

**SENATE JOURNAL  
65TH LEGISLATURE  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 2, 2017

Senate Chambers  
State Capitol

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

Roll Call. Forty-nine members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/2/2017

Correctly printed: **SB 45, SB 63, SB 64, SB 106, SB 128, SB 179, SB 180, SB 181, SB 182, SB 183, SB 184, SB 185, SB 186, SB 187, SR 5, SR 32, HB 76.**

Correctly engrossed: **SB 42, SB 55, SB 58, SB 65, SB 73, SB 93, SB 116, HB 3, HB 26, HB 125, HB 138, HB 141, HB 146, HB 191.**

Correctly enrolled: **SB 13.**

Examined by the sponsor and found to be correct: **SB 13.**

Transmitted to the House: **SB 12, SB 27, SB 50, SB 51, SB 91, SB 124, HB 16, HB 25, HB 113.**

Signed by the President at 2:30 p.m., February 2, 2017: **SB 5.**

Signed by the Secretary of the Senate at 2:50 p.m., February 2, 2017: **SB 5.**

Delivered to the Governor at 9:45 a.m., February 2, 2017: **SB 70.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair):

2/1/2017

**HB 191**, be amended as follows:

1. Page 2, line 14.

**Strike:** "\$309,554"

**Insert:** "\$306,897"

**Strike:** "\$312,650"

**Insert:** "\$312,636"

2. Page 2, line 16.

**Strike:** "\$309,554"

**Insert:** "\$306,897"

**Strike:** "\$312,650"

**Insert:** "\$312,636"

3. Page 2, line 18.

**Strike:** "\$15,478"

**Insert:** "\$15,345"

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**Strike:** "\$15,633"

**Insert:** "\$15,632"

4. Page 2, line 22.

**Strike:** "\$51,592"

**Insert:** "\$51,149"

**Strike:** "\$52,108"

**Insert:** "\$52,105"

5. Page 2, line 24.

**Strike:** "\$51,592"

**Insert:** "\$51,149"

**Strike:** "\$52,108"

**Insert:** "\$52,105"

6. Page 2, line 26.

**Strike:** "\$2,580"

**Insert:** "\$2,558"

7. Page 3, line 1.

**Strike:** "\$51,592"

**Insert:** "\$51,149"

**Strike:** "\$52,108"

**Insert:** "\$52,105"

8. Page 3, line 3.

**Strike:** "\$51,592"

**Insert:** "\$51,149"

**Strike:** "\$52,108"

**Insert:** "\$52,105"

9. Page 3, line 5.

**Strike:** "\$2,580"

**Insert:** "\$2,558"

10. Page 3, line 9.

**Strike:** "\$103,185"

**Insert:** "\$102,299"

**Strike:** "\$104,217"

**Insert:** "\$104,212"

11. Page 3, line 12.

**Strike:** "\$103,185"

**Insert:** "\$102,299"

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**Strike:** "\$104,217"

**Insert:** "\$104,212"

12. Page 3, line 14.

**Strike:** "\$5,160"

**Insert:** "\$5,115"

**Strike:** "\$5,212"

**Insert:** "\$5,211"

13. Page 4, line 15.

**Strike:** "\$212"

**Insert:** "\$210"

14. Page 4, line 20.

**Strike:** "\$21.54"

**Insert:** "\$21.36"

15. Page 4, line 25.

**Strike:** "\$7,065"

**Insert:** "\$7,005"

16. Page 4, line 30.

**Strike:** "\$5,519"

**Insert:** "\$5,471"

**Strike:** "\$5,574"

**Insert:** "\$5,573"

17. Page 5, line 5.

**Strike:** "\$5,519"

**Insert:** "\$5,471"

**Strike:** "\$5,574"

**Insert:** "\$5,573"

18. Page 5, line 9.

**Strike:** "\$7,065"

**Insert:** "\$7,005"

19. Page 5, line 14.

**Strike:** "\$20.64"

**Insert:** "\$20.46"

**Strike:** "\$20.85"

**Insert:** "\$20.84"

20. Page 5, line 17.

**Strike:** "\$3,212"

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**Insert:** "\$3,185"

**Strike:** "\$3,244"

**Insert:** "\$3,245"

And, as amended, be concurred in.

**FISH AND GAME** (Fielder, Chair): 1/31/2017  
**SB 119**, do pass.  
**HB 150**, be concurred in.

**LOCAL GOVERNMENT** (Webb, Chair): 2/1/2017  
**SR 15**, be adopted.

**NATURAL RESOURCES** (Vincent, Chair): 2/1/2017  
**SB 42**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "ADJUSTMENTS;"

**Insert:** "AND"

2. Page 6, line 8.

**Strike:** "location"

**Insert:** "siting corridor"

3. Page 6, line 10.

**Strike:** "location"

**Insert:** "siting corridor"

4. Page 6, line 18.

**Strike:** "location"

**Insert:** "siting corridor"

5. Page 6.

**Following:** line 24

**Insert:** "(d) (i) For each facility, the department shall maintain a list of persons who requested to receive electronic notice of any adjustment submitted pursuant to this subsection (6).

(ii) Upon receipt of a submitted adjustment, the department shall:

(A) post information about the adjustment on the department's website; and

(B) electronically notify each person identified in subsection (6)(d)(i) of the adjustment and where information about the adjustment may be viewed."

And, as amended, do pass.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair): 2/1/2017  
**HB 105**, be concurred in.

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**STATE ADMINISTRATION** (Brown, Chair): 2/1/2017  
**SB 121**, do pass.  
**SB 140**, do pass.  
**HB 67**, be concurred in.  
**HB 68**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate: 2/1/2017

**SB 13**, introduced by S. Fitzpatrick

**House bills** passed and transmitted to the Senate for concurrence: 2/1/2017

**HB 64**, introduced by K. Dudik  
**HB 93**, introduced by F. Garner  
**HB 129**, introduced by E. Hill Smith  
**HB 193**, introduced by T. Woods  
**HB 233**, introduced by R. Ehli  
**HB 247**, introduced by K. Dudik  
**HB 251**, introduced by K. Wagoner  
**HB 273**, introduced by B. Usher

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 188**, introduced by K. Regier, referred to Local Government.  
**SB 189**, introduced by K. Regier, referred to Local Government.  
**SB 190**, introduced by M. Phillips, referred to Natural Resources.  
**SB 191**, introduced by L. Whitford, referred to Taxation.  
**SB 192**, introduced by N. Swandal, referred to Public Health, Welfare and Safety.  
**SB 193**, introduced by D. Ankney, M. Caferro, referred to Judiciary.

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

**SJ 8**, introduced by M. Phillips, referred to Fish and Game.  
**SJ 9**, introduced by M. Phillips, referred to Fish and Game.  
**SJ 10**, introduced by M. Lang, D. Ankney, R. Brodehl, R. Cook, M. Cuffe, G. Custer, S. Fitzpatrick,

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W. Galt, B. Harris, S. Hinebauch, K. Holmlund, D. Kary, J. Keane, A. Knudsen, R. Lynch, F. Moore, D. Mortensen, R. Osmundson, V. Ricci, T. Richmond, D. Salomon, S. Staffanson, R. Tempel, R. Webb, J. Welborn, K. White, referred to Energy and Telecommunications.

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

**HB 64**, introduced by K. Dudik (by request of the Supreme Court), referred to Judiciary.  
**HB 93**, introduced by F. Garner (by request of the Department of Justice), referred to Judiciary.  
**HB 129**, introduced by E. Hill Smith (by request of the Law and Justice Interim Committee), referred to Judiciary.  
**HB 193**, introduced by T. Woods, D. Zolnikov, referred to Energy and Telecommunications.  
**HB 233**, introduced by R. Ehli, M. Blasdel, E. Buttrey, J. Cohenour, K. McCarthy, M. McNally, F. Thomas, R. Webb, referred to Public Health, Welfare and Safety.  
**HB 247**, introduced by K. Dudik, B. Bennett, R. Brodehl, B. Brown, M. Hopkins, T. Jacobson, C. Knudsen, R. Lynch, R. Osmundson, G. Pierson, referred to Judiciary.  
**HB 251**, introduced by K. Wagoner, referred to Judiciary.  
**HB 273**, introduced by B. Usher, S. Berglee, B. Brown, D. Kary, C. Knudsen, D. Mortensen, referred to Judiciary.

**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 Buttrey in the chair.

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

**SB 118** - Senator McNally moved **SB 118** 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, 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 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 123** - Senator Swandal moved **SB 123** 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, 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 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 97** - Senator K. Regier moved **SB 97** do pass. Motion carried as follows:

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

Nays: Barrett, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 221** - Senator Facey moved **HB 221** be concurred in. 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, 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 49

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 142** - Senator Facey moved **SB 142** do pass. Motion carried as follows:

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

Total 41

Nays: Blasdel, Fielder, Hinebauch, Howard, Keenan, Olszewski, Smith C, Mr.President.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 48** - Senator Vincent moved **SB 48** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, McNally, Moore, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Welborn.

Total 29

Nays: Caferro, Cohenour, Facey, Gross, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Olszewski, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webb, Whitford, Wolken, Mr.President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0



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

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

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

Total 44

Nays: Caferro, MacDonald, Phillips, Sesso, Smith F.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**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 45** 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, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 63** 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, 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 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 48**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to re-refer **SB 176** from the Business, Labor, and Economic Affairs Committee, and **SB 177** from the Local Government Committee, to the Judiciary 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., Friday, February 3, 2017, the 25th legislative day. Motion carried.

Senate adjourned at 2:05 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate