

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

Helena, Montana
February 16, 2017

Senate Chambers
State Capitol

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

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

BILLS AND JOURNALS (Keenan, Chair): 2/16/2017
Correctly printed: **SB 78, SB 102, SB 132, SB 139, SB 171, SB 183, SB 184, SB 254, SB 255, SB 256, SB 257, SB 258, SB 259, SB 260, SB 261, SB 262, SB 263, SB 264, SB 265, SB 266, SB 267, SB 268, SJ 6, SR 17, SR 23, SR 29, SR 38, SR 39, HB 112.**
Correctly enrolled: **SB 52, SR 8, SR 13.**
Transmitted to the House: **SB 2, SB 113, SB 179, HB 177, HB 202, HB 207, HB 237, HB 246, HB 262, HJ 5.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/15/2017
HB 232, be concurred in.
HB 248, be concurred in.

JUDICIARY (Regier, Chair): 2/15/2017
SB 175, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "SECTIONS"
Insert: "70-24-303,"
Following: "70-24-430,"
Insert: "70-33-303,"

2. Page 1, line 10.
Following: line 10
Insert: "**Section 1.** Section 70-24-303, MCA, is amended to read:
"**70-24-303. Landlord to maintain premises -- agreement that tenant perform duties -- limitation of landlord's liability for failure of smoke detector or carbon monoxide detector.**
(1) A landlord:
(a) shall comply with the requirements of applicable building and housing codes materially affecting health and safety in effect at the time of original construction in all dwelling units where construction is completed after July 1, 1977;
(b) may not knowingly allow any tenant or other person to engage in any activity on the premises that creates a reasonable potential that the premises may be damaged or destroyed or

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

that neighboring tenants may be injured;

(c) shall make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition; If the tenant gives written notice to the landlord or authorized person requesting the maintenance or repair of specific items, the landlord or authorized person has 7 days to comply with the written notice given by the tenant.

(d) shall keep all common areas of the premises in a clean and safe condition;

(e) shall maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

(f) shall, unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;

(g) shall supply running water and reasonable amounts of hot water at all times and reasonable heat between October 1 and May 1, except if the building that includes the dwelling unit is not required by law to be equipped for that purpose or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant; and

(h) shall install in each dwelling unit under the landlord's control an approved carbon monoxide detector, in accordance with rules adopted by the department of labor and industry, and an approved smoke detector, in accordance with rules adopted by the department of justice. Upon commencement of a rental agreement, the landlord shall verify that the carbon monoxide detector and the smoke detector in the dwelling unit are in good working order. The tenant shall maintain the carbon monoxide detector and the smoke detector in good working order during the tenant's rental period. For the purposes of this subsection, an approved carbon monoxide detector, as defined in 70-20-113, and an approved smoke detector, as defined in 70-20-113, bear a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b) through (1)(h), a landlord's duty must be determined by reference to subsection (1)(a).

(3) A landlord and tenant of a one-, two-, or three-family residence may agree in writing that the tenant perform the landlord's duties specified in subsections (1)(f) and (1)(g) and specified repairs, maintenance tasks, alteration, and remodeling but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(4) A landlord and tenant of a one-, two-, or three-family residence may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:

(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(b) the work is not necessary to cure noncompliance with subsection (1)(a); and

(c) the agreement does not diminish the obligation of the landlord to other tenants in the premises.

(5) The landlord is not liable for damages caused as a result of the failure of the carbon monoxide detector or the smoke detector required under subsection (1)(h)."

Renumber: subsequent sections

3. Page 4, line 18.

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

Following: line 18

Insert: "Section 5. Section 70-33-303, MCA, is amended to read:

"70-33-303. Landlord to maintain premises -- agreement that tenant perform duties.

(1) A landlord shall:

(a) comply with the requirements of applicable building and housing codes materially affecting health and safety;

(b) make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition; If the tenant gives written notice to the landlord or authorized person requesting the maintenance or repair of specific items, the landlord or authorized person has 7 days to comply with the written notice given by the tenant.

(c) keep all common areas of the premises in a clean and safe condition;

(d) for the premises, maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

(e) unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the lot and arrange for their removal; and

(f) supply running water at all times unless the lot is not required by law to be equipped for that purpose or the running water is generated by an installation within the exclusive control of the tenant.

(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b) through (1)(f), a landlord's duty must be determined by reference to subsection (1)(a).

(3) A landlord and tenant may agree in writing that the tenant is to perform the landlord's duties specified in subsections (1)(e) and (1)(f) but only if the agreement is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(4) A landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:

(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(b) the work is not necessary to cure noncompliance with subsection (1)(a); and

(c) the agreement does not diminish the obligation of the landlord to other tenants.""

Renumber: subsequent sections

And, as amended, do pass.

SB 176, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "three-family"

Insert: "or larger"

2. Page 2, line 19.

Following: "three-family"

Insert: "or larger"

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

3. Page 2, line 30.

Following: "unreasonably"

Insert: "unreasonably"

4. Page 3, line 15.

Following: "(5)"

Insert: "(a)"

5. Page 3, line 18.

Following: line 18

Insert: "(b) At the request of a tenant, the landlord shall provide, at the tenant's expense, new locks to the exterior doors of the premises. When the tenancy is vacated the tenant shall retain the locks unless it is a master keyed system; then the landlord shall provide a new keyed locking mechanism at no expense to the tenant.

(c) If the tenant adds a new lock to any interior door of the premises, the tenant shall provide a key to the landlord at the tenant's expense and is responsible for any damage caused by the installation of the new lock to the premises. The cost of the damage may be deducted from the tenant's security deposit, and the tenant shall return the original doorknob to the landlord if the doorknob was removed."

And, as amended, do pass.

SB 177, do pass.

SB 200, do pass.

JUDICIARY (Regier, Chair):

2/16/2017

SJ 11, do pass.

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

2/15/2017

SB 160, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "FOR"

Insert: "MEDICAID"

Strike: "BY MENTAL HEALTH CENTERS"

Insert: "TO INDIVIDUALS SUFFERING FROM MENTAL ILLNESS AND CO-OCCURRING DISORDERS; REQUIRING A REPORT"

2. Title, page 1, line 7.

Strike: "SECTIONS 53-21-1002 AND 53-21-1007"

Insert: "SECTION 53-6-101"

3. Page 1, line 11 through page 3, line 13.

Strike: everything after the enacting clause

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

Insert: "Section 1. Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program -- authorization of services. (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age;

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2); and

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153.

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

- (d) dental services;
- (e) physical therapy services;
- (f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;
- (g) clinical social worker services;
- (h) prescribed drugs, dentures, and prosthetic devices;
- (i) prescribed eyeglasses;
- (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
- (k) inpatient psychiatric hospital services for persons under 21 years of age;
- (l) services of professional counselors licensed under Title 37, chapter 23;
- (m) hospice care, as defined in 42 U.S.C. 1396d(o);
- (n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
- (o) services of psychologists licensed under Title 37, chapter 17;
- (p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; and
- (q) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving financial assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child under the FAIM project and for all adult recipients of medical assistance only who are covered under a group related to a program providing financial assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(q) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2)."

And, as amended, do pass.

SB 192, do pass.

SB 205, do pass.

HB 24, be amended as follows:

1. Title, page 1, line 10.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 14.

Strike: "(A)"

3. Page 1, line 15 through line 16.

Strike: "AN" on line 15 through "EMPLOYEE" on line 16

Insert: "If a qualified individual, investment adviser, investment adviser representative, or salesperson"

4. Page 1, line 18 through line 24.

Strike: ":", on line 18 through "COMMISSIONER." on line 24

Insert: ", the qualified individual, investment adviser, investment adviser representative, or salesperson may promptly report the suspected exploitation to the commissioner in the manner outlined in the broker-dealer's or investment adviser's policies and procedures for reporting suspected exploitation. If the policies and procedures do not have a manner

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

outlined, the qualified individual, investment adviser, investment adviser representative, or salesperson may report the suspected exploitation directly to the commissioner."

5. Page 17, line 23.

Insert: "NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

2/15/2017

SB 152, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 10.

Strike: "REVISING" on line 8 through "PLAN;" on line 10

2. Title, page 1, line 11.

Following: "2-18-703,"

Insert: "AND"

Following: "2-18-812,"

Strike: "AND 5-2-303,"

3. Page 1, line 21.

Strike: "amount of compensation"

Insert: "base hourly pay rate annualized"

Following: "excluding"

Strike: ":"

Insert: "overtime and longevity."

4. Page 1, line 22 through line 26.

Strike: subsection (a) through subsection (c) in their entirety

5. Page 10, line 14 through page 11, line 4.

Strike: section 6 in its entirety

Renumber: subsequent sections

6. Page 11, line 8.

Strike: "[Sections" through "section]"

Insert: "[Section 4] and this section"

7. Page 11, line 10.

Strike: "[Sections 4 and 6] apply"

Insert: "[Section 4] applies"

And, as amended, do pass.

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

SB 158, do pass.

SB 163, introduced bill, be amended as follows:

1. Page 1, line 26.

Following: "precincts."

Insert: "If the list is insufficient or if one or more of the eligible political parties fails to submit a list meeting the requirements of this section, the election administrator may select enough people meeting the qualifications of 13-4-107 to fill election judge vacancies in all precincts."

And, as amended, do pass.

SR 26, be adopted.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on House Bill 18

Report No. 001, February 15, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 18** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 18** (reference copy -- salmon) be amended as follows:

1. Page 14, line 12.

Strike: "SEPTEMBER 30"

Insert: "....."

2. Page 25, line 28.

Strike: "county treasurer"

Insert: "COUNTY TREASURER"

For the Senate:

Blasdel, Chair
McClafferty
Tempel

For the House:

Galt
Jacobson
Redfield

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/15/2017

SB 32, introduced by K. Regier

House bills passed and transmitted to the Senate for concurrence: 2/15/2017

HB 61, introduced by F. Garner

HB 147, introduced by D. Zolnikov

HB 149, introduced by D. Zolnikov

HB 175, introduced by J. Hamilton

HB 280, introduced by R. Brodehl

HB 283, introduced by T. Burnett

HB 289, introduced by T. Jacobson

HB 311, introduced by R. Peppers

HB 370, introduced by B. Bennett

FIRST READING AND COMMITMENT OF BILLS

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

SB 269, introduced by M. Caferro, referred to Local Government.

SB 270, introduced by D. Kary, referred to State Administration.

SB 271, introduced by F. Thomas, M. Blasdel, M. Caferro, R. Ehli, W. Galt, B. Keenan, referred to Public Health, Welfare and Safety.

SB 272, introduced by R. Webb, referred to Public Health, Welfare and Safety.

SB 273, introduced by F. Moore, referred to Energy and Telecommunications.

SB 274, introduced by E. Buttrey, referred to Local Government.

SB 275, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SB 276, introduced by R. Webb, referred to Judiciary.

SB 277, introduced by T. Richmond, P. Connell, referred to Energy and Telecommunications.

SB 278, introduced by S. Hinebauch, J. Fielder, T. Gauthier, B. Hoven, C. Knudsen, K. Regier, T. Richmond, S. Staffanson, referred to Local Government.

SB 279, introduced by C. Vincent, referred to State Administration.

SB 280, introduced by S. Malek, referred to Judiciary.

SB 281, introduced by C. Vincent, K. White, referred to Natural Resources.

SB 282, introduced by A. Olszewski, M. Blasdel, R. Brodehl, D. Brown, T. Burnett, E. Buttrey, R. Ehli, J. Fielder, T. Gauthier, C. Glimm, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, D. Howard, D. Jones, L. Jones, D. Kary, B. Keenan, M. Lang, D. Lenz, F. Mandeville, T. Manzella, M. Noland, R. Osmundson, M. Regier, T. Richmond, S. Sales, D. Salomon, D. Skees, C. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, S. Vinton, R. Webb, J. Welborn, J. Windy Boy, referred to Judiciary.

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

SB 283, introduced by A. Olszewski, R. Cook, L. Jones, referred to Public Health, Welfare and Safety.

SB 284, introduced by M. Lang, P. Connell, referred to Natural Resources.

SB 285, introduced by M. Lang, R. Tempel, referred to Agriculture, Livestock and Irrigation.

SB 286, introduced by F. Moore, referred to Judiciary.

SB 287, introduced by L. Jones, R. Cook, R. Fitzgerald, referred to Finance and Claims.

SB 288, introduced by E. Buttrey, P. Connell, F. Moore, F. Thomas, referred to Judiciary.

SB 289, introduced by F. Moore, referred to Business, Labor, and Economic Affairs.

SB 290, introduced by J. Cohenour, referred to Highways and Transportation.

SB 291, introduced by T. Facey, R. Lynch, V. Ricci, G. Vance, referred to Business, Labor, and Economic Affairs.

SB 292, introduced by T. Facey, R. Lynch, V. Ricci, G. Vance, referred to Business, Labor, and Economic Affairs.

SB 293, introduced by C. Smith, referred to Judiciary.

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

SR 40, introduced by C. Vincent, referred to Natural Resources.

SR 41, introduced by C. Vincent, referred to Natural Resources.

SR 42, introduced by C. Vincent, referred to Natural Resources.

SR 43, introduced by C. Vincent, referred to Natural Resources.

SR 44, introduced by C. Vincent, referred to Natural Resources.

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

SJ 13, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced and read first time:

SJ 14, introduced by R. Webb.

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

HB 61, introduced by F. Garner (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

HB 147, introduced by D. Zolnikov, referred to Judiciary.

HB 149, introduced by D. Zolnikov, referred to Judiciary.

HB 175, introduced by J. Hamilton, E. McClafferty, referred to Taxation.

HB 280, introduced by R. Brodehl, D. Bartel, B. Brown, M. Cuffe, R. Ehli, W. Galt, C. Glimm, E. Greef, B. Harris, G. Hertz, M. Hopkins, D. Howard, D. Jones, J. Knokey, A. Knudsen, C. Knudsen, D. Lenz, F. Mandeville, T. Manzella, W. McKamey, D. Mortensen, J. O'Hara, R. Osmundson, A. Redfield, V. Ricci, A. Rosendale, L. Sheldon-Galloway, D. Skees, C. Smith, B. Tschida, G. Vance, S. Vinton, K. Wagoner, P. Webb, K. White, referred to Judiciary.

HB 283, introduced by T. Burnett, referred to State Administration.

HB 289, introduced by T. Jacobson, referred to Fish and Game.

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

HB 311, introduced by R. Peppers, D. Bartel, C. Knudsen, J. Trebas, referred to Fish and Game.
HB 370, introduced by B. Bennett, J. Fleming, D. Hayman, S. Morigeau, Wagoner, 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 Gross in the chair.

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

HB 258 - Senator Swandal moved **HB 258** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.
Total 1

HB 278 - Senator K. Regier moved **HB 278** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

Excused: McClafferty.

Total 1

HB 300 - Senator R. Webb moved **HB 300** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: Phillips, Pomnichowski, Sesso.

Total 3

Absent or not voting: None.

Total 0

Excused: McClafferty.

Total 1

SB 189 - Majority Leader Thomas moved consideration of **SB 189** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 208 - Majority Leader Thomas moved consideration of **SB 208** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 48 - Senator Fielder moved **HB 48** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.

Total 1

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

HB 49 - Senator Barrett moved **HB 49** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.
Total 1

HB 53 - Senator Cohenour moved **HB 53** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.
Total 1

HB 79 - Senator Swandal moved **HB 79** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: McClafferty.

Total 1

HB 81 - Senator D. Brown moved **HB 81** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.

Total 47

Nays: Malek, Pomnichowski.

Total 2

Absent or not voting: None.

Total 0

Excused: McClafferty.

Total 1

HB 159 - Senator L. Jones moved **HB 159** 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.

Total 1

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

SB 149 - Senator Kary moved **SB 149** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.
Total 1

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

Chair Gross 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, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.
Total 1

FIRST READING AND COMMITMENT OF BILLS

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

SB 294, introduced by S. Fitzpatrick, referred to State Administration.

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

MOTIONS

Majority Leader Thomas moved that **SB 79** be taken from the third reading agenda this date and placed on second reading on Saturday, February 18, 2017. 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 78 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, 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 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

SB 102 passed as follows:

Yeas: Ankney, Blasdel, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Webb, Welborn, Mr.President.
Total 25

Nays: Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Facey, Gross, Hinkle, Jones, MacDonald, Malek, McNally, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vincent, Vuckovich, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

Excused: McClafferty.

Total 1

SB 132 passed as follows:

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

Total 31

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

Total 18

Absent or not voting: None.

Total 0

Excused: McClafferty.

Total 1

SB 139 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.

Total 1

SJ 6 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, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

SENATE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 16, 2017

Total 33

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

Total 16

Absent or not voting: None.

Total 0

Excused: McClafferty.

Total 1

HB 112 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: McClafferty.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 17, 2017, the thirty-fifth legislative day. Motion carried.

Senate adjourned at 1:47 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate