

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

Helena, Montana
March 10, 2017

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/10/2017

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

Correctly printed: **SB 232, SB 254, SB 335, SB 336, SB 337, SB 338, SR 36, SR 38, SR 50, SJ 9, HB 95, HB 152, HB 163, HB 173, HB 175, HB 209, HB 211, HB 213, HB 214, HB 286, HB 305, HB 346, HB 347, HB 377.**

Correctly engrossed: **SB 185, HB 3, HB 45, HB 73, HB 98, HB 128, HB 307.**

Correctly enrolled: **SB 4, SB 82.**

Transmitted to the House: **SB 154, SB 193, SB 218, HB 304.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/10/2017

HB 73, be amended as follows:

1. Page 8, line 23.

Following: "must have"

Strike: "arrangements"

Insert: "reciprocity agreements"

Following: "with"

Insert: "all"

2. Page 8, line 24.

Following: "providers in Montana"

Strike: "to the extent reasonably possible"

Insert: "with air ambulance service membership programs"

And, as amended, be concurred in.

FISH AND GAME (Felder, Chair): 3/9/2017

SB 185, introduced bill, be amended as follows:

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1. Page 1, line 10.

Strike: "A"

Insert: "Except for a mountain sheep taken with a license issued pursuant to 87-2-722, a"

2. Page 1, line 13.

Strike: "employee or representative"

Insert: "guide"

And, as amended, do pass.

SJ 9, do pass.

HB 98, be amended as follows:

1. Title, line 5.

Strike: "AND FUR-BEARING ANIMAL"

2. Title, line 6 through line 7.

Following: "DEFINITIONS"

Strike: "BY ADDING" on line 6 through the second "DEFINITIONS" on line 7

3. Page 1, line 24.

Following: "and"

Insert: "and"

Following: "beaver"

Strike: ", AND SPOTTED SKUNK"

4. Page 2, line 16.

Following: "weasel,"

Insert: "raccoon, red fox, badger,"

5. Page 4, line 3.

Following: "and"

Insert: "and"

Following: "beaver"

Strike: ", AND SPOTTED SKUNK"

6. Page 5, line 2.

Following: "weasel,"

Insert: "raccoon, red fox, badger,"

And, as amended, be concurred in.

HB 128, be amended as follows:

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1. Title, page 1, line 6.

Following: "LICENSES;"

Insert: "REQUIRING REPORTING;"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 24.

Following: "(b)"

Insert: "(i)"

3. Page 1, line 28.

Strike: "(4)(b)"

Insert: "(4)(b)(i)"

4. Page 1, line 30.

Following: "restricted."

Insert: "

(ii) Before September 1 of each even-numbered year, the department shall report to the environmental quality council information on:

(A) mountain sheep harvested pursuant to this subsection (4) from the Tendoy Mountain herd;

(B) efforts to collect tissue samples and other biological information from mountain sheep harvested from the Tendoy Mountain herd to determine the immunity of surviving herd members to pneumonia outbreaks; and

(C) attempts by the department to share tissue samples and other biological information collected from the Tendoy Mountain herd with Washington State University, other public entities, and private entities that research the interaction between mountain sheep and domestic sheep."

5. Page 2.

Following: line 13

Insert: "NEW SECTION. **Section 3. Termination.** [Section 1(4)(b)(ii)] terminates July 1, 2027."

And, as amended, be concurred in.

HB 211, be concurred in.

HB 214, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

3/9/2017

SB 232, do pass.

HB 152, be concurred in.

HB 213, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

3/10/2017

HB 101, be amended as follows:

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1. Title, page 1, line 16 through line 17.

Strike: the second "REVISING" on line 16 through "SYSTEM;" on line 17

2. Title, page 1, line 20.

Strike: "19-7-410,"

3. Page 24, line 3 through line 9.

Strike: section 22 in its entirety

Renumber: subsequent sections

4. Page 27, line 15.

Strike: "27(1)"

Insert: "26(1)"

5. Page 27, line 22.

Strike: "27(1)"

Insert: "26(1)"

6. Page 28, line 6.

Strike: "27(1)"

Insert: "26(1)"

7. Page 31, line 5.

Strike: "33(2)"

Insert: "32(2)"

8. Page 31, line 12.

Strike: "33(2)"

Insert: "32(2)"

9. Page 31, line 29.

Strike: "33(2)"

Insert: "32(2)"

10. Page 40, line 1.

Strike: "24"

Insert: "23"

11. Page 40, line 2.

Strike: "24"

Insert: "23"

12. Page 40, line 3.

Strike: "27 and 28"

Insert: "26 and 27"

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13. Page 40, line 4.
Strike: "27 and 28"
Insert: "26 and 27"

14. Page 40, line 5.
Strike: "29"
Insert: "28"

15. Page 40, line 6.
Strike: "29"
Insert: "28"

16. Page 40, line 7.
Strike: "33 and 34"
Insert: "32 and 33"

17. Page 40, line 8.
Strike: "33 and 34"
Insert: "32 and 33"

18. Page 40, line 9.
Strike: "39"
Insert: "38"

19. Page 40, line 10.
Strike: "39"
Insert: "38"

And, as amended, be concurred in.

HB 102, be concurred in.

HB 271, be concurred in.

HB 279, be concurred in.

HB 282, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/9/2017

SB 4, introduced by D. Sands

SB 82, introduced by A. Olszewski

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House bills passed and transmitted to the Senate for concurrence:

3/9/2017

HB 430, introduced by A. Hertz
HB 462, introduced by F. Garner

FIRST READING AND COMMITMENT OF BILLS

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

SB 339, introduced by D. Ankney, referred to Energy and Telecommunications.
SB 340, introduced by C. Smith, D. Ankney, N. Ballance, D. Bartel, B. Beard, M. Blasdel, B. Brown, D. Brown, T. Burnett, E. Buttrey, P. Connell, G. Custer, A. Doane, R. Ehli, J. Fielder, K. Flynn, W. Galt, F. Garner, T. Gauthier, C. Glimm, E. Greef, B. Harris, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, D. Howard, D. Jones, L. Jones, D. Kary, B. Keenan, J. Knokey, A. Knudsen, M. Lang, S. Lavin, D. Loge, T. Manzella, W. McKamey, F. Moore, D. Mortensen, M. Noland, J. O'Hara, A. Olszewski, R. Osmundson, J. Patelis, A. Redfield, K. Regier, M. Regier, T. Richmond, A. Rosendale, S. Sales, D. Salomon, D. Skees, J. Small, S. Staffanson, N. Swandal, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, C. Vincent, S. Vinton, K. Wagoner, P. Webb, R. Webb, J. Welborn, K. White, D. Zolnikov, referred to Business, Labor, and Economic Affairs.
SB 341, introduced by A. Olszewski, L. Jones, R. Osmundson, referred to Finance and Claims.
SB 342, introduced by C. Vincent, referred to Natural Resources.
SB 343, introduced by J. Welborn, D. Ankney, B. Brown, D. Fern, R. Lynch, S. Malek, E. McClafferty, J. Sesso, R. Shaw, F. Thomas, referred to Taxation.

The following House bills were introduced and read first time:

HB 430, introduced by A. Hertz, M. Blasdel.
HB 462, introduced by F. Garner.

MOTIONS

Majority Leader Thomas moved that **HB 3** be taken from the second reading board and placed at the bottom of the second reading agenda this date. Without objection, so ordered.

**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 Sands in the chair.

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

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HB 256 - Senator Lang moved **HB 256** 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, 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 285 - Senator Lang moved **SB 285** 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 180 - Senator Lang moved **SB 180** 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

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 196 - Senator Fitzpatrick moved **SB 196** 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

HB 64 - Senator MacDonald moved **HB 64** 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, 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

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HB 148 - Senator Swandal moved **HB 148** 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, 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 131 - Senator Osmundson moved **HB 131** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Wolken, Mr.President.
Total 40

Nays: Connell, Facey, Hinebauch, Keenan, Lang, Olszewski, Pomnichowski, Tempel, Welborn, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 3 - Senator Moore moved **HB 3** be concurred in. Motion carried 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, 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

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Nays: Caferro, Malek.
Total 2

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 Sands 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, 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

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 251 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Richmond, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 31

Nays: Blasdel, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Keenan, Lang, Olszewski, Osmundson, Pomnichowski, Regier, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb.

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Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 254 passed as follows:

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

Total 39

Nays: Barrett, Boland, Facey, Gross, MacDonald, Malek, McNally, Pomnichowski, Sands, Smith F, Wolken.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 286 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, 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 45

Nays: Boland, Cohenour, Gross, Howard, Pomnichowski.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 305 concurred in as follows:

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

Total 40

Nays: Barrett, Boland, Cohenour, Facey, Gross, Malek, Phillips, Pomnichowski, Sands, Whitford.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 346 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 347 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 377 concurred in as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 146, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, 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 45

Nays: Caferro, Cohenour, Facey, MacDonald, McClafferty.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

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Majority Leader Thomas moved that **HB 64**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Saturday, March 11, 2017, the fifty-first legislative day. Motion carried.

Senate adjourned at 1:48 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate