

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

Helena, Montana  
January 26, 2017

Senate Chambers  
State Capitol

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

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

**BILLS AND JOURNALS** (Keenan, Chair): 1/26/2017

Correctly printed: **SB 7, SB 11, SB 14, SB 45, SB 59, SB 60, SB 67, SB 71, SB 107, SB 147, SB 148, SB 149, SB 150, SB 151, SB 152, SB 153, SB 154, SB 155, SJ 3, HB 88, HB 120, HB 132, HB 197.**

Correctly engrossed: **SB 27, SB 63, SB 65, HB 122.**

Transmitted to the House: **SB 32, SB 36, SB 39, SB 101, SJ 2.**

**COMMUNICATIONS AND PETITIONS**

Letter received from Mike McGrath, Chief Justice of the Supreme Court, dated January 17, 2017, requesting Senate confirmation of Douglas Ritter as associate water judge for the Montana Water Court.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 1/25/2017  
**SB 124**, do pass.  
**HB 113**, be concurred in.

**JUDICIARY** (Regier, Chair): 1/25/2017  
**SB 63**, introduced bill, be amended as follows:

1. Page 3, line 15.

**Following:** "(8)(a)"

**Strike:** "If"

**Insert:** "Except as provided in subsection (8)(c), if"

2. Page 3, line 19.

**Following:** "(b)"

**Strike:** "If"

**Insert:** "Except as provided in subsection (8)(c), if"

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3. Page 3, line 24.

**Following:** line 24

**Insert:** "(c) If the judge finds that the offender has violated the terms and conditions of the suspended or deferred sentence, that the violation is a compliance violation, and that the offender's conduct indicates that the offender will not be responsive to further efforts under the incentives and interventions grid, the judge may sentence the offender as provided in subsection (7)."

4. Page 4, line 7.

**Strike:** "or"

5. Page 4, line 8.

**Following:** "absconding"

**Insert:** "; or

(v) failure to enroll in or complete a required sex offender treatment program or a treatment program designed to treat violent offenders"

And, as amended, do pass.

**SB 65**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "every"

**Insert:** "reasonable"

2. Page 4, line 14.

**Following:** "department"

**Strike:** "of corrections"

And, as amended, do pass.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

1/25/2017

**SB 129**, do pass.

**STATE ADMINISTRATION** (Brown, Chair):

1/25/2017

**SB 127**, do pass.

**HB 40**, be concurred in.

**TAXATION** (Blasdel, Chair):

1/26/2017

**SB 27**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "HEARING BEFORE TAX INCREMENT MAY BE EXPENDED"

**Insert:** "MEETING WITH OPPORTUNITY FOR PUBLIC COMMENT FOR URBAN RENEWAL"

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AGENCIES"

2. Title, page 1, line 8 through line 9.

**Strike:** "A LOCAL GOVERNMENT" on line 9 through "PREPARE AN" on line 10

**Insert:** "AN URBAN RENEWAL AGENCY TO INCLUDE CERTAIN ADDITIONAL INFORMATION  
IN ITS"

3. Title, page 1, line 10.

**Strike:** "7-15-4254,"

**Insert:** "AND"

**Strike:** "7-15-4282, 7-15-4288, AND 17-6-316,"

4. Page 2, line 29 through line 30.

**Strike:** "(2)"

**Strike:** "publicly" on line 29 through "board" on line 30

**Insert:** "open to the public with the opportunity for public comment"

5. Page 3, line 9.

**Strike:** "public purpose of"

**Following:** "increment"

**Insert:** "in the preceding fiscal year"

**Strike:** "must demonstrate"

6. Page 3, line 9 through line 10.

**Strike:** "will increase" on line 9 through "district" on line 10

**Insert:** "comply with the approved urban renewal plan or comprehensive development plan for the  
district"

7. Page 3, line 15 through page 4, line 7.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

8. Page 5, line 1.

**Strike:** "demonstrate"

**Insert:** "describe"

9. Page 5, line 4 through line 11.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

10. Page 5, line 21 through page 7, line 25.

**Strike:** section 6 through section 8 in their entirety

And, as amended, do pass.

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**HB 74**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

1/25/2017

**HB 29**, introduced by J. Essmann

**HB 76**, introduced by G. Hertz

**HB 79**, introduced by W. Curdy

**HB 81**, introduced by W. Curdy

**HB 103**, introduced by G. Custer

**HB 106**, introduced by T. Jacobson

**HB 128**, introduced by R. Shaw

**HB 207**, introduced by B. Bennett

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 156**, introduced by J. Cohenour, M. Dunwell, referred to Taxation.

**SB 157**, introduced by J. Cohenour, referred to Agriculture, Livestock and Irrigation.

**SB 158**, introduced by M. MacDonald, J. Essmann, J. Gross, K. Kelker, M. McNally, V. Ricci, referred to State Administration.

**SB 159**, introduced by M. Bladell, referred to Education and Cultural Resources.

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

**SR 20**, introduced by C. Vincent, referred to Natural Resources.

**SR 21**, introduced by C. Vincent, referred to Natural Resources.

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

**HB 29**, introduced by J. Essmann (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**HB 76**, introduced by G. Hertz (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**HB 79**, introduced by W. Curdy (by request of the Department of Military Affairs), referred to State Administration.

**HB 81**, introduced by W. Curdy (by request of the Secretary of State), referred to State Administration.

**HB 103**, introduced by G. Custer (by request of the Secretary of State), referred to State

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Administration.

**HB 106**, introduced by T. Jacobson (by request of the Board of Real Estate Appraisers), referred to Business, Labor, and Economic Affairs.

**HB 128**, introduced by R. Shaw, Welborn (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

**HB 207**, introduced by B. Bennett, B. Brown, G. Custer, F. Garner, F. Mandeville, referred to State Administration.

**MOTIONS**

Majority Leader Thomas moved that **SB 34** be taken from the second reading board this date and re-referred to the Local Government Committee. Without objection, so ordered.

**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 Kary in the chair.

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

**SB 131** - Senator Thomas moved **SB 131** do pass.

**SB 131** - Senator Malek moved **SB 131**, second reading copy, be amended as follows:

1. Page 1, line 10 through line 22.

**Strike:** "WHEREAS," on line 10 through "I-182." on line 22

Amendment **not** adopted as follows:

Yeas: Barrett, Caferro, Cohenour, Facey, Gross, Kary, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.  
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr. President.  
Total 30

Absent or not voting: None.

Total 0

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Excused: Swandal.

Total 1

**SB 131** - Thereupon, the Senate reverted to the original motion of Senator Thomas which passed as follows:

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

Total 29

Nays: Barrett, Caferro, Cohenour, Facey, Fielder, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Vuckovich, Whitford, Wolken.

Total 21

Paired: Swandal, Aye; Smith C, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 89** - Senator Vance moved **SB 89** 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, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

**SB 103** - Senator L. Jones moved **SB 103** do pass. Motion carried as follows:

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

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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, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Swandal.  
Total 1

**SB 115** - Senator Moe moved **SB 115** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.  
Total 34

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr.President.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Swandal.  
Total 1

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

Chair Kary 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, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.  
Total 47

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Nays: Olszewski, Webb.

Total 2

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

**MOTIONS**

Majority Leader Thomas moved that **SB 145** be taken from the Judiciary Committee and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate suspend rules S40-40 and S50-190 for the purpose of placing **SB 131** on third reading this date. Motion carried.

Majority Leader Thomas moved that **SB 115**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**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 7** passed as follows:

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

Total 31

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

Total 18

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

**SB 11** passed as follows:



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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, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Swandal.  
Total 1

**SB 131** passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.  
Total 28

Nays: Barrett, Caferro, Cohenour, Facey, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Vuckovich, Whitford, Wolken.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Swandal.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 27, 2017, the 20th legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate