

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

Helena, Montana
February 17, 2017

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/17/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 149, SB 158, SB 177, SB 192, SB 200, SB 205, SB 269, SB 270, SB 271, SB 272, SB 273, SB 274, SB 275, SB 276, SB 277, SB 278, SB 279, SB 280, SB 281, SB 282, SB 283, SB 284, SB 285, SB 286, SB 287, SB 288, SB 289, SB 290, SB 291, SB 292, SB 293, SB 294, SR 26, SR 40, SR 41, SR 42, SR 43, SR 44, SJ 11, SJ 13, HB 48, HB 49, HB 53, HB 79, HB 81, HB 159, HB 232, HB 248, HB 258, HB 278, HB 300.**

Correctly engrossed: **SB 96, SB 152, SB 154, SB 160, SB 163, SB 168, SB 175, SB 176, SB 182, HB 24.**

Correctly enrolled: **SB 32.**

Examined by the sponsor and found to be correct: **SB 32, SB 52, SR 8, SR 13.**

Transmitted to the House: **SB 78, SB 102, SB 132, SB 139, SJ 6, HB 112.**

Senator Blasdel thanked the Pages for their service this week.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/16/2017
SR 30, be adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/17/2017
SB 195, introduced bill, be amended as follows:

1. Page 3, line 2.

Strike: "or"

2. Page 3, line 4.

Following: "nonprofit association"

Strike: "."

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Insert: "; or

(f) an organization formed by order of the Montana supreme court."

And, as amended, do pass.

SB 216, introduced bill, be amended as follows:

1. Page 1, line 22.

Following: line 21

Insert: "(3) This section does not apply to the extent that the bankruptcy, creditor, and other processes in subsection (1) relate to recovery of eligible medical expenses incurred by an individual from the individual's medical care savings account, health savings account, or medical savings account."

And, as amended, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair):

2/16/2017

SB 154, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "SECTIONS"

Strike: "15-32-102" through "MCA;"

Insert: "15-6-224, 15-32-201, 15-32-202, 15-32-402, 15-32-404, 90-4-602, AND 90-4-1005, MCA;"

2. Title, page 1, line 10.

Strike: "REPEALING" through "15-32-407, MCA;"

3. Title, page 1, line 11.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 15 through page 5, line 12.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 15-6-224, MCA, is amended to read:

"15-6-224. Nonfossil energy generation. (1) The Except as provided in subsection (2), the following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low-emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:
(1)(a) \$20,000 in the case of a single-family residential dwelling;
(2)(b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.

(2) The tax exemption for the portions of the appraised value of a capital investment in a net metering system, as defined in 69-8-103, that interconnects with a utility may not be first claimed for tax years beginning after December 31, 2017. An exemption first claimed for a net metering system before tax years beginning January 1, 2018, may be claimed for the 10 years following installation of the net metering system in accordance with this section."

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Insert: "Section 2. Section 15-32-201, MCA, is amended to read:

"15-32-201. Amount of credit -- to whom available. (1) Except as provided in subsection (3), a resident individual taxpayer who completes installation of an energy system using a recognized nonfossil form of energy generation, as defined in 15-32-102, to provide heat for the taxpayer's principal dwelling is allowed to claim a tax credit in an amount equal to the cost of the system, including installation costs, less grants received, not to exceed \$500, against the income tax liability imposed against the taxpayer pursuant to chapter 30.

(2) A resident individual taxpayer who completes installation of an energy system using a low-emission wood or biomass combustion device, as defined in 15-32-102, to provide heat for the taxpayer's principal dwelling is allowed to claim a tax credit in an amount equal to the cost of the system, including the installation costs, not to exceed \$500, against the income tax liability imposed against the taxpayer pursuant to Title 15, chapter 30.

(3) A tax credit for the portions of the installation of a net metering system, as defined in 69-8-103, that interconnects with a utility may not be first claimed for tax years beginning after December 31, 2017."

Insert: "Section 3. Section 15-32-202, MCA, is amended to read:

"15-32-202. Taxable years in which credit may be claimed -- carryover. (1) The tax credit is to be deducted from the taxpayer's income tax liability for the taxable year in which the energy system was acquired by the taxpayer. Except as provided in subsections (2) and (3), if the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount which that exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability.

(2) ~~Notwithstanding the foregoing provision, no~~ A tax credit may not be carried over for deduction after the fourth taxable year succeeding the taxable year in which the energy system was acquired.

(3) A credit granted for a net metering system before the tax year beginning January 1, 2018, may be carried forward for the 4 years following installation of the net metering system in accordance with subsection (2)."

Insert: "Section 4. Section 15-32-402, MCA, is amended to read:

"15-32-402. Commercial or net metering system investment credit -- alternative energy systems. (1) ~~An~~ Except as provided in subsection (4), an individual, corporation, partnership, or small business corporation as defined in 15-30-3301 that makes an investment of \$5,000 or more in property that is depreciable under the Internal Revenue Code for a commercial system or a net metering system, as defined in 69-8-103, that is located in Montana and that generates energy by means of an alternative renewable energy source, as defined in 15-6-225, is entitled to a tax credit against taxes imposed by 15-30-2103 or 15-31-121 in an amount equal to 35% of the eligible costs, to be taken as a credit only against taxes due as a consequence of taxable or net income produced by one of the following:

(a) manufacturing plants located in Montana that produce alternative energy generating equipment;

(b) a new business facility or the expanded portion of an existing business facility for which the alternative energy generating equipment supplies, on a direct contract sales basis, the basic energy needed; or

(c) the alternative energy generating equipment in which the investment for which a credit

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

is being claimed was made.

(2) For purposes of determining the amount of the tax credit that may be claimed under subsection (1), eligible costs include only those expenditures that are associated with the purchase, installation, or upgrading of:

- (a) generating equipment;
- (b) safety devices and storage components;
- (c) transmission lines necessary to connect with existing transmission facilities; and
- (d) transmission lines necessary to connect directly to the purchaser of the electricity when no other transmission facilities are available.

(3) Eligible costs under subsection (2) must be reduced by the amount of any grants provided by the state or federal government for the system.

(4) A tax credit for eligible costs of an investment in a net metering system, as defined in 69-8-103, that interconnects with a utility may not be first claimed for tax years beginning after December 31, 2017."

Insert: "Section 5. Section 15-32-404, MCA, is amended to read:

"15-32-404. Carryover of credit. (1) The tax credit allowed under 15-32-402 is to be deducted from that portion of the taxpayer's tax liability as set forth in 15-32-402(1) for the tax year in which the equipment invested in by the taxpayer is placed in service. If the amount of the tax credit exceeds the taxpayer's tax liability for the tax year, the amount that exceeds the tax liability may be carried over for credit against the taxpayer's tax liability in the next succeeding tax year or years until the total amount of the tax credit has been deducted from tax liability. However, except as provided in ~~subsection~~ subsections (2) and (3), a credit may not be carried beyond the seventh tax year succeeding the tax year in which the equipment was placed in service.

(2) A credit may be extended through the 15th tax year succeeding the tax year in which the equipment was placed in service if an individual, corporation, partnership, or small business corporation, as defined in 15-30-3301:

- (a) invests in a commercial system located within the exterior boundaries of a Montana Indian reservation, which commercial system is 5 megawatts or larger in size; and
- (b) signs an employment agreement with the tribal government of the reservation where the commercial system would be constructed regarding the training and employment of tribal members in the construction, operation, and maintenance of the commercial system.

(3) A credit granted for an investment in a net metering system before the tax year beginning January 1, 2018, may be carried forward for 7 years following an investment in the net metering system in accordance with subsection (1) or for 15 years in accordance with subsection (2)."

Insert: "Section 6. Section 90-4-602, MCA, is amended to read:

"90-4-602. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

- (1) "Board" means the board of examiners provided for in 2-15-1007.
- (2) "Cost" includes the expenses related to planning, design, construction, and installation of energy conservation improvements and any administrative expenses of the department incurred in the performance of its duties under the energy conservation program.
- (3) "Department" means the department of environmental quality provided for in 2-15-3501.
- (4)(a) "Energy conservation program" means a program for the financing, acquisition, construction, and installation of alternative energy systems, as defined in 15-32-102, or equipment,

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

systems, and improvements in state-owned buildings, structures, and facilities that save energy or water.

(b) The term does not include the financing, acquisition, construction, and installation of a net metering system, as defined in 69-8-103, that interconnects with a utility.

(5) "Energy conservation program bonds" includes all series of bonds issued to finance any portion of the energy conservation program.

(6) "Energy cost savings" means the savings in utility costs to a state agency as a result of an energy conservation program.

(7) "Participating state agency" means, for a state-owned building, structure, or facility, the state agency that pays for the utilities for that building.

(8) "State agency" means:

(a) each executive, legislative, or judicial branch department, office, or agency;

(b) the university system; and

(c) a community college district."

Insert: "Section 7. Section 90-4-1005, MCA, is amended to read:

"90-4-1005. Energy development and demonstration grant program. (1) There is an energy development and demonstration grant program within the department of environmental quality to fund technology development and demonstration:

(a) advancing the development and utilization of energy storage systems, including but not limited to mediums, such as accumulators, fuel cells, and batteries, that store energy that may be drawn upon at a later date for use;

(b) developing storage systems specifically designed to store energy generated from eligible renewable resources as defined in 69-3-2003, including but not limited to compressed air energy storage systems;

(c) promoting the efficiency, environmental performance, and cost-competitiveness of energy storage systems beyond the current level of technology; and

(d) except as provided in subsection (5), advancing the development of alternative energy systems as defined in 15-32-102.

(2) Entities that may be eligible for grants include but are not limited to units of the Montana university system, agricultural research centers, or private entities or research centers.

(3) Money appropriated to the department of environmental quality for the purpose of the energy development and demonstration grant program may be used by the department for providing individual grants in amounts up to \$500,000 and for administrative costs of 1% of the grant award.

(4) The grant application may include:

(a) a project plan sufficient to allow a reasonable determination regarding the potential feasibility of advancing energy storage or alternative energy systems;

(b) a business plan to allow a reasonable determination regarding the financial feasibility of the project; and

(c) a reporting process to ensure progress toward project goals.

(5) The grant program may not be used to fund net metering systems, as defined in 69-8-103, that interconnect with a utility."

Insert: "NEW SECTION. Section 8. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Insert: "NEW SECTION. **Section 9. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 168, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "HEARING"

Insert: "MEETING"

2. Page 1, line 20.

Strike: "12"

Insert: "9"

3. Page 1, line 23 through line 24.

Strike: ":" on line 23 through "(a)" on line 24

4. Page 1, line 24.

Strike: "hearing" in both places

Insert: "meeting" in both places

5. Page 1, line 25.

Following: "published"

Insert: "once a week"

Strike: "hearing"

Insert: "meeting"

6. Page 1, line 26 through line 28.

Strike: subsection (b) in its entirety

And, as amended, do pass.

FINANCE AND CLAIMS (Jones, Chair):

2/16/2017

SB 96, introduced bill, be amended as follows:

1. Page 5, line 26.

Strike: "(A)"

2. Page 6, line 1 through line 3.

Strike: subsection (B) in its entirety

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

And, as amended, do pass.

HB 3, be amended as follows:

1. Page 1, line 24.

Strike: "\$16,500,000"

Insert: "\$17,300,000"

2. Page 3, line 20.

Strike: "MARCH 1"

Insert: "MARCH 11"

3. Page 4, line 24.

Following: "provided"

Insert: "in"

And, as amended, be concurred in.

HB 304, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

2/16/2017

SB 182, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "PUBLIC HEARINGS FOR"

Insert: "THE DEPARTMENT OF TRANSPORTATION TO INFORM THE PUBLIC REGARDING"

2. Title, line 7.

Strike: "REQUIRING NOTIFICATION OF THE HEARINGS;"

3. Page 1, line 12 through page 2, line 5.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Construction projects -- project impacts -- notice. (1) (a)

After the commission has selected and prioritized a construction project under 60-2-110, the department or the commission shall determine whether the project will have a substantial impact on the public. If the department or the commission determines that the project will have a substantial impact, the department shall ensure that the public, in the area where the project is located and in areas adjacent to the project area, as provided in subsection (3)(a)(i), is notified of the project and is provided with periodic updates on the status of the project as provided in this section.

(b) A project with a substantial impact includes but is not limited to a project for which additional right-of-way is necessary for project completion.

(2) (a) The department shall engage the public through informational meetings or other appropriate means at major milestones in phases of the project, from the selection of the project by the commission to project completion. To engage and inform the public, the department shall:

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

(i) place and maintain current information regarding the status of the project in a prominent location on the department's website;

(ii) use newspaper, television, and radio formats as appropriate to provide information to the public regarding the status of the project;

(iii) investigate the use of other types of media, such as electronic social media, to provide information to the public regarding the status of the project; and

(iv) maintain an electronic notification list as provided in subsection (3).

(b) For the purposes of this section, phases of a project include but are not limited to survey, design, and right-of-way phases of a project.

(3) (a) For each proposed project identified under subsection (1), the department shall maintain a list of:

(i) all local government and tribal government entities within which the project will be located that are likely to be impacted by the project or that are adjacent to the project area; and

(ii) organizations and associations that represent motorists and commercial motor vehicle companies and operators that regularly conduct business in the project area and any other organizations or entities that represent travelers or those who regularly use highways in the project area for recreational or business purposes.

(b) The department shall notify the entities identified in subsection (3)(a) when the commission selects a construction project as provided in subsection (1) and shall provide project updates of major milestones in phases of the project through electronic communication to any entity that submits a request to receive updates."

Insert: "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 60, chapter 2, part 2, and the provisions of Title 60, chapter 2, part 2, apply to [section 1]."

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2017."

Insert: "NEW SECTION. Section 4. Applicability. [This act] applies to projects that are selected and prioritized under 60-2-110 on or after [the effective date of this act]."

And, as amended, do pass.

SB 212, do pass.

SB 231, do pass.

TAXATION (Blasdel, Chair):

2/17/2017

SB 156, do pass.

SB 180, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

2/16/2017

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

SB 39, introduced by T. Richmond

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/16/2017

SB 131, introduced by F. Thomas

House bills passed and transmitted to the Senate for concurrence: 2/16/2017

HB 86, introduced by K. Swanson

HB 349, introduced by P. Webb

HB 350, introduced by P. Webb

Senate amendments to House bills concurred in: 2/16/2017

HB 135, introduced by K. Dudik

HB 184, introduced by F. Garner

HB 172 - The House failed to concur in Senate amendments to **HB 172**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 172**: 2/16/2017

Representative Fitzgerald
Representative Pierson
Representative Rosendale

FIRST READING AND COMMITMENT OF BILLS

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

SB 295, introduced by J. Fielder, E. Buttrey, S. Hinebauch, A. Olszewski, S. Sales, N. Swandal, C. Vincent, referred to Judiciary.

SB 296, introduced by E. Buttrey, referred to Highways and Transportation.

SB 297, introduced by J. Hinkle, D. Ankney, M. Blasdel, D. Brown, E. Buttrey, P. Connell, J. Fielder, F. Garner, T. Gauthier, S. Gunderson, B. Harris, A. Hertz, S. Hinebauch, D. Howard, L. Jones, D. Kary, B. Keenan, M. Lang, W. McKamey, F. Moore, M. Noland, A. Olszewski, R. Osmundson, K. Regier, T. Richmond, S. Sales, D. Salomon, R. Shaw, J. Small, C. Smith, F. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, G. Vuckovich, R. Webb, J. Welborn, D. Zolnikov, referred to State Administration.

SB 298, introduced by R. Osmundson, referred to Business, Labor, and Economic Affairs.

SB 299, introduced by T. Richmond, P. Connell, referred to Energy and Telecommunications.

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

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

SR 45, introduced by J. Fielder, referred to Fish and Game.

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

SJ 15, introduced by D. Howard, D. Ankney, S. Berglee, M. Blasdel, B. Brown, D. Brown, E. Buttrey, P. Connell, A. Doane, R. Ehli, J. Essmann, J. Fielder, S. Fitzpatrick, W. Galt, F. Garner, T. Gauthier, C. Glimm, E. Greef, S. Gunderson, G. Hertz, S. Hinebauch, J. Hinkle, M. Hopkins, B. Hoven, L. Jones, D. Kary, A. Knudsen, C. Knudsen, M. Lang, S. Lavin, D. Lenz, F. Mandeville, W. McKamey, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, A. Redfield, K. Regier, T. Richmond, A. Rosendale, S. Sales, D. Salomon, D. Skees, J. Small, C. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, G. Vance, C. Vincent, S. Vinton, P. Webb, R. Webb, J. Welborn, D. Zolnikov, referred to Judiciary.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 14, introduced by R. Webb, referred to Judiciary.

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

HB 86, introduced by K. Swanson (by request of the Secretary of State), referred to State Administration.

HB 349, introduced by P. Webb, referred to Judiciary.

HB 350, introduced by P. Webb, 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 Salomon in the chair.

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

SB 208 - Senator Caferro moved **SB 208** 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, 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 50

Nays: None.

Total 0

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 189 - Senator K. Regier moved **SB 189** do pass. Motion carried 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, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 10 - Senator Hoven moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. 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, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 17 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 17**. Motion carried as follows:

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

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, 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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 23 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 23**. 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, 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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 25 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. 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, 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 50

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 166 - Senator Buttrey moved **SB 166** do pass. Motion carried as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 169 - Senator Hoven moved **SB 169** 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, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

HJ 1 - Senator McClafferty moved **HJ 1** be concurred in. Motion carried as follows:

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

Total 43

Nays: Brown, Fielder, Hinkle, Howard, Smith C, Vance, Mr.President.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 159 - Senator Blasdel moved **SB 159** 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, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 72 - Senator Connell moved **SB 72** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 34

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Moore,

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Olszewski, Osmundson, Regier, Smith C, Vance, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 111 - Senator K. Regier moved **SB 111** do pass. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, 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: Ankney.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

Chair Salomon 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, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

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 149 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, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 48 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, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 49 concurred in as follows:

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

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, 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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 53 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, 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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 79 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, 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 50

Nays: None.
Total 0

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 81 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, 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: Malek.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 159 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, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 258 concurred in as follows:

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

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 278 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, 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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 300 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 43

Nays: Caferro, Malek, Phillips, Sesso, Smith F, Vuckovich, Whitford.
Total 7

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 17, 2017

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Majority Leader Thomas moved that **SB 294** be taken from the State Administration Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 172**. Without objection, so ordered. President Sales appointed:

Senator Buttrey, Chair
Senator D. Brown
Senator Facey

UNFINISHED BUSINESS

Senator Phillips moved that the following undersigned names be **ADDED** as sponsors to **SB 190**, in accordance with Senate rule S40-30. Without objection so ordered.

Senators Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Whitford, and Wolken, and Representatives Curtis, Dunwell, Ellis, Hayman, McConnell, Morigeau, Olsen, and Price.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:30 a.m., Saturday, February 18, 2017, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate