

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

Helena, Montana  
March 22, 2017

Senate Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/22/2017  
Correctly printed: **SB 172, SB 276, SB 280, SB 341, SB 342, SB 357, SB 358, SB 359, SB 360, SB 361, SB 362, SB 363, SJ 21, HB 64, HB 99, HB 103, HB 126, HB 140, HB 209, HB 228, HB 248, HB 338, HB 345, HB 349, HB 350, HB 360, HB 393, HB 500, HB 523.**  
Correctly engrossed: **SB 94, SB 343, HB 22, HB 496.**  
Correctly enrolled: **SB 97, SB 128, SB 264.**  
Examined by the sponsor and found to be correct: **SB 62.**  
Transmitted to the House: **SB 57, SB 173, SB 187, HB 175, HB 183, HB 471, HB 485, HB 509, HB 539.**

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair): 3/21/2017  
**SB 336**, do pass.  
**HB 374**, be concurred in.

**JUDICIARY** (Regier, Chair): 3/21/2017  
**SR 50**, be adopted.

**JUDICIARY** (Regier, Chair): 3/22/2017  
**HB 280**, be concurred in.  
**HB 306**, be concurred in.

**TAXATION** (Blasdel, Chair): 3/21/2017  
**SB 343**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "COMMUNITY DEVELOPMENT"

**Insert:** "INFRASTRUCTURE"

2. Title, page 1, line 6.

**Following:** "ELECTORS;"

**Insert:** "PROHIBITING A TAX INCREASE FOR A RESORT COMMUNITY WITH A POPULATION

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

IN EXCESS OF THE AMOUNT REQUIRED FOR FORMATION OF A RESORT COMMUNITY;"

3. Page 1, line 15.

**Following:** line 14

**Insert:** "(2) "Infrastructure" means drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges."

**Renumber:** subsequent subsections

4. Page 2, line 19.

**Following:** "(b)"

**Insert:** "(i)"

**Strike:** "An"

**Insert:** "Subject to subsection (1)(b)(ii), an"

5. Page 2, line 21.

**Strike:** "community development"

**Insert:** "infrastructure"

6. Page 2, line 22.

**Following:** line 21

**Insert:** "(ii) A resort community with a population of more than the amount provided in 7-6-1501(9)(b) may not levy an additional resort tax under the provisions of subsection (1)(b)(i) of this section."

7. Page 3, line 19.

**Strike:** "community development"

**Insert:** "infrastructure"

8. Page 3, line 20.

**Strike:** "community development"

**Insert:** "infrastructure"

9. Page 3, line 27.

**Strike:** "A"

**Insert:** "Subject to 7-6-1503(1)(b)(ii), a"

10. Page 4, line 1.

**Strike:** "community development"

**Insert:** "infrastructure"

11. Page 4, line 24.

**Strike:** "community development"

**Insert:** "infrastructure"

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

12. Page 5, line 10.

**Strike:** ","

**Insert:** ":"

13. Page 5, line 11 through line 12.

**Strike:** "community" on page 5, line 11 through "development" on page 5, line 12

**Insert:** "infrastructure"

14. Page 5, line 16.

**Strike:** "community development"

**Insert:** "infrastructure"

15. Page 5, line 28.

**Strike:** "community development"

**Insert:** "infrastructure"

16. Page 6, line 5.

**Strike:** "community development"

**Insert:** "infrastructure"

And, as amended, do pass.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 3/21/2017

**SB 97**, introduced by K. Regier

**SB 128**, introduced by D. Salomon

**SB 264**, introduced by N. Swandal

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/21/2017

**SB 40**, introduced by J. Sesso

**House bills** passed and transmitted to the Senate for concurrence:

3/21/2017

**HB 428**, introduced by D. Jones

**HB 445**, introduced by E. Greef

**HB 562**, introduced by C. Knudsen

**HB 565**, introduced by R. Cook

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 364**, introduced by A. Olszewski, referred to Taxation.

**SB 365**, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.

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

**HB 428**, introduced by D. Jones, D. Bartel, M. Blasdel, E. Greef, D. Lenz, W. McKamey, J. Trebas, B. Tschida, referred to Business, Labor, and Economic Affairs.

**HB 445**, introduced by E. Greef, referred to Local Government.

**HB 562**, introduced by C. Knudsen, M. Blasdel, M. Hopkins, D. Jones, A. Knudsen, T. Manzella, D. Mortensen, A. Rosendale, R. Shaw, D. Skees, referred to Highways and Transportation.

**HB 565**, introduced by R. Cook, referred to Finance and Claims.

**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 R. Webb in the chair.

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

**HB 198** - Senator Facey moved consideration of **HB 198** be passed for the day. Without objection, so ordered.

**HB 44** - Senator MacDonald moved **HB 44** be concurred in. Motion carried as follows:

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

Total 44

Nays: Fielder, Hinkle, Keenan, Smith C, Vance, Mr.President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Total 0

**HB 62** - Senator Swandal moved **HB 62** 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 129** - Senator K. Regier moved **HB 129** be concurred in.

**HB 129** - Senator K. Regier moved **HB 129**, second reading copy, be amended as follows:

1. Page 2, line 2.

**Following:** "THREATEN"

**Insert:** ", financially profit"

Amendment adopted 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, 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: Caferro.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

**HB 129** - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.  
Total 39

Nays: Caferro, Cohenour, Facey, Malek, McClafferty, McNally, Pomnichowski, Sesso, Swandal, Whitford, Wolken.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 147** - Senator Fielder moved **HB 147** be concurred in. Motion carried as follows:

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

Nays: Facey.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 149** - Senator Hinebauch moved **HB 149** 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

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 201** - Senator Swandal moved **HB 201** 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 273** - Senator Sands moved **HB 273** 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

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

**HB 200** - Senator MacDonald moved **HB 200** be concurred in. Motion carried as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.  
Total 27

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 245** - Senator Buttrey moved **HB 245** 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 316** - Senator Gauthier moved **HB 316** 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



SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 405** - Senator Gauthier moved **HB 405** 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 416** - Senator Buttrey moved **HB 416** 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

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

**HB 422** - Senator Hoven moved **HB 422** be concurred in. Motion carried as follows:

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

Total 43

Nays: Hinkle, Howard, Keenan, Smith C, Swandal, Whitford, Mr.President.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 520** - Senator Pomnichowski moved **HB 520** 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, 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: Kary.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 217** - Senator Hinkle moved **HB 217** be concurred in. Motion carried as follows:

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

Total 39

Nays: Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, Sands, Smith F,

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Vuckovich, Whitford.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 358** - Senator Fitzpatrick moved **HB 358** be concurred in. 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, 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

**HB 251** - Senator Hinkle moved **HB 251** be concurred in. Motion carried as follows:

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

Total 37

Nays: Boland, Caferro, Cohenour, Facey, Gross, Malek, McClafferty, Pomnichowski, Sands, Sesso, Tempel, Whitford, Wolken.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

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

Chair R. Webb 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

**REPORTS OF STANDING COMMITTEES**

**FISH AND GAME** (Fielder, Chair): 3/21/2017  
**SB 185**, introduced bill, be amended as follows:

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

**Strike:** "AMENDING" on line 5 through "MCA;" on line 6

2. Page 1, line 11.

**Strike:** "EXCEPT FOR A MOUNTAIN SHEEP TAKEN WITH A LICENSE ISSUED PURSUANT TO 87-2-722, A"

**Insert:** "A"

3. Page 1.

**Following:** line 17

**Insert:** "(3) For the purposes of this section, the term "game animal" does not include grizzly bear."

4. Page 1, line 26 through page 2, line 14.

**Strike:** section 3 through section 4 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass.

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

**SB 236**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 11.

**Following:** "CONSTITUTION"

**Strike:** remainder of line 5 through "WILDLIFE" on line 11

**Insert:** "TO PROTECT THE RIGHTS OF MONTANA CITIZENS TO HUNT, FISH, TRAP, AND HARVEST WILD FISH AND WILDLIFE; ESTABLISHING THAT HUNTING, FISHING, AND TRAPPING IS THE PREFERRED MANNER OF MANAGING WILD FISH AND WILDLIFE; ALLOWING FOR NECESSARY AND PROPER MANAGEMENT AND CONSERVATION STATUTES AND REGULATIONS; MAINTAINING THAT THIS RIGHT DOES NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY OR DIMINUTION OF OTHER PRIVATE RIGHTS"

2. Page 1, line 16 through line 26.

**Following:** "heritage."

**Strike:** remainder of line 16 through line 26

**Insert:** "The citizens of Montana have the right to hunt, fish, trap, and harvest wild fish and wildlife, including the use of customary means and methods. Hunting, fishing, and trapping by citizens is the preferred manner of managing wild fish and wildlife and is subject to necessary and proper management and conservation statutes enacted by the legislature and regulatory authority delegated by the legislature to a designated public agency or commission. The right to harvest wild fish and wildlife is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or a diminution of other private rights."

And, as amended, do pass.

**HB 108**, be amended as follows:

1. Page 1, line 17.

**Following:** "members"

**Insert:** "for traditional purposes"

**Following:** "All parts of"

**Insert:** "a"

2. Page 1, line 18.

**Following:** "this section"

**Insert:** "must be removed from the site of the kill and"

3. Page 1, line 27.

**Strike:** subsection (e) in its entirety

**Renumber:** subsequent subsections

4. Page 1.

**Following:** line 30

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

**Insert:** "(4) As used in this section, "traditional purposes" means the harvesting of buffalo by Plains Indians through utilitarian and spiritual practices handed down from generation to generation to obtain food, shelter, and clothing and to conduct ceremonies and celebrations.

And, as amended, be concurred in.

**HB 367**, be concurred in.

Without objection, committee reports were adopted.

**MOTIONS**

Majority Leader Thomas moved the Senate suspend the rules and take **SB 280** from third reading this date and place it on third reading the next legislative day. 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

**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 172** passed as follows:

Yeas: Ankney, Barrett, Boland, 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, Swandal, Tempel, Thomas, Vance,

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: Blasdel, Brown, Smith F.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 276** passed as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 341** passed as follows:

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

Total 46

Nays: Cohenour, Gross, MacDonald, Smith F.

Total 4

Absent or not voting: None.

Total 0

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Excused: None.

Total 0

**HB 126** concurred in as follows:

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

Total 41

Nays: Blasdel, Brown, Hinkle, Keenan, Regier, Smith C, Vincent, Webb, Mr.President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 248** 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 338** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, 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,



SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: Brown.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 345** 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 349** concurred in 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, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.  
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Whitford, Wolken.  
Total 18

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

Excused: None.

Total 0

**HB 350** concurred in as follows:

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

Nays: Malek.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 393** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Wolken, Mr.President.  
Total 42

Nays: Boland, Brown, Caferro, McClafferty, Sesso, Vance, Welborn, Whitford.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 500** 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,

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

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 523** concurred in as follows:

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

Nays: Malek, Pomnichowski, Whitford.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Majority Leader Thomas moved that **SJ 21** be taken from the Local Government Committee and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 44** and **HB 217**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 364** be taken from the second reading board and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 22, 2017

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 23, 2017, the sixtieth legislative day. Motion carried.

Senate adjourned at 2:37 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate