

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

Helena, Montana  
January 18, 2017

Senate Chambers  
State Capitol

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

Roll Call. Forty-seven members present, Senators Fielder, Fitzpatrick and McNally excused.

**BILLS AND JOURNALS** (Keenan, Chair): 1/18/2017

Correctly printed: **SB 3, SB 4, SB 15, SB 24, SB 40, SB 46, SB 54, SB 62, SB 84, SB 120, SB 121, SB 123, SB 124, SB 125, SB 126, SB 127, SB 128.**

Correctly engrossed: **SB 16, SB 33, SB 43, SB 90.**

Examined by the sponsor and found to be correct: **SR 1.**

Transmitted to the House: **SB 17, SB 25, SB 30, SB 68, SB 77.**

Signed by the President at 2:30 p.m., January 17, 2017: **SR 1, SR 2.**

Delivered to the Secretary of State at 2:30 p.m., January 18, 2017: **SR 1, SR 2.**

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Jones, Chair): 1/17/2017  
**HB 1**, be concurred in.

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair): 1/17/2017  
**SB 33**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "EXEMPTING"

**Strike:** "CERTAIN ACTIVITIES RELATED TO STATE-OWNED"

2. Page 1, line 25.

**Strike:** "the installation, removal, alteration, or repair of"

3. Page 1, line 26.

**Following:** "devices"

**Strike:** "owned or operated by the state"

4. Page 1, line 28.

**Following:** "buildings"

**Strike:** " , "

**Insert:** "and"

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**Following:** "equipment"

**Strike:** ", and activities"

And, as amended, do pass.

**JUDICIARY** (Regier, Chair):

1/17/2017

**SB 90**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "REVOKED;"

**Insert:** "ALLOWING A COURT TO SUSPEND OR DEFER PENALTIES;"

2. Page 2, line 25.

**Strike:** subsection (6) in its entirety

And, as amended, do pass.

Without objection, the committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/17/2017

**HB 39**, introduced by J. Bachmeier

**HB 40**, introduced by K. Abbott

**HB 42**, introduced by K. Abbott

**HB 63**, introduced by J. Hamilton

**HB 67**, introduced by M. Ryan

**HB 74**, introduced by G. Hertz

**HB 102**, introduced by J. Karjala

**HB 111**, introduced by R. Lynch

**HB 150**, introduced by K. White

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 130**, introduced by D. Barrett, referred to Taxation.

The following Senate bill was introduced, and read first time:

**SB 129**, introduced by M. Caferro.

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

**HB 39**, introduced by J. Bachmeier (by request of the Department of Military Affairs), referred to State Administration.

**HB 40**, introduced by K. Abbott (by request of the Department of Military Affairs), referred to State Administration.

**HB 42**, introduced by K. Abbott (by request of the Department of Revenue), referred to Taxation.

**HB 63**, introduced by J. Hamilton (by request of the Department of Revenue), referred to Taxation.

**HB 67**, introduced by M. Ryan (by request of the Teachers' Retirement Board), referred to State Administration.

**HB 74**, introduced by G. Hertz (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**HB 102**, introduced by J. Karjala (by request of the Department of Administration), referred to State Administration.

**HB 111**, introduced by R. Lynch (by request of the Department of Public Health and Human Services), referred to Judiciary.

**HB 150**, introduced by K. White, referred to Fish and Game.

Senator McNally joined the Senate at this time.

**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. Senator Whitford in the chair.

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

**SB 28** - Senator Vincent moved **SB 28** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.

Total 34

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, McNally, Moe, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford.

Total 14

Absent or not voting: None.

Total 0

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Excused: Fielder, Fitzpatrick.

Total 2

**SB 52** - Senator Cohenour moved **SB 52** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, 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, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: Brown, Vance.

Total 2

Absent or not voting: None.

Total 0

Excused: Fielder, Fitzpatrick.

Total 2

**SB 81** - Senator Swandal moved **SB 81** do pass. Motion carried as follows:

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

Total 46

Nays: Moore, Welborn.

Total 2

Absent or not voting: None.

Total 0

Excused: Fielder, Fitzpatrick.

Total 2

**SB 22** - Senator Malek moved **SB 22** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, 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,

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Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Fielder, Fitzpatrick.  
Total 2

**SB 29** - Senator Sands moved **SB 29** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, 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, Whitford, Wolken, Mr.President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Fielder, Fitzpatrick.  
Total 2

**SB 26** - Senator Malek moved **SB 26** do pass. Motion carried as follows:

Yeas: Barrett, Blasdel, Caferro, Cohenour, Connell, Facey, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken, Mr.President.  
Total 36

Nays: Ankney, Brown, Buttrey, Gauthier, Hinebauch, Hinkle, Howard, Osmundson, Regier, Smith C, Webb, Welborn.  
Total 12

Absent or not voting: None.  
Total 0

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Excused: Fielder, Fitzpatrick.

Total 2

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

Chair Whitford moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, 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, Whitford, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Fielder, Fitzpatrick.

Total 2

**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 4** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, 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, Whitford, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Fielder, Fitzpatrick.

Total 2

**SB 54** passed as follows:

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

Total 41

Nays: Blasdel, Brown, Hinebauch, Smith C, Vance, Webb, Mr.President.

Total 7

Absent or not voting: None.

Total 0

Excused: Fielder, Fitzpatrick.

Total 2

**SB 62** passed as follows:

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

Total 47

Nays: Regier.

Total 1

Absent or not voting: None.

Total 0

Excused: Fielder, Fitzpatrick.

Total 2

**SB 84** passed as follows:

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

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Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 47

Nays: Pomnichowski.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Fielder, Fitzpatrick.  
Total 2

**MOTIONS**

Majority Leader Thomas moved that **SB 124** be taken from the State Administration Committee and re-referred to the Education and Cultural Resources Committee.

Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 19, 2017, the 14th legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

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MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate