

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

Helena, Montana
March 28, 2017

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/28/2017

Correctly printed: **SB 236, SB 337.**

Correctly engrossed: **SB 338, SB 363, HB 100, HB 108, HB 373, HB 404, HB 426, HB 507, HB 533.**

Correctly enrolled: **SB 40, SB 58, SB 127.**

Examined by the sponsor and found to be correct: **SB 40, SB 58, SB 65, SB 113, SB 127, SB 149, SB 152, SB 155, SB 157, SB 164, SB 169, SB 178, SB 219, SB 222, SR 35, SR 47, SR 49, SR 50, SJ 10.**

Transmitted to the House: **SB 336, HB 168, HB 298, HB 351, HB 381, HB 521.**

Signed by the President at 3:36 p.m., March 28, 2017: **SB 8, SB 20, SB 79, SB 81, SB 103, SB 115, SB 121, SB 151.**

Signed by the Secretary of the Senate at 4:05 p.m., March 28, 2017: **SB 8, SB 20, SB 79, SB 81, SB 103, SB 115, SB 121, SB 151.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/28/2017

SB 170, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "(A)"

Insert: "(i) the unmanned aerial vehicle is operated for government or commercial purposes in compliance with authorization granted by the federal aviation administration; and
(ii) the unmanned aerial vehicle is flown over the real property described in subsection (1) above an altitude of 250 feet; or
(b)"

2. Page 1, line 20 through line 24.

Strike: "(B)" on line 20 through "(I)" on line 24

Insert: "(c)"

3. Page 1, line 26.

Strike: "(ii)"

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Insert: "(d)"

4. Page 1, line 28.

Strike: "(iii)"

Insert: "(e)"

5. Page 1, line 29.

Strike: "(A)"

Insert: "(i)"

6. Page 2, line 1.

Strike: "(B)"

Insert: "(ii)"

7. Page 2, line 2.

Strike: "(C)"

Insert: "(iii)"

8. Page 2, line 5.

Strike: "(IV)"

Insert: "(f)"

9. Page 2, line 12.

Following: "this section,"

Insert: "the following definitions apply:

(a) "Critical infrastructure facility" means one of the following, if completely enclosed by a fence or other physical barrier:

(i) a petroleum or alumina refinery;

(ii) an electrical power generating facility substation, switching station, or electrical control center;

(iii) a chemical, polymer, pharmaceutical, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station;

(vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office;

(viii) wireless telecommunications infrastructure, including cell towers;

(ix) a port, railroad switching yard, trucking terminal, or other freight transportation facility;

(x) a gas processing plant, including a plant used in processing, treatment, or fractionation of natural gas;

(xi) a transmission facility used by a federally licensed radio or television station;

(xii) a dam that is regulated by the state or federal government;

(xiii) a correctional facility or law enforcement facility;

(xiv) a railroad conducting railroad-related purposes, including but not limited to inspection, rescue, disaster investigation, or other safety, emergency, and nonemergency purposes;

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- (xv) a hospital;
- (xvi) a feedlot or livestock enclosure.
- (b)"

Strike: "unmanned"

Insert: "Unmanned"

10. Page 2, line 13.

Strike: "(a)"

Insert: "(i)"

11. Page 2, line 14.

Strike: "(b)"

Insert: "(ii)"

And, as amended, do pass.

SB 353, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ALLOWABLE"

Insert: "RURAL"

Strike: "COSTS"

Insert: "ALLOWABLE CHARGES"

2. Title, page 1, line 6.

Strike: "THE RECEIPTS"

Insert: "CERTAIN CHARGES"

3. Page 1, line 14.

Following: "(1)"

Insert: "(a)"

Strike: "has the meaning provided in 50-6-302."

Insert: "means a privately or publicly owned aircraft that is maintained and used for the transportation of patients.

(b) The term does not include:

(i) an aircraft owned by or operated under the direct control of the United States; or

(ii) air transportation services, such as charter or fixed-based operators, that are regulated by the federal aviation administration and that offer no special medical services or provide only transportation to patients or persons at the direction or under the supervision of an independent physician."

4. Page 1, line 21.

Following: "(1)"

Insert: "(a)"

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5. Page 1, line 22.

Strike: "on all"

Insert: "any time"

6. Page 1, line 23.

Strike: "charged to a patient for any charges"

Insert: "are billed that are"

Strike: "300% of allowable"

Insert: "275% of rural"

Following: "medicare"

Insert: "allowable"

7. Page 1.

Following: line 23

Insert: "(b) The excise tax applies to all billed charges of a transport that meet the criteria in subsection (1)(a)."

8. Page 1, line 25 through line 26.

Following: "state and"

Strike: "is based" on line 25 through "in the state" on line 26

Insert: "may not be passed through in other charges as a recoverable cost"

9. Page 2, line 14.

Strike: "300% of the allowable"

Insert: "275% of the rural"

Following: "medicare"

Strike: "rate"

Insert: "allowable charges"

And, as amended, do pass.

SB 355, introduced bill, be amended as follows:

1. Page 4, line 16.

Following: "bureau."

Insert: "(5) A nonprofit convention and visitors bureau that exists before [the effective date of this act] may not dissolve and reorganize using high school district boundaries."

And, as amended, do pass.

SB 362, introduced bill, be amended as follows:

1. Page 2, line 18.

Following: "licensed"

Strike: ", certified" on line 18 through "profession" on line 19

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Insert: "under Title 37, chapter 3, to practice medicine in this state"

2. Page 3, line 17.

Following: "measures"

Insert: ", if available,"

3. Page 4, line 12.

Following: "provider located"

Insert: ": (a) out of state; or
(b)"

4. Page 6, line 17.

Following: "this part"

Insert: "but is not required to file a plan's incentive program with the commissioner of insurance as required under [section 5(4)(a)]"

5. Page 7, line 5.

Following: "this part"

Insert: "but is not required to file a plan's incentive program with the commissioner of insurance as required under [section 5(4)(a)]"

6. Page 11, line 18.

Following: "means"

Insert: ": (a)"

7. Page 11, line 19.

Following: "service"

Insert: "if the service is being provided by:

- (i) a physician;
 - (ii) any other type of health care provider as defined in subsection (4)(a) who is employed by a facility listed in subsection (4)(b); or
 - (iii) a health care provider as defined in subsection (4)(b); or
- (b) the charge for an individual health care provider's health care service if the provider meets the definition of subsection (4)(a) and is not employed by a facility listed in subsection (4)(b)"

8. Page 12, line 13 through line 14.

Following: "health plan"

Strike: "and," on line 13 through "insurer" on line 14

Following: ":",₁

Insert: "and"

9. Page 12, line 15.

Following: "(b)"

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Insert: "if known, "

10. Page 12, line 16.

Strike: "required medical care"

Insert: "health care service or course of treatment being provided or recommended by the health care provider"

11. Page 12, line 17 through line 18.

Strike: "; and" through "50-4-518"

12. Page 12, line 20.

Following: "the patient"

Insert: "from the health care provider"

13. Page 12, line 21.

Following: "websites"

Insert: ", if available,"

And, as amended, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

3/27/2017

SB 361, do pass.

FINANCE AND CLAIMS (Jones, Chair):

3/27/2017

SB 338, introduced bill, be amended as follows:

1. Page 13.

Following: line 8

Insert: "NEW SECTION. Section 15. Implementation. The department of environmental quality shall implement [this act] within existing resources."

Renumber: subsequent sections

And, as amended, do pass.

JUDICIARY (Regier, Chair):

3/28/2017

HB 404, be amended as follows:

1. Page 1, line 18.

Strike: "with the intent to never reclaim it"

2. Page 1, line 19.

Strike: "with respect to the premises,"

Following: "up"

Insert: "possession of"

Strike: "with the intent to never reenter"

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3. Page 9, line 18.

Strike: "with the intent to never reclaim it"

4. Page 9, line 19.

Strike: "with respect to the premises,"

Following: "up"

Insert: "possession of"

Strike: "with the intent to never reenter"

5. Page 19, line 15.

Following: line 15

Insert: "COORDINATION SECTION. Section 19. Coordination instruction. If Senate Bill No. 144 and [this act] are both passed and approved and if both contain a section that amends 70-24-108, then the section in Senate Bill No. 144 that amends 70-24-108 is void."

And, as amended, be concurred in.

HB 426, be amended as follows:

1. Page 1, line 13.

Following: "prison"

Insert: "that contracts with a telecommunications service provider to provide telecommunications services for inmates"

2. Page 1, line 25 through line 26.

Strike: "that requested" on line 25 through "mailed" on line 26

Insert: "mail the refund"

And, as amended, be concurred in.

LEGISLATIVE ADMINISTRATION (Keenan, Chair):

3/27/2017

HB 100, be amended as follows:

1. Page 2, line 28.

Strike: "90"

Insert: "180"

2. Page 3, line 1.

Strike: "90"

Insert: "180"

And, as amended, be concurred in.

LOCAL GOVERNMENT (Webb, Chair):

3/27/2017

HB 373, be amended as follows:

STATE INTERNET/BBS COPY

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1. Page 6, line 22.

Strike: "7-8-2502 and"

And, as amended, be concurred in.

HB 507, be amended as follows:

1. Title, page 1, line 6 through line 8.

Strike: "AND ALLOWING" on line 6 through "RULEMAKING AUTHORITY" on line 8

2. Page 1, line 15.

Strike: "attend a preapplication meeting with the reviewing authority and"

3. Page 1, line 17.

Strike: "shall"

Insert: "may"

4. Page 1, line 18.

Following: "schedule the"

Insert: "requested"

5. Page 1, line 21 through line 23.

Strike: "Within 6 months" on line 21 through "preapplication meeting." on line 23

6. Page 1, line 28.

Following: "application"

Insert: "if required"

7. Page 1, line 28 through line 29.

Strike: "and attending" on line 28 through "subsection (1)" on line 29

8. Page 2, line 3.

Strike: "all of"

Strike: "this chapter, including [section 2], and the rules adopted pursuant to this chapter"

Insert: "[section 2(1)]"

9. Page 2, line 6.

Following: "address the"

Insert: "missing"

10. Page 2, line 14 through line 15.

Strike: "or if the reviewing" on line 14 through "decisionmaking authority" on line 15

11. Page 2, line 16.

Following: "recommendation"

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Insert: "for approval"

Following: "to the department"

Insert: "or deny the application"

12. Page 2, line 17 through line 18.

Strike: "that has not" on line 17 through "by the department" on line 18

13. Page 2, line 21.

Strike: "reviewing authority" in two places

Insert: "department" in both places

14. Page 2, line 29.

Following: line 28

Insert: "(ii) If the reviewing authority denies an application and the applicant resubmits a corrected application after 30 days after the date of the denial letter, the reviewing authority shall complete review of the resubmitted application within:

(A) 55 days after receipt of the resubmitted application if the reviewing authority is the department; or

(B) 45 days after receipt of the resubmitted application if the reviewing authority is a local department or board of health."

Renumber: subsequent subsections

15. Page 2, line 29 through line 30.

Strike: "but" on line 29 through "by the department" on line 30

Insert: "and the reviewing authority makes a recommendation to the department for approval of the application"

16. Page 3, line 2.

Following: "under"

Insert: "subsection"

Following: "(3)(d)(i)"

Insert: "or (3)(d)(ii)"

17. Page 3, line 3 through line 5.

Strike: subsection (iii) in its entirety

18. Page 3, line 9 through line 10.

Strike: "The extension may" on line 9 through "extension." on line 10

Insert: "An extension may not exceed 30 days; however, the reviewing authority may issue more than one extension."

19. Page 3, line 12.

Following: "application"

Insert: "-- supplemental information"

Following: "."

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Insert: "(1)"

20. Page 3, line 13 through line 17.

Strike: "whatever information" on line 13 through "76-3-604(7)" on line 17

Insert: "information required under rules adopted pursuant to this chapter, and any additional information the applicant feels necessary.

(2) In addition to the information required for the submission of the application under subsection (1), before the reviewing authority makes a final decision on the application, the applicant shall provide:

(a) a copy of the certification from the local health department required by 76-4-104(6)(k);

(b) if required under Title 76, chapter 3, an approval from the local governing body under Title 76, chapter 3; and

(c) any public comments or summaries of public comments collected as provided in 76-3-604(7)"

21. Page 10, line 4 through line 9.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

3/27/2017

SB 352, do pass.

SB 368, do pass.

HB 533, be amended as follows:

1. Page 2, line 15.

Strike: "and actuarial policies"

2. Page 2, line 17.

Strike: "Subject" through "(5)(c), each"

Insert: "Each"

3. Page 2, line 28 through page 3, line 2.

Strike: subsection (c) in its entirety

And, as amended, be concurred in.

TAXATION (Blasdel, Chair):

3/28/2017

SB 348, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "FEE OF 0.01 CENT PER DOSE OF"

Insert: "TAX ON"

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

Strike: "FOR USE" on page 1, line 5 through "; AND" on line 6

Insert: "SOLD BY A WHOLESALE DRUG DISTRIBUTOR; PROVIDING FOR ASSESSMENT AND COLLECTION OF THE TAX BY THE DEPARTMENT OF REVENUE; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT ADMINISTERED BY THE DEPARTMENT OF JUSTICE; PROVIDING FOR THE DISTRIBUTION OF REVENUE FOR MEDICAL EDUCATION, DRUG PREVENTION, AND TEAM-BUILDING PROGRAMS; PROVIDING RULEMAKING AUTHORITY;"

Strike: "SECTION" on line 6

Insert: "SECTIONS"

3. Page 1, line 7.

Strike: "37-7-1511,"

Insert: "37-7-604 AND 37-7-605,"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

4. Page 1, line 11 through line 26.

Strike: section 1 in its entirety

Insert: NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 8], the following definitions apply:

(1) "Department" means the department of revenue provided for in 2-15-1301.

(2) "Wholesale drug distribution" has the meaning provided in 37-7-602.

(3) "Wholesale drug distributor" has the meaning provided in 37-7-602."

Insert: NEW SECTION. **Section 2. Schedule II drug tax -- wholesaler.** A tax of 1/10 of 1% of the wholesale price is imposed on sales of all Schedule II drugs in this state. The tax is imposed on the wholesale drug distributor for wholesale drug distribution sales and is payable to the department."

Insert: NEW SECTION. **Section 3. Quarterly statement and payment of tax -- recordkeeping.** (1) Each wholesale drug distributor shall, within 30 days after the end of each quarter, file a return on a form provided by the department and pay the tax due under [section 2]. The department may administer collection of the tax through an electronic form, including payment of the tax by an electronic funds transfer.

(2) The tax must be paid in quarterly installments for the quarters ending March 31, June 30, September 30, and December 31 of each year.

(3) Each wholesale drug distributor shall keep a record in the form required by the department of all Schedule II drugs sold in this state. The records are subject to inspection by the department.

(4) The department may grant a reasonable extension of time for filing statements and payment of taxes due upon good cause shown."

Insert: NEW SECTION. **Section 4. Procedure to estimate tax on failure to file return -- penalty and interest.** (1) If a wholesale drug distributor fails to file a form or fails to pay the tax required by [sections 2 and 3] on or before the date the payment is due, the department shall, immediately after the time has expired, determine the amount of Schedule II drugs sold by the wholesale drug distributor in this state.

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(2) The department shall add penalties and interest to the amount of delinquent taxes as provided in 15-1-216.

(3) The department shall mail to the wholesale drug distributor required to file a quarterly statement and pay the tax a letter setting forth the amount of tax, penalty, and interest due. The letter must contain a statement that if payment is not made, a warrant for distraint may be filed.

(4) A penalty imposed by 15-1-216 may be waived by the department pursuant to 15-1-206."

Insert: "NEW SECTION. Section 5. Warrant for distraint. If all or part of the tax imposed by [sections 2 and 3] is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7. The resulting lien has precedence over any other claim, lien, or demand filed and recorded after the warrant for distraint is issued."

Insert: "NEW SECTION. Section 6. Deposit of taxes. All taxes collected under the provisions of [sections 1 through 8] must, in accordance with the provisions of 17-2-124, be deposited in the drug prevention and medical education account provided for in [section 9]."

Insert: "NEW SECTION. Section 7. Rulemaking. The department may adopt rules to administer and enforce the provisions of [sections 1 through 8]."

Insert: "NEW SECTION. Section 8. Drug prevention and medical education account. (1) There is a drug prevention and medical education account in the state special revenue fund established in 17-2-102.

(2) All money collected under [sections 1 through 8] must, in accordance with the provisions of 17-2-124, be deposited in the account to the credit of the department of justice to be used as follows:

(a) 30% for the WWAMI regional medical education program; and

(b) 70% for grants by the department of justice to drug prevention and team-building programs.

(3) For the purposes of this section, "drug prevention and team-building programs" means:

(a) drug prevention education to provide information relating to the use of any chemical substance, legal or illegal, that creates behavioral or health problems;

(b) after-school care for children;

(c) group programs that prepare children to make ethical and moral choices over their lifetimes and become responsible citizens; and

(d) group programs that provide children with the opportunity to build courage, confidence, and character while promoting personal growth and leadership development."

Insert: "Section 9. Section 37-7-604, MCA, is amended to read:

"37-7-604. Wholesale drug distributor licensing requirements -- fee -- federal compliance. (1) A person or distribution outlet may not act as a wholesale drug distributor without first obtaining a license from the board and paying the license fee.

(2) A license may not be issued or renewed for a wholesale drug distributor to operate in this state unless the applicant:

(a) agrees to abide by federal and state law and to comply with the rules adopted by the board; and

(b) pays the license fee set by the board; and

(c) is in compliance with Schedule II drug tax payments to the department of revenue under [sections 2 and 3].

(3) The board in its discretion may require that a separate license be obtained for:

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(a) each facility directly or indirectly owned or operated by the same business entity within the state; or

(b) a parent entity with divisions, subsidiaries, or affiliates within the state if operations are conducted at more than one location and joint ownership and control exists among all entities.

(4) In order to obtain and maintain a wholesale drug distributorship in this state, an applicant shall provide written documentation to the board attesting that the applicant has maintained and will continue to maintain:

(a) adequate storage conditions and facilities;

(b) minimum liability and other insurance that may be required by applicable federal or state law;

(c) a functioning security system that includes:

(i) an after hours central alarm or comparable entry detection system;

(ii) restricted access to the premises;

(iii) comprehensive employee applicant screening; and

(iv) safeguards against employee theft;

(d) a system of records setting forth all activities of wholesale drug distribution as defined in 37-7-602 for at least a period of the 2 previous years. The system of records must be accessible, as defined by board regulations, for inspections authorized by the board.

(e) principals, including officers, directors, primary shareholders, and management executives, who shall at all times demonstrate and maintain their responsibility for conducting the business in conformity with sound financial practices as well as state and federal law;

(f) complete, updated information, to be provided to the board as a condition for obtaining and retaining a license, pertaining to each wholesale drug distributor to be licensed, including but not limited to:

(i) all pertinent corporate license information, if applicable; and

(ii) other information regarding ownership, principals, key personnel, and facilities;

(g) a written protocol of procedures and policies that assures preparation by the wholesale drug distributor for the handling of security or operational problems, including but not limited to those caused by:

(i) natural disaster or government emergency;

(ii) inventory inaccuracies or product shipping and receiving;

(iii) insufficient inspections for all incoming and outgoing product shipments;

(iv) lack of control of outdated or other unauthorized products;

(v) inappropriate disposition of returned goods; and

(vi) failure to promptly comply with product recalls; and

(h) operations in compliance with all federal requirements applicable to wholesale drug distribution.

(5) An agent or employee of a licensed wholesale drug distributor need not be licensed as a wholesale drug distributor.

(6) For purposes of this section, all rules and regulations promulgated by the board must conform to the wholesale drug distributor licensing guidelines formally adopted by the United States food and drug administration. If a conflict arises between a food and drug administration guideline and a rule or regulation of the board, the former controls."

Insert: "Section 10. Section 37-7-605, MCA, is amended to read:

"37-7-605. Out-of-state wholesale drug distributor licensing requirements. (1) An

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out-of-state wholesale drug distributor may not conduct business in this state without first obtaining a license from the board and paying the license fee established by the board.

(2) Application for a license under this section must be made on an approved form.

(3) The issuance of a license may not affect tax liability imposed by the department of revenue on any out-of-state wholesale drug distributor.

(4) A person acting as principal or agent for an out-of-state wholesale drug distributor may not sell or distribute drugs in this state unless the distributor has obtained a license and complies with the Schedule II drug tax payment obligations under [sections 2 and 3]."

Insert: "NEW SECTION. Section 11. Codification instruction. (1) [Sections 1 through 8] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 1 through 8].

(2) [Section 9] is intended to be codified as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [section 9]."

Insert: "NEW SECTION. Section 12. Applicability. [This act] applies to Schedule II drug sales by a wholesale drug distributor after December 31, 2017."

And, as amended, do pass.

SB 354, do pass.

SB 359, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 27, 2017

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

Dear President Sales:

On Monday, March 27, 2017, I signed the following bills:

SB 2 - P. Connell

SB 6 - J. Fielder

SB 67 - C. Wolken

SB 107 - D. Kary

SB 137 - D. Ankney

SB 165 - D. Salomon

SB 182 - M. Lang

SB 229 - F. Moore

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SB 318 - C. Boland

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/27/2017

HB 224, introduced by T. Jacobson

HB 585, introduced by A. Knudsen

FIRST READING AND COMMITMENT OF BILLS

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

HB 224, introduced by T. Jacobson, E. Buttrey, J. Essmann, G. Pierson, referred to Taxation.

HB 585, introduced by A. Knudsen, J. Keane, referred to Energy and Telecommunications.

**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 Keenan in the chair.

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

HB 374 - Senator Fitzpatrick moved **HB 374** 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, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr. President.

Total 34

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

Total 16

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 70 - Senator Sands moved **HB 70** be concurred in. Motion carried as follows:

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

Total 39

Nays: Ankney, Blasdel, Brown, Hinebauch, Hinkle, Howard, Lang, Regier, Smith C, Vance, Mr.President.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 280 - Senator S. Sales moved **HB 280** be concurred in.

HB 280 - Senator Connell moved **HB 280**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "LEGISLATURE"

Insert: "AND CERTAIN LEGISLATIVE EMPLOYEES"

2. Page 2, line 5.

Following: "officer"

Insert: ", including a currently appointed senate sergeant-at-arms,"

3. Page 2, line 13.

Following: "officers"

Insert: "and a currently appointed senate sergeant-at-arms that are"

4. Page 3, line 18.

Following: "officer"

Insert: ", including a currently appointed senate sergeant-at-arms,"

Amendment adopted as follows:

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

Total 34

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

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 280 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, 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 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 306 - Senator Fielder moved **HB 306** 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, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 32

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

Total 18

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 494 - Senator K. Regier moved **HB 494** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 240 - Senator Hinebauch moved **HB 240** 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 311 - Senator Fielder moved **HB 311** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Welborn, Whitford, Wolken, Mr.President.

Total 34

Nays: Connell, Facey, Gauthier, Hoven, Kary, Keenan, Moore, Olszewski, Pomnichowski, Regier, Smith C, Swandal, Tempel, Vincent, Vuckovich, Webb.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 355 - Senator Buttrey moved **HB 355** 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 415 - Senator D. Brown moved **HB 415** 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

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 95 - Senator L. Jones moved **SB 95** do pass. Motion carried as follows:

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

Total 49

Nays: Vance.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 317 - Senator Salomon moved **SB 317** do pass. Motion carried as follows:

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

Total 39

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

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 332 - Senator D. Brown moved **SB 332** do pass. Motion **failed** as follows:

Yeas: Blasdel, Brown, Buttrey, Connell, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore,

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Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 25

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 - Majority Leader Thomas moved **SB 332** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 31

Nays: Blasdel, Brown, Buttrey, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Thomas, Vance, Webb, Welborn.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 - Senator Welborn moved **SB 335** do pass. Motion **failed** as follows:

Yeas: Ankney, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Keenan, MacDonald, McClafferty, McNally, Phillips, Richmond, Salomon, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Wolken.
Total 25

Nays: Barrett, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Lang, Malek, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Sesso, Smith C, Swandal, Vance, Vincent, Webb, Whitford, Mr.President.
Total 25

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 335 - Majority Leader Thomas moved **SB 335** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barrett, Brown, Cohenour, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 28

Nays: Ankney, Blasdel, Boland, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Gross, Keenan, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 339 - Senator Ankney moved **SB 339** do pass. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 342 - Senator Vincent moved **SB 342** do pass. Motion carried 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 289 - Senator Hinkle moved **HB 289** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Facey, Gross, McClafferty, Pomnichowski.
Total 5

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 Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, 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, Wolken, Mr.President.

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Total 46

Nays: Cohenour, MacDonald, Smith F, Whitford.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 236 passed as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Majority Leader Thomas moved that **SB 366** be taken from the State Administration Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 70**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

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Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 29, 2017, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 2:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate