

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

Helena, Montana
March 15, 2017

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/15/2017

Correctly printed: **SB 57, SB 232, SB 348, SB 349, HB 20, HB 22, HB 38, HB 45, HB 83, HB 98, HB 101, HB 102, HB 124, HB 137, HB 156, HB 175, HB 183, HB 213, HB 231, HB 271, HB 276, HB 279, HB 297, HB 316, HB 337, HB 350, HB 358, HB 421, HB 470, HB 471, HB 498, HB 509.**

Correctly engrossed: **SB 172, SB 173, SB 187, SB 276, SB 280, SB 299, SB 341, HB 77, HB 144, HB 349, HB 485, HB 539.**

Transmitted to the House: **SJ 9, HB 73, HB 128, HB 152, HB 211, HB 214.**

Signed by the President at 11:05 a.m., March 15, 2017: **SB 54, SB 86, SB 89, SB 100, SB 129, SB 142, SR 36, SR 38.**

Signed by the Secretary of the Senate at 11:17 a.m., March 15, 2017: **SB 54, SB 86, SB 89, SB 100, SB 129, SB 142, SR 36, SR 38.**

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/14/2017

SB 299, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "WITHHELD;"

Insert: "ESTABLISHING A FEE;"

2. Page 2, line 22.

Following: "(1)"

Insert: "(a)"

3. Page 2.

Following: line 27

Insert: "(b) When an owner, operator, or service company requests that information be withheld, the department shall charge a fee of no more than \$25 per ingredient or concentration for the request."

And, as amended, do pass.

HB 20, be concurred in.

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HB 22, be concurred in.
HB 297, be concurred in.

FINANCE AND CLAIMS (Jones, Chair):

3/14/2017

SB 57, do pass.
SB 341, introduced bill, be amended as follows:

1. Page 3.

Following: line 26

Insert: "**NEW SECTION. Section 5.** Implementation. The department shall implement [this act] within existing resources."

Renumber: subsequent sections

And, as amended, do pass.

HB 175, be concurred in.

HB 539, be amended as follows:

1. Title, page 1, line 7 through line 9.

Strike: "REQUIRING" on line 7 through "APPROPRIATIONS;" on line 9

2. Page 2, line 20.

Following: "(5)"

Strike: "(a)"

3. Page 2, line 23 through line 25.

Strike: subsection (b) in its entirety

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair):

3/14/2017

SB 173, introduced bill, be amended as follows:

1. Title, line 4.

Following: "USE"

Insert: " OR SALE"

2. Title, line 6.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

3. Page 1, line 10.

Following: "use"

Insert: "or sale"

Following: "prohibited."

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Strike: "The"

Insert: "(1) Except as provided in subsection (2), the"

Following: "use"

Insert: "or sale"

4. Page 1, line 13.

Following: line 12

Insert: "(2) The commission may allow deer or elk urine otherwise prohibited by subsection (1) if the deer or elk urine is produced in a facility that the commission determines:

(a) complies with a federal or a federally approved chronic wasting disease herd certification program and any federal chronic wasting disease protocols and record requirements;

(b) does not allow importation of live cervids, except in cases of catastrophic loss or herd replenishment;

(c) requires that all cervids exported from the facility be tested for chronic wasting disease upon death and the results are reported to the facility;

(d) is inspected annually by an accredited veterinarian, including inspection of the herd and applicable records; and

(e) maintains a fence at least 8 feet high around the facility and, if the facility is located within 30 miles of a confirmed positive occurrence of chronic wasting disease, is double fenced to prevent direct contact between captive and wild cervids.

(3)(a) Except as provided in subsection (3)(b), a violation of this section is a misdemeanor punishable by a fine of up to \$500 for each separate offense.

(b) Through January 31, 2019, violators of this section must be issued a warning but may not be fined."

5. Page 1, line 17.

Strike: "on passage and approval"

Insert: "January 1, 2018"

And, as amended, do pass.

SB 187, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "CRIMINAL PENALTIES"

Insert: "A PENALTY"

2. Title, page 1, line 6.

Following: the second "PROVIDING"

Strike: "AN"

Insert: "A DELAYED"

3. Page 1, line 20.

Following: line 19

Insert: "(e) skulls that have been boiled and cleaned to remove flesh and tissue;"

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Renumber: subsequent subsections

4. Page 1, line 22.

Strike: "(a)" through "(3)(b), a"

Insert: "A"

5. Page 1, line 23.

Strike: "not less" through "\$1,000"

Insert: "up to \$500"

6. Page 1, line 27 through page 2, line 1.

Strike: subsection (b) in its entirety

7. Page 2, line 6.

Strike: "July 1, 2017"

Insert: "January 1, 2018"

And, as amended, do pass.

HB 183, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair):

3/14/2017

HB 144, be amended as follows:

1. Page 24, line 16.

Following: "applicable to"

Insert: ": (a)"

2. Page 24, line 17.

Following: "law"

Insert: "; or (b) a motor vehicle that is:

(i) registered in another jurisdiction by an insurance company licensed to conduct business in this state;

(ii) being used by an employee of the insurance company to assist residents of this state with insurance claims; and

(iii) operated on the highways of this state for no more than 90 consecutive days"

And, as amended, be concurred in.

HB 471, be concurred in.

HB 485, be amended as follows:

1. Page 2, line 22.

Strike: "3 months"

Insert: "90 days"

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2. Page 2, line 29 through line 30.

Strike: "3" on line 29 through "months" on line 30

Insert: "90 days"

And, as amended, be concurred in.

HB 509, be concurred in.

JUDICIARY (Regier, Chair):

3/14/2017

SB 172, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "40-5-701,"

Insert: "40-5-704, 40-5-710, AND 40-5-711,"

2. Page 1, line 27.

Following: line 27

Insert: "(2)"Conservation activity" means an activity for which a wildlife conservation license is issued by the department of fish, wildlife, and parks pursuant to 87-2-201."

Renumber: subsequent subsections

3. Page 2, line 4.

Strike: "recreational"

Insert: "conservation"

4. Page 2, line 21.

Strike: subsection (10) in its entirety

5. Page 4, line 4.

Following: line 4

Insert: "**Section 2.** Section 40-5-704, MCA, is amended to read:

"**40-5-704. Suspension, denial, and nonrenewal of licenses.** (1) Upon receipt of the notice of suspension of the license under 40-5-703(5), a licensing authority shall implement the suspension of the license by:

(a) determining if it has issued a license to the obligor whose name appears on the notice;

(b) entering the suspension on the appropriate records;

(c) reporting the suspension as appropriate;

(d) making good faith efforts to deny ~~recreational~~ conservation activity licenses for the next applicable license year; and

(e) if required by law, demanding surrender of the suspended license.

(2) An order issued by a support enforcement entity under 40-5-703 suspending a license and the notice of suspension given under 40-5-703(5) must be processed by the licensing authority without an additional review or hearing involving the licensing authority concerning suspension of

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the license.

(3) Notwithstanding the provisions of any other law setting terms of suspension, revocation, denial, termination, or renewal of a license, an order issued by a support enforcement entity suspending a license must be implemented by the licensing authority and continues until the support enforcement entity advises the licensing authority that the suspension has been stayed or terminated.

(4) In the event that a license is suspended, any funds paid by the obligor to the licensing authority for costs related to issuance, renewal, or maintenance of a license may not be refunded to the obligor.

(5) Unless an order staying suspension of a license is in effect, an obligor who continues to engage in the business, occupation, profession, ~~recreational~~ conservation activity, or other licensed activity while the obligor's license is suspended under this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for a term not to exceed 6 months, or both. Upon conviction of a second or subsequent violation, the obligor shall be punished by a fine of not less than \$500 or more than \$2,000 or by imprisonment in the county jail for a term not to exceed 1 year, or both. The support enforcement entity or the licensing authority may elect the remedy under this section or any other remedy provided for engaging in a licensed activity without a license or while the license is suspended.

(6) The licensing authority is exempt from liability to the licensee for activities conducted in compliance with this part.

(7) The licensing authority has no jurisdiction to modify, remand, reverse, vacate, or stay the order of the support enforcement entity suspending a license.

(8) To the extent that inconsistencies exist between this part and the procedural requirements for suspension of a license issued by the department, this part supersedes those requirements."

"

Insert: "Section 3. Section 40-5-710, MCA, is amended to read:

"40-5-710. Stay of suspension of license -- payment plan -- hardship. (1) An obligor may at the time of the hearing conducted under 40-5-703 or, ~~except for a recreational activity license,~~ at any time after the hearing, petition the support enforcement entity for an order staying suspension of the license.

(2) The support enforcement entity shall consider the obligor's petition for a stay separately from any determination on whether suspension of a license is appropriate.

(3) The support enforcement entity may stay suspension of a license upon a showing that suspension or continued suspension of a license would create a significant hardship to the obligor, to the obligor's employees, to legal dependents residing in the obligor's household, or to persons, businesses, or other entities served by the obligor.

(4) A stay terminates upon:

(a) termination of the circumstances upon which a hardship is based;

(b) failure by the obligor to abide by the terms and conditions of a payment plan; or

(c) the date of termination, if any, provided in the order staying suspension of the license.

(5) If the licensing authority has been notified of an order suspending a license, the support enforcement entity shall notify the licensing authority of any stay or reinstatement unless the support enforcement entity has suspended the license of the obligor for another delinquency or for

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failure to comply with a subpoena or warrant and the suspension for the other delinquency or failure to comply with a subpoena or warrant is still in effect. The support enforcement entity shall send a copy of any order staying or reinstating suspension of the license to the obligor.

(6) (a) Upon receipt of a notice staying or reinstating suspension of the license, the licensing authority shall:

- (i) enter the information on appropriate records;
- (ii) report the action as appropriate; and
- (iii) demand surrender of the suspended license or return the reinstated license.

(b) Further action by the licensing authority is not necessary to implement the stay or reinstatement of suspension of the license."

Insert: "**Section 4.** Section 40-5-711, MCA, is amended to read:

"40-5-711. Termination of order to suspend license. (1) Except as provided in subsection (3), when the support enforcement entity determines that the support debt or support obligation is paid in full or the obligor has complied with the subpoena or warrant, it shall terminate the order suspending the license. The support enforcement entity shall send a copy of the order terminating the suspension of the license to the obligor.

(2) Entry of an order terminating suspension of a license does not limit the ability of a support enforcement entity to issue a new order suspending the license of the same obligor in the event of another delinquency or failure to comply with a subpoena or warrant.

(3) A suspension of a ~~recreational~~ conservation activity license is effective for the license year. The suspension does not terminate if the support enforcement entity determines that the support debt or support obligation is paid in full or the obligor has complied with the subpoena or warrant."

Renumber: subsequent section

And, as amended, do pass.

SB 276, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "provides"

Strike: "the"

Insert: "a"

Following: "specific"

Strike: "code alleged to be violated"

Insert: "issue that is a code violation"

And, as amended, do pass.

SB 280, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "SECTIONS"

Insert: "61-2-107, 61-2-108,"

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2. Page 1, line 12.

Following: line 12

Insert: "**Section 1.** Section 61-2-107, MCA, is amended to read:

"61-2-107. License reinstatement fee to fund county drinking and driving prevention programs. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$200 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) Notwithstanding the provisions of any other law of the state, an individual who has been issued an interlock restricted license may not receive an unrestricted license until the driver has paid to the department a fee of \$200 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2)(3) The department shall deposit one-half of the fees collected under subsection subsections (1) and (2) in the general fund and the other half in an account in the state special revenue fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108."

"

Insert: "**Section 2.** Section 61-2-108, MCA, is amended to read:

"61-2-108. Funding allocation for programs to prevent or reduce drinking and driving. (1) If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall transmit the county portion of the proceeds of the license reinstatement fees collected in that county to the county treasurer, as provided in ~~61-2-107(2)~~ 61-2-107, at the end of each quarter.

(2) Funds deposited in the state special revenue fund pursuant to ~~61-2-107(2)~~ 61-2-107 for violations occurring in a county that has not initiated and maintained a drinking and driving prevention program as provided in 61-2-106 must be distributed July 1 of each year, on an equal basis, to those counties that have an approved program under 61-2-106."

Renumber: subsequent sections

3. Page 3, line 23.

Following: "license"

Insert: "for use on the person's personal vehicle"

And, as amended, do pass.

HB 77, be amended as follows:

1. Page 21, line 26 through line 28.

Strike: subsection (6) in its entirety

2. Page 36, line 25.

Strike: "(a)" through "contracts"

Insert: "Contracts"

3. Page 36, line 28 through line 29.

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Strike: subsection (b) in its entirety

4. Page 37, line 6 through line 8.

Strike: subsection (c) in its entirety

5. Page 37, line 19.

Strike: "and"

6. Page 37, line 20.

Following: "commission"

Insert: "; and"

(i) cost of the services"

And, as amended, be concurred in.

HB 349, be amended as follows:

1. Page 1, line 14.

Following: "reservation"

Insert: "without reservation"

2. Page 1, line 18.

Following: "reservation"

Insert: "without reservation"

3. Page 1, line 26.

Following: "reservation"

Insert: "without reservation"

4. Page 1, line 30.

Following: "reservation"

Insert: "without reservation"

And, as amended, be concurred in.

HB 350, be concurred in.

TAXATION (Blasdel, Chair):

3/15/2017

SB 138, introduced bill, be amended as follows:

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

Strike: "ESTABLISHING" on page 1, line 5 through "AUDIT;" on line 6

2. Title, page 1, line 9.

Strike: "15-1-701, 15-1-704, 15-30-2607,"

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Strike: ", 15-31-503,"

3. Page 1, line 14 through page 3, line 12.

Strike: section 1 through section 5 in their entirety

Renumber: subsequent sections

4. Page 3, line 20 through line 22.

Strike: "A credit" on page 3, line 20 through "overpayment" on page 3, line 22

Insert: "A refund or credit may not be allowed or paid with respect to the year for which a return is filed after expiration of the period provided by 15-30-2606 and 15-30-2607 or after 1 year from the date of the overpayment or filing, whichever is later, unless before the expiration of the period the taxpayer files a claim for refund or credit or the department has determined the existence of the overpayment and has approved the refund or credit"

5. Page 3, line 22 through page 4, line 8.

Strike: "If no return" on page 3, line 22 through "setoff defense." on page 4, line 8

Renumber: subsequent subsections

6. Page 5, line 6 through line 17.

Strike: section 7 in its entirety

Renumber: subsequent sections

7. Page 6, line 5.

Strike: "(a)"

8. Page 6, line 6.

Strike: "2 years"

Insert: "1 year"

9. Page 6, line 7.

Following: "overpayment"

Insert: "or filing"

10. Page 6, line 9 through line 24.

Strike: "If no return" on page 6, line 9 through "setoff defense." on page 6, line 24

11. Page 6, line 25.

Strike: "(e)"

12. Page 7, line 7 through line 11`.

Strike: section 9 in its entirety

Renumber: subsequent sections

And, as amended, do pass.

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SB 324, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 10, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Board of Aeronautics

MCA 2-15-2506

- ! Mr. Bill Hunt, Jr., PO Box 731, Shelby, MT 59474, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Hunt fulfills the qualifications of Attorney and member of the Montana County Commissioners Association or the Montana League of Cities and Towns for the Board.
- ! Mr. Roger Lincoln, 15176 Hingham Rd N., Gildford, MT 59525, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Lincoln fulfills the qualifications of member of the Association of Montana Aerial Applicators for the Board.
- ! Ms. Tricia McKenna, 110 Churn Creek Road, Bozeman, MT 59715, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Ms. McKenna fulfills the qualifications of Chair and member of the Montana Pilots' Association for the Board.
- ! Mr. Walter LeRoy McNutt, 110 12th Ave, Sidney, MT 59270, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. McNutt fulfills the qualifications of member of the Montana Chamber of Commerce for the Board.
- ! Mr. Jeff Wadekamper, Helena Regional Airport, 2850 Mercer Loop, Helena, MT 59602, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Wadekamper fulfills the qualifications of Representative of the Montana Airport Management Association for the Board.

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Montana Arts Council

MCA 22-2-102

- ! Ms. Elizabeth Albers, 4000 Mullan Road, Unit J153, Missoula, MT 59808, was appointed to serve a term starting March 10, 2017 and ending February 1, 2022. Ms. Albers fulfills the qualifications of Public Representative for the Council.
- ! Ms. Cynthia L. Andrus, 3247 Gardenbrook Lane, Bozeman, MT 59715, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Ms. Andrus fulfills the qualifications of Public Representative for the Council.
- ! Mr. John Paul Gabriel, Jr., 6180 Alamosa Lane, Bozeman, MT 59718, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Mr. Gabriel fulfills the qualifications of Public Representative for the Council.
- ! Ms. Tracy Linder, 13311 Ballard Ivie Road, Molt, MT 59057, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Ms. Linder fulfills the qualifications of Public Representative for the Council.
- ! Dr. Renée Westlake, 2900 Love Lane, Bozeman, MT 59718, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Dr. Westlake fulfills the qualifications of Public Representative for the Council.

Coal Board

MCA 2-15-1821

- ! Commissioner Sidney Fitzpatrick, Big Horn County, PO Box 908, Hardin, MT 59034, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Fitzpatrick fulfills the qualifications of District 2, Impact Area for the Board.
- ! Mr. Shawn Fredrickson, 3135 Burlington Street, Butte, MT 59701, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Fredrickson fulfills the qualifications of District 1 for the Board.
- ! Ms. Marianne Roose, PO Box 532, Eureka, MT 59917, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Ms. Roose fulfills the qualifications of District 1 for the Board.
- ! Mayor John N. Williams, PO Box 477, Colstrip, MT 59323, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Williams fulfills the qualifications of District 2, Impact Area for the Board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

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I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

March 14, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following judicial appointment:

8th Judicial District
MCA 3-1-1010

! Judge John Parker, 24 Missouri Bend, Great Falls, MT 59404.

I have included the appointee's application packet as received by the Judicial Nominations Commission.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at extension 4405 or by email at sotterstrom@mt.gov. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/14/2017

SB 2, introduced by P. Connell

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SB 67, introduced by C. Wolken
SB 91, introduced by J. Hinkle
SB 108, introduced by G. Vance
SB 137, introduced by D. Ankney
SB 165, introduced by D. Salomon

FIRST READING AND COMMITMENT OF BILLS

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

SR 51, introduced by G. Vance, referred to Highways and Transportation.

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

SJ 20, introduced by J. Small, D. Ankney, E. Buttrey, V. Court, R. Fitzgerald, J. Fleming, J. Gross, J. Keane, G. Kipp, K. McCarthy, S. Morigeau, D. Mortensen, A. Olszewski, J. Patelis, T. Richmond, D. Sands, R. Shaw, B. Smith, F. Smith, F. Thomas, S. Vinton, G. Vuckovich, S. Webber, J. Welborn, L. Whitford, J. Windy Boy, referred to Business, Labor, and Economic Affairs.

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 232 passed as follows:

Yeas: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Tempel, Vincent, Vuckovich, Welborn, Wolken.
Total 26

Nays: Blasdel, Brown, Buttrey, Caferro, Fielder, Gross, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Osmundson, Regier, Small, Smith C, Smith F, Swandal, Thomas, Vance, Webb, Whitford, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 45 concurred in as follows:

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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 83 concurred in as follows:

Yeas: Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, 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, Vuckovich, Webb, Whitford, Wolken.
Total 40

Nays: Ankney, Blasdel, Fielder, Hinebauch, Howard, Smith C, Vance, Vincent, Welborn, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 98 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 101 concurred in as follows:

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

Total 39

Nays: Blasdel, Hinebauch, Howard, Keenan, Olszewski, Smith C, Thomas, Vance, Vincent, Welborn, Mr.President.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 102 concurred in as follows:

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

Total 41

Nays: Blasdel, Fielder, Hinebauch, Keenan, Lang, Olszewski, Vincent, Welborn, Mr.President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

HB 213 concurred in as follows:

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

Total 47

Nays: Hoven, Smith F, Welborn.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 231 concurred in as follows:

Yeas: 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, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 271 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,

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Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Vincent, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 276 concurred in 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, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Hinkle, Smith F, Swandal, Vincent, Vuckovich, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 279 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

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Excused: None.

Total 0

HB 307 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

**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:

HB 370 - Senator Fielder moved **HB 370** 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

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Excused: None.

Total 0

HB 220 - Senator Gross moved **HB 220** 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 342 - Senator S. Sales moved **HB 342** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Phillips, Pomnichowski, Sands.

Total 8

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:

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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 335** be taken from the Local Government Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 255** be taken from the Judiciary Committee and re-referred to the Taxation Committee. Without objection, so ordered.

Senator Facey arose with a question of parliamentary procedure and inquired if additional action is required to remove **SB 255** from the table in committee before re-referral. Senator Pomnichowski then objected to the re-referral of **SB 255** prompting a vote of the Senate. The motion to re-refer the bill passed as follows:

Yeas: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 27

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hinkle, Howard, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 16, 2017, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 1:33 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate