samhammer
Tully Olson
Jake Brown
Lewis YellowRobe

Minority Aide
Minority Aide
Minority Aide
Minority Aide

Rostrum

Jeremy Craft
Rick Jore
Hank Trenk
Carolyn Renaud
Lynn Staley
Karen Berger
Rick Berger
Zach Spencer

Amendments Coordinator
Bills Distribution Clerk
Voting Clerk
Bills Clerk
Bills Coordinator
Journal Clerk
Status Input Technician
Reading Clerk

Scanning/Documents

Susie Hamilton

Documents Specialist

Word Processing

Shirley Herrin
Aubrey Bush

Word Processing Supervisor
Word Processor

Committee Secretaries

Prudence Gildroy
Olivia Hopkins
Linda Keim
Pam Schindler
Julie Emge
Charlene Devine
Pat Christian
Barbara Pietuch
Jamie Wilson

Finance & Claims
Taxation
Business & Labor
Judiciary
Public Health
Education, Energy
Fish & Game, Natl Resources
Agriculture, State Admin
Highways, Local Gov

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Committee Aides

Maggie Althaus	Fish, Natl Res., State Admin
Edie Witham	Business, Energy, Finance, Tax, Pub Health
Bobby Lavinder	Ed, Highways, Judiciary
Dave McCann	Agri, Business, Local Gov, Tax

Safety & Facilities/Concessions

David Ricci	3rd Floor Concession Counter/Facilities Aide
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Senator Keenan moved the adoption of the committee report. The motion carried.

SPECIAL ORDERS OF THE DAY

Majority Leader Thomas moved the the following President's appointments be confirmed by the Senate: Marilyn Miller, appointed Secretary of the Senate; Carl Spencer, appointed Sergeant-at-Arms. The motion carried.

Majority Leader Thomas moved the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. The motion carried. The President appointed Senator Brown, Chair, and Senators C. Smith, Sands and Caferro.

Majority Leader Thomas moved the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. The motion carried. The President appointed Senator Swandal, Chair, and Senators Connell, Whitford and Phillips.

Majority Leader Thomas moved the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business and that the Senate wishes the House success in its deliberations. The motion carried. The President appointed Senator Kary, Chair, and Senators Fielder, Moe and Wolken.

President Sales instructed the select committees to retire to perform their assigned duties. Majority Leader Thomas moved the Senate stand at ease, subject to the call of the Chair, to await the reports of the select committees. The motion carried.

Following the recess, President Sales called the Senate to order.

MESSAGES FROM THE OTHER HOUSE

The Honorable Committee from the House of Representatives, consisting of Representatives Shaw and Kipp, was escorted into the Senate by Sergeant-at-Arms Spencer. The Committee reported to the Senate that the House of Representatives was organized and ready for business.

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REPORTS OF SELECT COMMITTEES

The select committee appointed to notify the Governor was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Brown reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the committee.

The select committee appointed to notify the House of Representatives was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Kary reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the committee.

The select committee appointed to notify the Chief Justice and members of the Supreme Court was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Swandal reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the committee.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time and assigned to committee:

SB 1, introduced by P. Connell, referred to Energy and Telecommunications.

SB 2, introduced by P. Connell, referred to Local Government.

SB 3, introduced by D. Kary, referred to State Administration.

SB 4, introduced by D. Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

SB 5, introduced by T. Facey (by request of the School Funding Interim Commission), referred to Education and Cultural Resources.

SB 6, introduced by J. Fielder (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.

SB 7, introduced by P. Connell, referred to Energy and Telecommunications.

SB 8, introduced by T. Facey (by request of the Economic Affairs Interim Committee), referred to State Administration.

SB 9, introduced by D. Barrett (by request of the Revenue and Transportation Interim Committee), referred to Judiciary.

SB 10, introduced by M. Blasdel (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

SB 11, introduced by P. Connell (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SB 12, introduced by P. Connell (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SB 13, introduced by S. Fitzpatrick (by request of the Department of Commerce), referred to State Administration.

SB 14, introduced by J. Cohenour (by request of the State-Tribal Relations Committee), referred

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to Education and Cultural Resources.

SB 15, introduced by J. Cohenour (by request of the Education and Local Government Interim Committee), referred to Natural Resources.

SB 16, introduced by L. Jones (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

SB 17, introduced by N. Swandal (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 18, introduced by P. Connell, referred to Natural Resources.

SB 19, introduced by D. Kary (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

SB 20, introduced by N. Swandal (by request of the Supreme Court), referred to Judiciary.

SB 21, introduced by E. Buttrey (by request of the Code Commissioner), referred to Judiciary.

SB 22, introduced by S. Malek (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 23, introduced by S. Fitzpatrick (by request of the Commissioner of Political Practices), referred to State Administration.

SB 24, introduced by J. Welborn (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

SB 25, introduced by M. Blasdel (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.

SB 26, introduced by S. Malek (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 27, introduced by F. Thomas (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

SB 28, introduced by C. Vincent (by request of the Water Policy Interim Committee), referred to Judiciary.

SB 29, introduced by D. Sands (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 30, introduced by D. Sands (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 31, introduced by A. Olszewski, J. Karjala (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

SB 32, introduced by K. Regier (by request of the Public Service Commission), referred to Energy and Telecommunications.

SB 33, introduced by B. Hoven (by request of the Department of Transportation), referred to Highways and Transportation.

SB 34, introduced by B. Hoven (by request of the Revenue and Transportation Interim Committee), referred to Local Government.

SB 35, introduced by B. Hoven (by request of the Revenue and Transportation Interim Committee), referred to Highways and Transportation.

SB 36, introduced by D. Ankney (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SB 37, introduced by D. Ankney (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SB 38, introduced by D. Ankney (by request of the Energy and Telecommunications Interim

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Committee), referred to Energy and Telecommunications.

SB 39, introduced by T. Richmond (by request of the Department of Natural Resources and Conservation), referred to Local Government.

SB 40, introduced by J. Sesso (by request of the Legislative Council), referred to State Administration.

SB 41, introduced by F. Moore (by request of the Livestock Loss Board), referred to Agriculture, Livestock and Irrigation.

SB 42, introduced by D. Barrett (by request of the Department of Environmental Quality), referred to Natural Resources.

SB 43, introduced by J. Sesso (by request of the Legislative Finance Committee), referred to State Administration.

SB 44, introduced by G. Vance (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.

SB 45, introduced by M. MacDonald (by request of the Supreme Court), referred to Judiciary.

SB 46, introduced by C. Vincent (by request of the Department of Administration), referred to Natural Resources.

SB 47, introduced by C. Vincent (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

SB 48, introduced by C. Vincent (by request of the Water Policy Interim Committee), referred to Natural Resources.

SB 49, introduced by D. Ankney (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SB 50, introduced by J. Pomnichowski (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SB 51, introduced by T. Facey (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SB 52, introduced by J. Cohenour (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SB 53, introduced by L. Jones (by request of the Legislative Finance Committee), referred to Taxation.

SB 54, introduced by J. Gross (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

SB 55, introduced by D. Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

SB 56, introduced by M. MacDonald (by request of the Board of Pharmacy), referred to Business, Labor, and Economic Affairs.

SB 58, introduced by M. McNally (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

SB 59, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 60, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 61, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 62, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Public

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Health, Welfare and Safety.

SB 63, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 64, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 65, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 66, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 67, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

SB 68, introduced by D. Barrett (by request of the Board of Pharmacy), referred to Business, Labor, and Economic Affairs.

SB 69, introduced by M. Moe (by request of the School Funding Interim Commission), referred to Business, Labor, and Economic Affairs.

SB 70, introduced by G. Vuckovich (by request of the Board of Optometry), referred to Business, Labor, and Economic Affairs.

SB 71, introduced by J. Gross (by request of the Department of Corrections), referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 57, introduced by M. Blasdel, E. Buttrey, J. Sesso, K. Dudik, R. Ehli, R. Lynch, V. Ricci (by request of the Department of Justice).

The following Senate joint resolutions were introduced, read first time and assigned to committee:

SJ 1, introduced by F. Thomas (by request of the House Rules Standing Committee and the Senate Rules Standing Committee), referred to Rules.

SJ 2, introduced by P. Connell (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SJ 3, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

The following Senate resolution was introduced, read first time and assigned to committee:

SR 1, introduced by F. Thomas (by request of the Senate Rules Standing Committee), referred to Rules.

SPECIAL ORDERS OF THE DAY

Majority Leader Thomas introduced the new Republican senators: Senators Terry Gauthier, Steve Hinebauch, Mike Lang, Albert Olszewski, Ryan Osmundson, Tom Richmond, Jason Small, Russel Tempel, Jeff Welborn, Steve Fitzpatrick, Daniel Salomon, and Keith Regier. Each senator addressed the Senate and introduced family members.

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Minority Leader Sesso introduced the new Democrat senators: Senators Jen Gross, Margie MacDonald, Edie McClafferty, and Frank Smith. Each senator addressed the Senate and introduced family members.

President Sales reminded the Senate that the Charles Russell painting "When the Land Belonged to God" was welcomed back to the Senate during the previous session. The painting had hung above the Senate rostrum until the 2007 legislative session when it was removed to make way for the bronze mural. The return of the print to the Senate chamber was orchestrated by then-Senator (now Representative) Brad Hamlett. Once the print was on the wall, Senator Hamlett was disappointed that the painting had faded over time and, spending his own money, he purchased a new print which is now hanging in the rear of the Senate. President Sales offered the sincere thanks of the Senate to Representative Hamlett.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs. Majority Leader Thomas reviewed the Senate schedule for the coming week.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 3, 2017. Motion carried.

Senate adjourned at 1:43 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate