

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

Helena, Montana
February 21, 2017

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/21/2017

Correctly printed: **SB 98, SB 150, SB 171, SB 175, SB 176, SB 177, SB 184, SB 198, SB 199, SB 213, SB 219, SB 224, SB 228, SB 233, SB 243, SB 251, SB 252, SB 291, SB 301, SB 309, SB 310, SB 311, SB 312, SB 313, SB 314, SB 315, SB 321, SR 24, SR 34, SJ 5, SJ 11, SJ 16, SJ 17, SJ 18, HB 232.**

Correctly enrolled: **SB 3, SB 16.**

Correctly engrossed: **SB 104, SB 145, SB 151, SB 178, SB 197, SB 222, SB 234, SB 240, SB 248, SB 264, SR 7.**

Examined by the sponsor and found to be correct: **SB 3, SB 16, SB 39, SR 10, SR 17, SR 23, SR 25, SR 26, SR 29.**

Transmitted to the House: **SB 137, SB 152, SB 158, SB 160, SB 163, SB 183, SB 192, SB 200, SB 205, HB 24.**

Delivered to the Secretary of State at 8:45 a.m., February 21, 2017: **SR 8, SR 13.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/21/2017
SB 222, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "10 years from"

Strike: "the date of issuance."

Insert: ": (a) the date of issuance; or

(b) for contracts for which the annuitant voluntarily deposits a separate premium that was not required under the annuity contract, the date of each separate annuity premium deposit. Within 10 years after the separate deposit, the insurer may charge a surrender penalty for that deposit.

(2) An insurer must provide written notice to the annuitant of any surrender penalty imposed under the contract, including subsequent notices if the annuitant voluntarily contributes separate premium deposits under subsection (1)(b)."

Renumber: subsequent subsections

And, as amended, do pass.

SB 243, do pass.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

SB 264, introduced bill, be amended as follows:

1. Page 1, line 21 through line 22.

Strike: "public health;" on line 21 through "and safety" on line 22

Insert: "the public health, safety, and welfare"

2. Page 2, line 20 through line 21.

Strike: "public health;" on line 20 through "and safety" on line 21

Insert: "the public health, safety, and welfare"

And, as amended, do pass.

SB 291, do pass.

SB 292, do pass.

SR 7, introduced resolution, be amended as follows:

1. Page 1, line 13 through line 17.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

2. Page 1, line 23 through page 2, line 24.

Strike: subsection (4) through subsection (11) in their entirety

Renumber: subsequent subsections

3. Page 3, line 1 through line 11.

Strike: subsection (13) through subsection (14) in their entirety

Renumber: subsequent subsections

And, as amended, be adopted.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

2/20/2017

SB 197, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "DEPARTMENT OF JUSTICE"

Insert: "OFFICE OF PUBLIC INSTRUCTION"

2. Title, page 1, line 5 through line 6.

Strike: "AND CHILD" on line 5 through "DATE" on line 6

3. Page 1, line 8 through line 10.

Strike: line 8 through line 10 in their entirety

4. Page 1, line 14.

Strike: "and" through "trafficking"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

5. Page 1, line 15.

Strike: "department of justice"

Insert: "office of public instruction"

Following: "about"

Insert: "and prevent"

6. Page 1, line 15 through line 16.

Strike: "and" on line 15 through "trafficking" on line 16

7. Page 1, line 17 through line 18.

Strike: "and" on line 17 through "Montana" on line 18

8. Page 1, line 19.

Strike: the first "educational" through "to"

Insert: "access to educational resources for"

9. Page 1, line 20 through line 21.

Strike: "and child sex trafficking"

10. Page 1, line 21.

Strike: "and child sex trafficking"

11. Page 1, line 24 through line 25.

Strike: "gathering" on line 24 through "available;" on line 25

Insert: "supporting school districts in developing:

(a) policies on child sexual abuse awareness, prevention, response, and reporting; and

(b) educational materials and curricula aimed at preventing child sexual abuse; and"

12. Page 1, line 26.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

13. Page 1, line 28.

Strike: "and human trafficking"

14. Page 2, line 1.

Strike: "Title 44, chapter 4, part 15" in both places

Insert: "Title 20, chapter 7, part 13" in both places

15. Page 2, line 3.

Strike: section 3 in its entirety

And, as amended, do pass.

SB 234, introduced bill, be amended as follows:

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

1. Title, page 1, line 4.

Strike: "BOARD OF PUBLIC EDUCATION"

Insert: "OFFICE OF PUBLIC INSTRUCTION"

2. Title, page 1, line 6.

Strike: "20-4-102"

Insert: "20-4-103"

3. Page 1, line 10 through line 27.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 20-4-103, MCA, is amended to read:

"20-4-103. Issuance of teacher or specialist certificates. (1) The superintendent of public instruction shall issue all teacher and specialist certificates in the state of Montana. In issuing teacher or specialist certificates, the superintendent of public instruction shall comply with the provisions of this title and the teacher and specialist certification policies adopted by the board of public education. The superintendent of public instruction shall not issue a teacher or specialist certificate to any person who does not satisfy the qualifications or other requirements of this title and of the board of public education policies for teacher or specialist certification.

(2) The superintendent shall establish procedures to expedite the issuance of a teacher, specialist, supervisor, or administrative certificate to a person:

(a) who holds or has held a similar certificate or license in another state; and

(b) whose spouse is the subject of a military transfer to Montana."

And, as amended, do pass.

SB 307, do pass.

SR 34, be adopted.

LOCAL GOVERNMENT (Webb, Chair):

2/20/2017

SB 151, introduced bill, be amended as follows:

1. Title, line 5 through line 7.

Following: "GOVERNMENT COMMITTEE" on line 5

Insert: "AND AN EDUCATION COMMITTEE"

Following: "OF THE"

Strike: "COMMITTEE"

Insert: "COMMITTEES"

Strike: "ELIMINATING" on line 5 through "COMMITTEE;" on line 7

Insert: "PROVIDING FOR MEMBERSHIP OF THE LOCAL GOVERNMENT COMMITTEE;"

2. Title, line 8.

Following: "5-5-202"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Insert: ", 5-5-211,"

Strike: "REPEALING SECTION 5-5-229, MCA;"

3. Page 2, line 17.

Following: "council,"

Strike: "and"

Following: "relations"

Insert: "state-tribal relations committee, and"

4. Page 2, line 21.

Strike: "and"

Strike: "state-tribal relations"

5. Page 3.

Following: line 8

Insert: "**Section 3.** Section 5-5-211, MCA, is amended to read:

"5-5-211. Appointment and composition of interim committees. (1) Senate interim committee members must be appointed by the committee on committees.

(2) House interim committee members must be appointed by the speaker of the house.

(3) Appointments to interim committees must be made by the time of adjournment of the legislative session.

(4) A legislator may not serve on more than two interim committees unless no other legislator is available or is willing to serve.

(5) (a) Subject to 5-5-234 and ~~subsection~~ subsections (5)(b) and (5)(c) of this section, the composition of each interim committee must be as follows:

(i) four members of the house, two from the majority party and two from the minority party; and

(ii) four members of the senate, two from the majority party and two from the minority party.

(b) If the committee workload requires, the legislative council may request the appointing authority to appoint one or two additional interim committee members from the majority party and the minority party.

(c) For fiscal years 2018 and 2019, the legislative council may request the appointment to the local government committee of no fewer than four members and up to eight members, with membership from the house and senate and majority and minority parties in equal numbers.

(6) The membership of the interim committees must be provided for by legislative rules. The rules must identify the committees from which members are selected, and the appointing authority shall attempt to select not less than 50% of the members from the standing committees that consider issues within the jurisdiction of the interim committee and at least one member from the joint subcommittee that considers the related agency budgets. In making the appointments, the appointing authority shall take into account term limits of members so that committee members will be available to follow through on committee activities and recommendations in the next legislative session.

(7) An interim committee or the environmental quality council may create subcommittees. Nonlegislative members may serve on a subcommittee. Unless the person is a full-time salaried officer or employee of the state or a political subdivision of the state, a nonlegislative member

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

appointed to a subcommittee is entitled to salary and expenses to the same extent as a legislative member. If the appointee is a full-time salaried officer or employee of the state or of a political subdivision of the state, the appointee is entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503."

Renumber: subsequent sections

6. Page 3, line 11.

Strike: "and"

Strike: "state-tribal relations"

7. Page 3, line 12 through line 14.

Following: "education" on line 12

Strike: "and" on line 12 through "relations" on line 14

8. Page 5, line 1 through line 3.

Strike: section 4 in its entirety

Renumber: subsequent sections

And, as amended, do pass.

SB 224, do pass.

SB 248, introduced bill, be amended as follows:

1. Page 2, line 16.

Following: "76-3-207(1)(b)."

Insert: "Under this subsection (3)(a)(v), only one well or developed spring may be located on a parcel created by a family transfer division of land provided for in 76-3-207(1)(b)."

And, as amended, do pass.

SB 251, do pass.

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

2/20/2017

SB 104, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "37-3-101,"

2. Page 3, line 16 through line 28.

Strike: section 4 in its entirety

Renumber: subsequent sections

3. Page 16, line 26.

Following: "to"

Insert: ": (a) license competent emergency care providers to provide prehospital care and other

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

services as part of an emergency care system; and
(b)"

4. Page 18, line 8.

Following: "services"

Insert: "and prehospital care"

And, as amended, do pass.

SB 145, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "FACILITY;"

Insert: "REQUIRING A PUBLIC DEFENDER FOR INDIVIDUALS UNABLE TO AFFORD
COUNSEL;"

2. Title, page 1, line 16.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "46-14-312"

Insert: "AND 47-1-104"

3. Page 3, line 15.

Following: "needs;"

Insert: "and"

4. Page 3, line 16 through line 17.

Following: "furnish legal counsel," on line 16

Strike: "make legal counsel" on line 16 through "board" on line 17

Insert: "request the sentencing court to appoint a public defender as provided in Title 47"

5. Page 3, line 18 through line 22.

Strike: subsection (e) through subsection (f) in their entirety

6. Page 3, line 29.

Following: "hearing."

Insert: "The provisions of this subsection do not prevent the department from calling its own
employees as witnesses."

7. Page 4, line 24.

Strike: "a"

Insert: "the"

8. Page 4, line 27 through line 29.

Following: "needs,"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Strike: "the department" on line 27 through "determination" on line 29

Insert: "the professional person shall notify the director of the department of public health and human services. The director shall review the reasons for the recommendation by the professional person and determine within 20 days whether a transfer is warranted"

9. Page 5, line 19.

Strike: "the state hospital"

Insert: "a mental health, residential, or developmental disabilities facility"

10. Page 5, line 23.

Following: line 22

Insert: "**Section 4.** Section 47-1-104, MCA, is amended to read:

"47-1-104. Statewide system -- structure and scope of services -- assignment of counsel at public expense. (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the commission and administered by the office.

(2) The commission shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The commission may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the office or the office of appellate defender to assign counsel, the appropriate office shall immediately assign a public defender qualified to provide the required services. The commission shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order an office to assign counsel under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

(iii) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant to 41-3-422 and as required under the federal Indian Child Welfare Act, as provided in 41-3-425;

(iv) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

(v) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

(vi) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

(vii) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(viii) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116;

(ix) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; ~~and~~

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

- (x) for a witness in a criminal grand jury proceeding, as provided in 46-4-304-; and
- (xi) for a person entitled to a transfer hearing as provided in [section 2];
- (b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:
 - (i) as provided for in 41-3-425;
 - (ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;
 - (iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;
 - (iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;
 - (v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;
 - (vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;
 - (vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;
 - (viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322; and
- (c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).
- (5) (a) Except as provided in subsection (5)(b), a public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.
- (b) A private attorney who is contracted with under the provisions of 47-1-216 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest."

Renumber: subsequent sections

And, as amended, do pass.

SB 198, do pass.

SB 199, do pass.

SB 228, do pass.

SB 233, do pass.

SB 271, do pass.

SB 283, do pass.

SB 300, do pass.

STATE ADMINISTRATION (Brown, Chair):

2/20/2017

SB 178, introduced bill, be amended as follows:

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

1. Title, page 1, line 4.

Strike: "LOCAL"

Insert: "COUNTY"

2. Page 1, line 15.

Following: "(a)"

Strike: "The"

Insert: "Except as provided in subsection (2)(b), the"

3. Page 1, line 16.

Following: ":",

Insert: ":",

4. Page 1, line 20.

Strike: "less" through "an"

Insert: "(i) the number of candidates for an office exceeds three times the number to be elected to that office in no more than one-half of the offices on the ballot; and

(ii) the number of candidates in excess of three times the number to be elected is not more than one for any"

5. Page 1, following line 20.

Insert: "(b) The election administrator may determine that a primary election for a nonpartisan county office need not be held if fewer than three candidates have filed for that office."

Renumber: subsequent subsections

6. Page 1, line 22.

Following: "(2)(a)"

Insert: "or (2)(b)"

7. Page 1, line 23.

Strike: "local"

Following: "have"

Strike: "for which more than two candidates have filed"

Insert: "that have a sufficient number of candidates that have filed to be elected to that office"

8. Page 1, line 26.

Strike: "or"

Insert: ", "

Following: "(2)(b)"

Insert: ", or (2)(c)"

Following: "for a"

Strike: "local"

9. Page 1, line 28.

Strike: "local"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

10. Page 2, line 8.

Following: "local"

Insert: "or county"

And, as amended, do pass.

SB 240, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: line 17

Insert: "or is covered through a life insurance policy as defined in 33-1-208,"

2. Page 1, line 20.

Following: "plan"

Insert: "or life insurance policy"

3. Page 2, line 20.

Strike: "[Section 1], in whole or in part,"

Insert: "[Section 1(2)(c)]"

And, as amended, do pass.

SB 301, do pass.

TAXATION (Blasdel, Chair):

2/21/2017

SB 252, do pass.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 146**
Report No. 001, February 20, 2017

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 146** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 146** (reference copy -- salmon) be amended as follows:

1. Page 1, following line 21.

Following: "may be required."

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Insert: "(2) During a temporary roadblock, verification of a valid driver's license, vehicle registration, and insurance may be required."

Renumber: subsequent subsections

For the Senate:
Vance, Chair
Buttrey
Whitford

For the House:
Zolnikov, Vice Chair
Doane
Swanson

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in on third reading and returned to the Senate: 2/18/2017

SB 19, introduced by D. Kary

House bills passed and transmitted to the Senate for concurrence: 2/20/2017

HB 77, introduced by R. Brodehl

HB 110, introduced by B. Hamlett

HB 198, introduced by K. Wagoner

HB 205, introduced by A. Redfield

HB 374, introduced by K. White

HB 396, introduced by B. Grubbs

HB 429, introduced by M. Cuffe

HB 323, introduced by G. Pierson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 2/20/2017

Yeas - 95

Nays - 3

HB 333, introduced by F. Garner, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 2/20/2017

Yeas - 98

Nays - 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 316, introduced by S. Fitzpatrick, T. Gauthier, referred to Business, Labor, and Economic Affairs.

SB 317, introduced by D. Salomon, referred to Taxation.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

SB 318, introduced by C. Boland, referred to Business, Labor, and Economic Affairs.

SB 319, introduced by J. Gross, W. Curdy, J. Fleming, G. Kipp, K. McCarthy, S. Morigeau, D. Salomon, J. Small, B. Smith, F. Smith, S. Stewart-Peregoy, S. Webber, L. Whitford, J. Windy Boy referred to Public Health, Welfare and Safety.

SB 320, introduced by D. Sands, referred to Public Health, Welfare and Safety.

SB 321, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.

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

SJ 19, introduced by M. Phillips, referred to Public Health, Welfare and Safety.

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

SB 220, introduced by S. Sales, referred to Finance and Claims.

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

HB 22, introduced by J. Keane (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

HB 77, introduced by R. Brodehl (by request of the Task Force on State Public Defender Operations), referred to Judiciary.

HB 110, introduced by B. Hamlett (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 157, introduced by F. Mandeville, referred to Agriculture, Livestock and Irrigation.

HB 198, introduced by K. Wagoner, referred to Business, Labor, and Economic Affairs.

HB 205, introduced by A. Redfield, referred to Highways and Transportation.

HB 228, introduced by J. Keane, referred to Natural Resources.

HB 323, introduced by G. Pierson, J. Bachmeier, B. Beard, B. Bennett, M. Blasdel, E. Buttrey, M. Caferro, R. Cook, A. Curtis, K. Dudik, J. Essmann, J. Fleming, M. Funk, B. Grubbs, T. Jacobson, J. Karjala, C. Knudsen, M. Lang, A. Olszewski, R. Peppers, Z. Perry, A. Redfield, V. Ricci, D. Salomon, R. Shaw, S. Stewart-Peregoy, F. Thomas, referred to Public Health, Welfare and Safety.

HB 328, introduced by R. Ehli, referred to Public Health, Welfare and Safety.

HB 333, introduced by F. Garner, J. Hamilton, J. Karjala, A. Olszewski, referred to Public Health, Welfare and Safety.

HB 334, introduced by J. Knokey, F. Anderson, D. Ankney, N. Ballance, D. Bartel, B. Beard, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, D. Brown, T. Burnett, E. Buttrey, M. Caferro, P. Connell, R. Cook, G. Custer, A. Doane, R. Ehli, J. Essmann, J. Fielder, R. Fitzgerald, S. Fitzpatrick, K. Flynn, W. Galt, F. Garner, T. Gauthier, C. Glimm, E. Greef, B. Grubbs, S. Gunderson, B. Hamlett, B. Harris, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, M. Hopkins, B. Hoven, T. Jacobson, D. Jones, L. Jones, D. Kary, B. Keenan, A. Knudsen, C. Knudsen, M. Lang, S. Lavin, D. Lenz, D. Loge, R. Lynch, F. Mandeville, T. Manzella, W. McKamey, D. Mortensen, J. O'Hara, A. Olszewski, R. Osmundson, J. Patelis, A. Redfield, K. Regier, M. Regier, V. Ricci, T. Richmond, A. Rosendale, M. Ryan, S. Sales, W. Sales, D. Salomon, R. Shaw, D. Skees, J. Small, C. Smith, N. Swandal, R. Tempel, F. Thomas, J. Trebas, B. Tschida, B. Usher, G. Vance, C. Vincent, S. Vinton, K. Wagoner, P. Webb, R. Webb, J. Welborn, T. Welch, K. White, J. Windy Boy, D.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Zolnikov, referred to Public Health, Welfare and Safety.

HB 339, introduced by C. Glimm, B. Hamlett, referred to Natural Resources.

HB 371, introduced by B. Bennett, J. Fleming, D. Hayman, S. Morigeau, referred to State Administration.

HB 374, introduced by K. White, referred to Highways and Transportation.

HB 396, introduced by B. Grubbs, referred to Taxation.

HB 429, introduced by M. Cuffe, referred to Natural Resources.

**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 Phillips in the chair.

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

SB 155 - Senator Lang moved **SB 155** 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

SB 92 - Senator Olszewski moved **SB 92** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, 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 48

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Nays: Hinkle, McClafferty.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 99 - Senator C. Smith moved **SB 99** do pass. Motion carried as follows:

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

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 131 - House Amendments - Senator Thomas moved House amendments to **SB 131** be concurred in. Motion carried as follows:

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

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webb, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Total 0

SB 143 - Senator Lang moved **SB 143** 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, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 182 - Senator Lang moved **SB 182** 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, 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

SB 206 - Senator Osmundson moved **SB 206** do pass. Motion carried as follows:

Yeas: Ankney, Boland, Brown, Caferro, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.

Total 34

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Nays: Barrett, Blasdel, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gross, Jones, MacDonald, McNally, Moore, Pomnichowski, Regier, Sesso, Welborn.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 - Senator Cohenour moved **SB 212** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Moore, Olszewski, Salomon, Smith C, Thomas, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 216 - Senator Thomas moved **SB 216** 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-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

SB 226 - Senator Cohenour moved **SB 226** do pass. Motion carried as follows:

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

Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Olszewski, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 227 - Senator Cohenour moved **SB 227** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Kary, 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.

Total 45

Nays: Brown, Hinebauch, Jones, Keenan, Mr.President.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 231 - Senator R. Webb moved **SB 231** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.

Total 37

Nays: Brown, Cohenour, Hinkle, Keenan, Malek, McClafferty, Pomnichowski, Sands, Sesso,

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Smith C, Vincent, Whitford, Mr.President.
Total 13

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 Phillips 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

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 79 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

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 150 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Hoven, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Whitford, Wolken.

Total 33

Nays: Blasdel, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Lang, Osmundson, Pomnichowski, Smith C, Smith F, Swandal, Vincent, Webb, Welborn, Mr.President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 171 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, Webb, Mr.President.

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

SB 175 passed as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 176 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, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 177 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, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 33

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

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

SB 184 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, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 5 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Lang, Moore, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

SJ 11 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, Webb, Welborn, Mr.President.

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 232 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

MOTIONS

Majority Leader Thomas moved that **SB 145, SB 197, SB 233, SB 240,** and **SB 271** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 156** be taken from the second reading board and re-referred to the Taxation Committee. Without objection, so ordered.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 21, 2017

Majority Leader Thomas moved the Senate suspend Joint Rule 40-40 as permitted in Joint Rule 60-10 to allow a change of primary sponsor on **SB 316** from Senator Fitzpatrick to Senator Gauthier. 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

FIRST READING AND COMMITMENT OF BILLS

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

SB 323, introduced by M. Caferro, referred to Public Health, Welfare and Safety.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 22, 2017, the thirty-ninth legislative day. Motion carried.

Senate adjourned at 2:35 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate