

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

Helena, Montana  
February 10, 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-seven members present. Senators Howard, Swandal and Vuckovich excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair):

2/10/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-first, twenty-second, twenty-third, twenty-fourth, and twenty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 139, SB 221, SB 222, SB 223, SB 224, SB 225, SB 226, SB 227, SB 228, SB 229, SR 13, HB 135, HB 177, HB 184, HB 202, HB 207, HB 237, HB 246, HJ 1, HJ 5.**

Correctly enrolled: **SR 18, SR 19, SR 22.**

Examined by the sponsor and found to be correct: **SR 18, SR 19, SR 22.**

Transmitted to the House: **SB 42, SB 60, SB 64, SB 121, SB 140, SB 144, HB 67, HB 68, HB 89, HB 105.**

Signed by the President at 4:00 p.m., February 9, 2017: **SR 14, SR 15.**

Signed by the Secretary of the Senate at 4:20 p.m., February 9, 2017: **SR 14, SR 15.**

Delivered to the Secretary of State at 10:15 a.m., February 10, 2017: **SR 14, SR 15.**

**REPORTS OF STANDING COMMITTEES**

**ENERGY AND TELECOMMUNICATIONS** (Ankney, Chair):

2/9/2017

**SB 78**, introduced bill, be amended as follows:

1. Page 2, line 7.

**Strike:** "January"

**Insert:** "July"

2. Page 2.

**Strike:** line 10

**Insert:** "avoided cost."

3. Page 2, line 11.

**Strike:** "(3)"

**Insert:** "(c)"

**Strike:** "monthly service charge"

**Insert:** "rate"

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4. Page 2, line 13.

**Strike:** "(4)"

**Insert:** "(3)"

5. Page 2, line 18 through line 21.

**Strike:** subsection (5) in its entirety

6. Page 3, line 1.

**Strike:** "for the appropriate monthly service charge"

**Insert:** "at the appropriate rate"

7. Page 3, line 5.

**Strike:** the first "for"

**Insert:** "at"

**Strike:** "monthly service charge"

**Insert:** "rate"

And, as amended, do pass.

**SB 102**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "A MAXIMUM 5-YEAR TERM"

**Insert:** "UP TO 20 YEARS"

2. Page 1, line 16.

**Strike:** "only"

**Strike:** "a" through "5"

**Insert:** "up to 20"

And, as amended, do pass.

**SB 132**, do pass.

**SJ 6**, introduced joint resolution, be amended as follows:

1. Page 1, line 30.

**Following:** "to"

**Insert:** "the President of the United States, to"

2. Page 2, line 1.

**Following:** "Congress"

**Insert:** ", "

And, as amended, be adopted.

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**FINANCE AND CLAIMS** (Jones, Chair):

2/9/2017

**SB 48**, do pass.

**SB 73**, do pass.

**JUDICIARY** (Regier, Chair):

2/10/2017

**SB 2**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "OF"

**Insert:** "A QUORUM OF"

2. Title, page 1, line 6.

**Following:** "MEETING"

**Insert:** "IN CERTAIN SITUATIONS"

3. Page 1, line 15.

**Following:** "situation"

**Insert:** "under 2-3-112"

4. Page 1, line 22.

**Following:** "presence of"

**Insert:** "a quorum of"

**Following:** "organization"

**Insert:** "or traveling in the same vehicle"

5. Page 1, line 23.

**Following:** "board"

**Insert:** "as long as no issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard"

6. Page 1, line 23.

**Following:** " "

**Strike:** "Business"

**Insert:** "County business"

7. Page 1, line 24.

**Following:** line 24

**Insert:** "(5) If a quorum of commissioners is present at an event or meeting or is traveling in the same vehicle when it was not possible to provide public notice under 7-1-2123, and issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard, the commissioners present shall provide a report at the commission's next regularly scheduled public meeting. The report must include the name of the event or meeting, the name of the persons involved, the date and location of the event or meeting, and a brief summary of the issues discussed or heard. If the commissioners' presence at the unnoticed meeting or event is reasonably expected to precipitate ensuing consideration

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of any issue by the board of county commissioners, details associated with the issue discussed or heard must also be included in the report."

And, as amended, do pass.

**SB 179**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Following:** "action"

**Insert:** "and more than 10 days before a trial"

**Following:** "jurisdiction"

**Insert:** "begins"

2. Page 2, line 5 through line 6.

**Following:** "or"

**Strike:** "before" on line 5 through "act]" on line 6

**Insert:** "after October 1, 2017"

And, as amended, do pass.

**HB 262**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 2/9/2017

**SB 10**, introduced by M. Blasdel

**SB 41**, introduced by F. Moore

**SB 53**, introduced by L. Jones

**SB 68**, introduced by D. Barrett

**Senate joint resolution** concurred in and returned to the Senate: 2/9/2017

**SJ 2**, introduced by P. Connell

**House bills** passed and transmitted to the Senate for concurrence: 2/9/2017

**HB 73**, introduced by R. Lynch

**HB 173**, introduced by K. Dudik

**HB 219**, introduced by Z. Brown

**HB 297**, introduced by A. Hertz

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**HB 18** - The House failed to concur in Senate amendments to **HB 18**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 18**:  
2/9/2017

Representative Galt  
Representative Jacobson  
Representative Redfield

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 231**, introduced by R. Webb, D. Mortensen, referred to Highways and Transportation.

**SB 232**, introduced by P. Connell, J. Welborn, referred to Highways and Transportation.

**SB 233**, introduced by M. Caferro, referred to Public Health, Welfare and Safety.

**SB 234**, introduced by M. Caferro, referred to Education and Cultural Resources.

**SB 235**, introduced by T. Richmond, D. Ankney, J. Keane, R. Lynch, K. White, referred to Natural Resources.

**SB 236**, introduced by J. Fielder, N. Ballance, D. Bartel, B. Beard, S. Berglee, M. Blasdel, B. Brown, E. Buttrey, P. Connell, M. Cuffe, A. Doane, R. Ehli, K. Flynn, T. Gauthier, C. Glimm, B. Grubbs, S. Gunderson, B. Hamlett, A. Hertz, J. Hinkle, M. Hopkins, D. Howard, D. Jones, L. Jones, D. Kary, B. Keenan, J. Knokey, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, M. Noland, A. Olszewski, R. Osmundson, A. Redfield, K. Regier, M. Regier, T. Richmond, S. Sales, J. Small, C. Smith, F. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, C. Vincent, G. Vuckovich, K. Wagoner, K. White, J. Windy Boy, D. Zolnikov, referred to Fish and Game.

**SB 237**, introduced by J. Fielder, S. Berglee, R. Brodehl, B. Brown, Z. Brown, E. Buttrey, J. Cohenour, R. Ehli, T. Facey, F. Garner, C. Glimm, B. Grubbs, B. Hamlett, G. Hertz, S. Hinebauch, J. Hinkle, M. Hopkins, D. Jones, D. Kary, J. Keane, B. Keenan, J. Knokey, D. Loge, R. Lynch, E. McClafferty, W. McKamey, S. Morigeau, R. Osmundson, M. Phillips, A. Redfield, V. Ricci, T. Richmond, J. Small, B. Smith, C. Smith, R. Tempel, F. Thomas, K. Wagoner, J. Welborn, referred to Fish and Game.

**SB 238**, introduced by M. MacDonald, D. Barrett, C. Boland, M. Caferro, J. Cohenour, D. Hayman, J. Karjala, M. Phillips, D. Sands, F. Smith, T. Woods, referred to Highways and Transportation.

The following Senate bill, previously introduced, was referred to committee:

**SB 230**, introduced by M. MacDonald, referred to Judiciary.

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

**HB 73**, introduced by R. Lynch (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.

**HB 173**, introduced by K. Dudik, referred to Public Health, Welfare and Safety.

**HB 219**, introduced by Z. Brown, D. Zolnikov, referred to Energy and Telecommunications.

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**HB 297**, introduced by A. Hertz, J. Welborn, referred to Energy and Telecommunications.

The following House bill, previously introduced, was referred to committee:

**HB 276**, introduced by E. Greef, 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 D. Brown in the chair.

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

**HB 82** - Senator Sands moved **HB 82** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Howard, Swandal, Vuckovich.  
Total 3

**HB 91** - Senator Salomon moved **HB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken.  
Total 41

Nays: Blasdel, Fielder, Hinebauch, Keenan, Smith C, Mr.President.  
Total 6

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Absent or not voting: None.

Total 0

Excused: Howard, Swandal, Vuckovich.

Total 3

**HB 130** - Senator Lang moved **HB 130** be concurred in. Motion carried as follows:

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

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard, Swandal, Vuckovich.

Total 3

**SB 157** - Senator Cohenour moved **SB 157** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Welborn, Whitford, Wolken.

Total 31

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Lang, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: Howard, Swandal, Vuckovich.

Total 3

**HB 172** - Senator Fitzpatrick moved **HB 172** be concurred in. Motion carried as follows:

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

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Howard, Swandal, Vuckovich.  
Total 3

**HB 233** - Senator McNally moved **HB 233** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Howard, Swandal, Vuckovich.  
Total 3

**SB 108** - Senator Vance moved **SB 108** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 46

Nays: Fitzpatrick.  
Total 1



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Absent or not voting: None.

Total 0

Excused: Howard, Swandal, Vuckovich.

Total 3

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

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

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

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard, Swandal, Vuckovich.

Total 3

**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:

**HB 135** concurred in as follows:

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

Total 47

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Howard, Swandal, Vuckovich.

Total 3

**HB 184** concurred in as follows:

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

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Howard, Swandal, Vuckovich.

Total 3

### MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 18**. Without objection, so ordered. President Sales appointed:

Senator Blasdel, Chair

Senator McClafferty

Senator Tempel

Majority Leader Thomas moved that **SB 222** be taken from the Judiciary Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 213** be taken from the Finance and Claims Committee and re-referred to the Natural Resources Committee. Without objection, so ordered.

### SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 13, 2017, the 31st legislative day. Motion carried.

Senate adjourned at 1:37 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate