

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

Helena, Montana
January 11, 2017

Senate Chambers
State Capitol

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

Roll Call. Forty-nine members present, Senator Whitford excused.

BILLS AND JOURNALS (Keenan, Chair):

1/11/2017

Correctly printed: **SB 20, SB 21, SB 30, SB 77.**

Correctly engrossed: **SJ 1, SR 1.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):

1/11/2017

SB 25, introduced bill, be amended as follows:

1. Page 3, line 1.

Following: "minimal"

Insert: "nonmonetary"

2. Page 3, line 15.

Strike: "credit union"

Insert: "bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business and accept deposits in this state under state or federal law"

3. Page 4, line 24.

Following: "organization"

Insert: "and that is registered with the department"

4. Page 5, line 22.

Following: "means"

Strike: "a nonprofit corporation or"

Following: "established"

Insert: "as a nonprofit"

5. Page 7, line 29.

Following: "(b)"

Strike: "The"

Insert: "Except raffles sponsored by nonprofit organizations, the"

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And, as amended, do pass.

SB 68, introduced bill, be amended as follows:

1. Page 2, line 24.

Strike: line 24 in its entirety

Insert: "(15) "Distribute" or "distribution" means the sale, purchase, trade, delivery, handling, storage, or receipt of a drug or device and does not include administering or dispensing a prescription drug, pursuant to section 353(b)(1), or a new animal drug, pursuant to section 360b(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq."

2. Page 14, line 11.

Strike: "but not limited to"

3. Page 14, line 12.

Strike: "but is not limited to"

And, as amended, do pass.

JUDICIARY (Regier, Chair):

1/10/2017

SB 17, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND"

Insert: "OR"

2. Page 2, line 6.

Strike: "and"

Insert: "or"

And, as amended, do pass.

SB 28, introduced bill, be amended as follows:

1. Page 2, line 12.

Following: "(e)"

Insert: "(i)"

2. Page 2, following line 16.

Insert: "(ii) If more than one party is aggrieved by a final decision on an application for a permit or change in appropriation right filed under Title 85, chapter 2, part 3, the district court where the appropriation right is located has jurisdiction. If more than one aggrieved party files a petition but no aggrieved party files a petition in the district court where the appropriation right is located, the first judicial district, Lewis and Clark County, has jurisdiction."

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And, as amended, do pass.

JUDICIARY (Regier, Chair):
SR 2, be adopted.

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Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/10/2017

HB 1, introduced by Ballance
HB 125, introduced by Curdy

FIRST READING AND COMMITMENT OF BILLS

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

SB 103, introduced by L. Jones, R. Cook, D. Jones, referred to Education and Cultural Resources.
SB 104, introduced by D. Sands, M. Moe, referred to Public Health, Welfare and Safety.
SB 105, introduced by D. Barrett, referred to Taxation.
SB 106, introduced by D. Brown, referred to Highways and Transportation.
SB 107, introduced by D. Kary, D. Ankney, M. Blasdel, Z. Brown, A. Curtis, J. Ellis, F. Garner, C. Glimm, K. Holmlund, T. Jacobson, J. Keane, D. Lenz, F. Mandeville, M. Phillips, G. Pierson, K. Regier, T. Richmond, J. Small, S. Staffanson, J. Trebas, C. Vincent, K. Wagoner, K. White, C. Wolken, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by N. Ballance, referred to Finance and Claims.
HB 125, introduced by W. Curdy, referred to Business, Labor, and Economic Affairs.

The following Senate bills, previously introduced, were referred to committees:

SB 101, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 102, introduced by T. Richmond, referred to Energy and Telecommunications.

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

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

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

SB 56 - Senator MacDonald moved **SB 56** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 70 - Senator Vuckovich moved **SB 70** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 5 - Senator Facey moved **SB 5** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich,

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Webb, Welborn, Wolken, Mr.President.

Total 44

Nays: Hinebauch, Howard, Olszewski, Vance, Vincent.

Total 5

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 6 - Senator Fielder moved **SB 6** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed, President Sales presiding.

President Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

THIRD READING OF BILLS

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

SB 20 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 21 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

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Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Sands announced the legislator memorial service has been scheduled for April 9, 2017.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 12, 2017, the 9th legislative day. Motion carried.

Senate adjourned at 1:30 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate