

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

Helena, Montana
March 16, 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. Forty-nine members present, Senator Gross excused. Quorum present.

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

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, and fiftieth legislative days, find the same to be correct.

Correctly printed: **SB 324, SR 51, SJ 20, HB 220, HB 342, HB 370.**

Correctly engrossed: **SB 138, SB 329, HB 198, HB 208, HB 248, HB 328, HB 393, HB 405, HB 416.**

Correctly enrolled: **SB 108, SB 137.**

Transmitted to the House: **SB 232, HB 45, HB 83, HB 98, HB 101, HB 102, HB 213, HB 231, HB 271, HB 276, HB 279, HB 307.**

Examined by the sponsor and found to be correct: **SB 108, SB 137.**

Signed by the President at 11:05 a.m., March 15, 2017: **SR 27, SR 28, SR 37.**

Signed by the Secretary of the Senate at 11:18 a.m., March 15, 2017: **SR 27, SR 28, SR 37.**

Signed by the Speaker at 11:20 a.m., March 16, 2017: **SB 54, SB 86, SB 89, SB 100, SB 129, SB 142.**

Delivered to the Governor at 3:15 p.m., March 16, 2017: **SB 54, SB 86, SB 89, SB 100, SB 129, SB 142.**

Delivered to the Secretary of State at 9:20 a.m., March 16, 2017: **SR 27, SR 28, SR 36, SR 37, SR 38.**

COMMUNICATIONS AND PETITIONS

Senate received a letter dated March 15, 2017, from Dan Ritter, Director, Office of Community Service, and the Montana Commission on Community Service, thanking Senate members for participating in and contributing to the Doorsteps to Backpacks food drive.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):

3/16/2017

HB 198, be amended as follows:

1. Page 2, line 5.

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Following: "subsection (1)"

Insert: ", with a maximum amount of \$75,000"

And, as amended, be concurred in.

HB 393, be amended as follows:

1. Title, page 1, line 6.

Following: "COSMETOLOGY;"

Insert: "AND"

2. Title, page 1, line 6 through line 7.

Following: "37-31-311, MCA" on line 6

Strike: remainder of line 6 through "EFFECTIVE DATE" on line 7

3. Page 6, line 2.

Strike: section 3 in its entirety

And, as amended, be concurred in.

HB 500, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

3/15/2017

HB 248, be amended as follows:

1. Page 1, line 13.

Strike: ", either civil or criminal,"

And, as amended, be concurred in.

JUDICIARY (Regier, Chair):

3/15/2017

HB 208, be amended as follows:

1. Page 1, line 14.

Following: "abuse."

Insert: "For purposes of this section, the term "state agency" has the meaning provided in 1-2-116."

2. Page 1, line 26.

Following: "(3)"

Strike: "An individual"

Insert: "A person"

3. Page 1, line 28.

Following: "JURISDICTION."

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Insert: "The provisions of 2-9-305 apply if the person is being sued in a civil action for actions taken within the course and scope of the person's employment and the person is a state officer, public officer, or public employee. For purposes of this section, the term "person" has the meaning provided in 2-5-103."

4. Page 2, line 7 through line 8.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

5. Page 2, line 10.

Following: line 10

Insert: "(6) If a state agency maintains written internal procedures under which an individual may appeal an action described in subsection (2) within the agency's organizational structure, the individual shall first exhaust those procedures before filing an action under this section. The individual's failure to initiate or exhaust available internal procedures is a defense to an action brought under this section.

(7) For purposes of this subsection, if the state agency's internal procedures are not completed within 90 days from the date the individual may file an action under this section, the agency's internal procedures are considered exhausted. The limitation period in subsection (5) is tolled until the procedures are exhausted. The provisions of the agency's internal procedures may not in any case extend the limitation period in subsection (5) more than 240 days.

(8) If the state agency maintains written internal procedures described in subsection (6), the agency shall, within 7 days of receiving written notice from the complaining individual of the action described in subsection (2), notify the individual of the existence of the written procedures and supply the individual with a copy. If the agency fails to comply with this subsection, the individual is relieved from compliance with subsection (6)."

Renumber: subsequent subsection

And, as amended, be concurred in.

HB 217, be concurred in.

JUDICIARY (Regier, Chair):

3/16/2017

HB 44, be concurred in.

HB 62, be concurred in.

HB 129, be amended as follows:

1. Page 2, line 8.

Following: "creation"

Strike: "OR DISTRIBUTION"

And, as amended, be concurred in.

HB 147, be amended as follows:

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1. Title, page 1, line 7.

Strike: "PROVIDING" through "ADMISSIBLE"

Insert: "providing a civil cause of action for violations"

2. Page 1, line 13.

Following: line 13

Insert: "(1) "Authorized user" means a person who has the permission of the owner to possess and operate the electronic device.

(2) "Electronic communication service" means a service that:

(a) provides to users the ability to send or receive electronic communications;

(b) provides to users computer storage or processing services; or

(c) acts as an intermediary in the transmission of electronic communications."

Renumber: subsequent subsections

3. Page 1, line 15.

Following: "service"

Strike: ", "

Insert: "or"

Following: "computing service"

Strike: ", or location information service"

4. Page 1, line 18.

Following: line 18

Insert: "(5) "Owner" means a person who is the legal owner of the electronic device. If the electronic device is the subject of an agreement for the conditional sale of the electronic device with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the person possessing the device, or in the event the electronic device is subject to a lease, contract, or other legal arrangement vesting the right of possession or control in the person possessing the electronic device, then the owner is the person in whom the right of possession or control is vested."

Renumber: subsequent subsections

5. Page 2, line 4.

Following: "with the"

Strike: "informed, affirmative"

Following: "owner or"

Insert: "authorized"

6. Page 2, line 7.

Following: "if"

Strike: remainder of line 7

Insert: "the government entity, in good faith, believes that an emergency involving danger, death, or serious physical injury to a person requires immediate disclosure of communications relating to the emergency;"

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7. Page 2, line 12.

Following: "services"

Insert: "; or

(f) for any electronic devices found within the confines of an adult or youth correctional facility"

8. Page 2, line 20.

Strike: "Admissibility of proof -- violations"

Insert: "Civil action for violation"

9. Page 2, line 20 through line 24.

Strike: "(1)" on line 20 through "(2)" on line 24

And, as amended, be concurred in.

HB 149, be amended as follows:

1. Page 2, line 30.

Following: "OPERATION OF A LICENSE PLATE READER"

Insert: "by a law enforcement agency"

Following: line 30

Insert: "operated by a law enforcement agency"

2. Page 3, line 1.

Following: "USED"

Insert: "by a law enforcement agency"

3. Page 3, line 20 through line 21.

Following: "PLATES"

Strike: remainder of line 20 through "VEHICLE" on line 21

4. Page 5, line 12.

Following: "DATA"

Insert: "gathered by law enforcement"

Following: "PURPOSE"

Insert: "except as provided in [section 1]"

And, as amended, be concurred in.

HB 201, be concurred in.

LOCAL GOVERNMENT (Webb, Chair):

3/15/2017

HB 405, be amended as follows:

1. Title, line 14.

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Following: "7-11-1029,"

Insert: "7-13-2233,"

2. Page 3, line 15.

Following: "must be a"

Insert: "citizen of the United States and a"

3. Page 7.

Following: line 29

Insert: "**Section 6.** Section 7-13-2233, MCA, is amended to read:

7-13-2233. Qualifications of directors. ~~Any director so elected or appointed shall be an owner or lessee of real property within said district or a resident therein~~ (1) To be eligible for election or appointment to a board of directors, a person must be:

(a) registered to vote as required by law;

(b) 18 years of age or older;

(c) a citizen of the United States; and

(d) a resident of the district or an owner of real property in the district who is a resident of the state of Montana.

(2) A person who is serving on a board of directors on [the effective date of this act] who does not meet the qualifications under subsection (1) may serve the remainder of the person's term but may not be reelected or reappointed to the board. A person elected or appointed after [the effective date of this act] must meet the qualifications of subsection (1)."

Renumber: subsequent sections

4. Page 10, line 4 through line 25.

Strike: section 10 in its entirety

Insert: "**Section 11.** Section 13-1-502, MCA, is amended to read:

13-1-502. Deadlines for candidate filing, write-in candidacy, and withdrawal -- election cancellation -- election by acclamation. (1) Consistent with the candidate filing deadline in 13-10-201(7) for primary elections and except as provided in subsection (3) for a write-in candidate, the candidate filing deadline for election to a special purpose district office is no sooner than 145 days and no later than 85 days before the election.

(2) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not withdraw after the candidate filing deadline provided in subsection (1).

(3) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 10th day before the date on which the ballot must be available for absentee or mail ballot voting under 13-1-503, as applicable.

(4) (a) ¶ Except as provided in subsection (4)(b), if by the write-in candidate deadline in subsection (3) the number of candidates is equal to or less than the number of positions to be filled at the election, the election administrator shall cancel the election and, pursuant to 13-1-304, immediately notify the governing body of the local government in writing of the cancellation. However, the governing body of the local government may by resolution require that the election be held.

(b) For an election of conservation district supervisors held in conjunction with a federal

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primary or federal general election, if by the candidate filing deadline under subsection (1) the number of candidates is equal to or less than the number of positions to be filled at the election, the election administrator shall cancel the election and immediately notify the governing body of the conservation district in writing of the cancellation. However, the governing body of the conservation district may, by no later than 10 days after the candidate filing deadline, pass a resolution to require that the election be held.

(5) (a) If an election has been canceled and there is only one candidate for a position, the governing body of the local government or, if appropriate, of the conservation district shall declare the candidate elected to the position by acclamation.

(b) Except as otherwise provided by law:

(i) if an election has been canceled and there are no regular or declared write-in candidates for a position, the governing body of the local government or, if appropriate, of the conservation district shall fill the position by appointment;

(ii) an appointed member shall serve the same term as if the member were elected."

And, as amended, be concurred in.

HB 416, be amended as follows:

1. Title, line 8.

Strike: "PROVIDING DEFINITIONS;"

2. Title, line 9.

Strike: "76-3-103,"

Following: "AND"

Insert: "AND"

Following: "76-3-625,"

Strike: "AND 76-8-101,"

3. Page 1, line 13 through page 3, line 15.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 7, line 6 through line 30.

Strike: section 5 in its entirety

And, as amended, be concurred in.

HB 422, be concurred in.

HB 520, be concurred in.

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

3/15/2017

SB 329, introduced bill, be amended as follows:

1. Page 5, line 13.

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Following: "attempted"

Insert: "or, if the woman is a minor, the woman's parent or guardian"

2. Page 5, line 14 through line 15.

Following: "spouse" on line 14

Strike: ", parent" on line 14 through "provider" on line 15

And, as amended, do pass.

HB 285, be concurred in.

HB 323, be concurred in.

HB 328, be amended as follows:

1. Title, page 1, line 5.

Following: "FUNDS;"

Insert: "ALLOWING TRIBAL GOVERNMENTS TO APPLY FOR GRANTS;"

2. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS 53-21-1202,"

Following: "53-21-1203,"

Insert: "AND 53-21-1204,"

3. Page 1, line 11.

Insert: "**Section 1.** Section 53-21-1202, MCA, is amended to read:

"53-21-1202. Crisis intervention programs -- rulemaking authority. (1) The department shall, subject to available appropriations for the purposes of this part, establish crisis intervention programs. The programs must be designed to provide 24-hour emergency admission and care of persons suffering from a mental disorder and requiring commitment in a temporary, safe environment in the community as an alternative to placement in jail.

(2) The department shall provide information and technical assistance regarding needed services and assist counties and federally recognized tribal governments in developing county plans for crisis intervention services and for the provision of alternatives to jail placement.

(3) The department may provide crisis intervention programs as:

(a) a rehabilitative service under 53-6-101(4)(j); and

(b) a targeted case management service authorized in 53-6-101(4)(n).

(4) The department shall adopt rules to:

(a) implement the grant program provided for in 53-21-1203;

(b) contract for detention beds pursuant to 53-21-1204; and

(c) pay for short-term inpatient treatment that is provided pursuant to 53-21-1205."

Renumber: subsequent sections

4. Page 1, line 12.

Following: "county"

Insert: "and tribal government"

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5. Page 1, line 15.

Following: "county"

Insert: "or federally recognized tribal government"

6. Page 1, line 20.

Strike: "county or multicounty"

7. Page 1, line 23.

Following: "historical"

Strike: "county"

8. Page 1, line 24.

Strike: "county"

Insert: "applicant"

9. Page 1, line 25.

Following: "admissions by"

Strike: "county"

Insert: "applicant region"

Strike: "of each county"

Insert: "of the applicant region"

10. Page 1, line 27.

Following: "county"

Insert: "or federally recognized tribal government"

11. Page 1, line 29.

Strike: "county"

Insert: "applicant"

12. Page 2, line 1.

Following: "county"

Strike: "or multicounty"

Insert: ", tribal, or regional"

13. Page 2, line 7.

Strike: "county"

Insert: "applicant"

14. Page 2, line 8.

Strike: "county"

15. Page 2, line 19 through 21.

Strike: "The" on line 19

Insert: "If money from the appropriation remains after grants have been allocated as provided in

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subsection (4)(a), the"

Strike: ", at a minimum" on line 19 through "counties request" on line 21

Insert: "provide continued support of projects funded in the previous biennium with state matching fund grants if a county or tribal government requests"

16. Page 2, line 22 through page 24.

Strike: "If a county" on line 22 through "increased funding." on line 24

Insert: "The department shall allocate funds provided pursuant to this subsection (4)(b) according to a formula adopted by the department by rule. "

17. Page 2.

Following: line 25

Insert: "**Section 3.** Section 53-21-1204, MCA, is amended to read:

"53-21-1204. Department to contract for detention beds . (1) To the extent funding is appropriated for the purposes of this section, for each service area, as defined in 53-21-1001, the department shall contract with a mental health facility for psychiatric treatment beds that may be used for:

(a) inpatient crisis intervention services needed prior to an involuntary commitment petition being filed; and

(b) emergency detention under 53-21-129 and court-ordered detention under 53-21-124 after an involuntary commitment petition has been filed but before final disposition.

(2) Contracting pursuant to this section must take into consideration ~~county~~ strategic plans developed pursuant to 53-21-1201 and 53-21-1202 and local need for precommitment and short-term inpatient treatment services.

(3) Each contract must provide that for payment of costs for detention, evaluation, and treatment pursuant to subsection (1), the facility shall bill for payment of costs in the order of priority provided for under 53-21-132(2)(a).

(4) Each contract must require the collection and reporting of fiscal and program data in the time and manner prescribed by the department to support program evaluation and measure progress on performance objectives. The department shall establish baseline data on emergency and court-ordered detention admissions to the state hospital from each county and analyze the effect of contracting under this section on state hospital admissions.""

Renumber: subsequent sections

And, as amended, be concurred in.

HB 334, be concurred in.

HB 362, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

3/15/2017

HB 288, be concurred in.

HB 388, be concurred in.

HB 447, be concurred in.

Without objection, committee reports were adopted.

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MESSAGES FROM THE GOVERNOR

March 15, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, March 15, 2017, I signed the following bill:

SB 50 - J. Pomnichowski

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/15/2017

SB 6, introduced by J. Fielder
SB 28, introduced by C. Vincent
SB 107, introduced by D. Kary
SB 189, introduced by K. Regier

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/15/2017

SB 59, introduced by C. Wolken
SB 65, introduced by C. Wolken

SB 25 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 25**: 3/15/2017

Representative Mortensen, Vice Chair
Representative Ricci
Representative Schreiner

House bills passed and transmitted to the Senate for concurrence: 3/15/2017

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HB 216, introduced by J. Keane

HB 442, introduced by V. Court

FIRST READING AND COMMITMENT OF BILLS

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

SB 350, introduced by E. McClafferty, D. Barrett, M. Caferro, J. Cohenour, V. Court, J. Ellis, T. Facey, M. Funk, J. Gross, D. Hayman, J. Keane, K. Kelker, M. MacDonald, S. Malek, M. McNally, R. Peppers, M. Phillips, G. Pierson, J. Pomnichowski, M. Ryan, J. Sesso, B. Smith, F. Smith, K. Swanson, G. Vuckovich, L. Whitford, C. Wolken, T. Woods, referred to Taxation.

SB 351, introduced by D. Barrett, referred to Taxation.

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

SR 52, introduced by D. Salomon, referred to Education and Cultural Resources.

SR 53, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced and read first time:

HB 216, introduced by J. Keane, T. Richmond.

HB 442, introduced by V. Court, J. Karjala, K. Kelker, M. MacDonald, K. McCarthy, M. McNally, J. Patelis, T. Richmond, R. Webb, D. Zolnikov.

MOTIONS

Majority Leader Thomas moved **SB 190** be taken from the second reading agenda this date and placed on second reading on Tuesday, March 21, 2017, the fifty-ninth legislative day. 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 Fielder in the chair.

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

HB 38 - Senator Connell moved **HB 38** be concurred in. Motion carried as follows:

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

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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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 124 - Senator Cohenour moved **HB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 156 - Senator Ankney moved **HB 156** be concurred in.

HB 156 - Senator Ankney moved **HB 156**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Strike: "MAKING PERMANENT"
Insert: "EXTENDING"

2. Title, page 1, line 5.
Following: "FUND;"
Strike: "REPEALING"
Insert: "AMENDING"

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3. Page 1, line 10.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 5, Chapter 442, Laws of 2009, is amended to read:

"Section 5. Termination. [This act] terminates June 30, ~~2019~~ 2027."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

HB 156 - Bill, as amended was concurred in:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

HB 337 - Senator Vincent moved **HB 337** be concurred in. Motion carried as follows:

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

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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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 498 - Senator Hinkle moved **HB 498** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 282 - Senator Vincent moved **HB 282** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Keenan, Vance.
Total 2

Absent or not voting: None.

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Total 0

Excused: Gross.

Total 1

SB 62 - House Amendments - Senator Wolken moved House amendments to **SB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

HB 65 - Governor's Amendments - Senator Swandal moved Governor's amendments to **HB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

HB 172 - Conference Committee Report No. 1 - Senator Buttrey moved the Conference Committee report to **HB 172** be adopted. Motion carried as follows:

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

Total 42

Nays: Brown, Fielder, MacDonald, Pomnichowski, Regier, Salomon, Swandal.

Total 7

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

SB 235 - Senator Richmond moved **SB 235** 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, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 17

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

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

Chair Fielder 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, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

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Total 48

Nays: Sands.
Total 1

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

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:

HB 220 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 342 concurred in 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, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Barrett, Boland, Cohenour, MacDonald, Pomnichowski, Sands.
Total 6

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Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

HB 370 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gross.

Total 1

MOTIONS

Senator Caferro moved to change her vote on **SB 235** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 17, 2017, the fifty-sixth legislative day. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate