

**SENATE JOURNAL
66TH LEGISLATURE
TENTH LEGISLATIVE DAY**

Helena, Montana
January 18, 2019

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/18/2019
Correctly printed: **SB 2, SB 4, SB 7, SB 11, SB 14, SB 34, SB 39, SB 42, SB 43, SB 46, SB 82, SB 90, SB 135, SB 136, SB 137, SB 139, SB 140.**
Correctly engrossed: **SB 28, SB 55, SB 63, SB 64, SB 76.**
Transmitted to the House: **SB 1.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 1/17/2019
SB 56, do pass.
SB 57, do pass.
SB 67, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/18/2019
SB 25, do pass.
SB 55, introduced bill, be amended as follows:

1. Page 15, line 6 through line 7.

Following: "reciprocal insurer shall"

Strike: "notify the secretary" on line 6 through "conversion" on line 7

Insert: "file the articles of the merger or conversion with the secretary of state"

And, as amended, do pass.

SB 63, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "branch establishments."

Insert: "The rules must be limited to implementing only the purposes outlined in subsection (1)."

And, as amended, do pass.

SB 75, do pass.

SENATE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 18, 2019

FINANCE AND CLAIMS (Osmundson, Chair): 1/17/2019
HB 1, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/17/2019
SB 51, do pass.
SB 76, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "AUTHORIZING UTILITY ACCOMMODATION;"

2. Page 1, line 18.
Following: "repair,"
Strike: "renewal,"

3. Page 1, line 20.
Following: "reimbursement to a"
Strike: "qualifying"

4. Page 1, line 22 through line 25.
Strike: subsection (c) and subsection (d) in their entirety
Insert: "(c) issuance of an occupancy permit or, in the case of a facility not within the scope of Title 60, chapter 4, part 4, an encroachment permit;
(d) collection of a fee commensurate with the department's actual cost of processing the application for a permit issued under subsection (1)(c), not to exceed \$300; and"

5. Page 1, line 26.
Following: "deposit of"
Strike: "the"
Insert: "permit"

6. Page 1, following line 29.
Insert: "(3) The permitting provisions of this section do not apply to existing utility facilities or existing facilities not within the scope of Title 60, chapter 4, part 4, lawfully occupying the highway right-of-way on [the effective date of this act]."

7. Page 2, line 5.
Following: "newspaper delivery box,"
Insert: "or"
Following: "driveway approach,"
Strike: "or utility,"

8. Page 2, line 7.
Strike: "may"

9. Page 2, following line 7.

SENATE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 18, 2019

Insert: "(a) for a mailbox or newspaper delivery box, must issue an encroachment permit pursuant to subsection (3); and"

10. Page 2, line 8.

Strike: "(a)"

Insert: "(b)(i) for all other encroachments, may"

11. Page 2, line 9.

Strike: "(b)"

Insert: "(ii) may"

12. Page 2, line 15.

Strike: "The"

Insert: "Except as provided in subsection (3)(c), the"

13. Page 2, line 17.

Strike: subsection (c) in its entirety

14. Page 2, following line 17.

Insert: "(c) The department shall adopt rules pertaining to the issuance of encroachment permits and the removal of encroachments."

15. Page 2, line 18.

Following: "(3)"

Insert: "(a)"

16. Page 2, line 18 through line 19.

Strike: "removal of" on line 18 through "including for the" on line 19

17. Page 2, following line 21.

Insert: "(b) The department shall issue an encroachment permit for a completed permit application for a mailbox or newspaper delivery box.

(c) The department may not charge a fee for an encroachment permit for a mailbox or newspaper delivery box."

18. Page 2, following line 23.

Insert: "(5) Utility facilities lawfully occupying a highway right-of-way on [the effective date of this act], or under an occupancy or encroachment permit issued by the department pursuant to 60-4-402(1)(c), are not encroachments within the meaning of this part."

And, as amended, do pass.

Without objection, committee reports were adopted.

SENATE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 18, 2019

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/17/2019

HB 60, introduced by E. Buttrey
HB 89, introduced by S. Morigeau

FIRST READING AND COMMITMENT OF BILLS

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

SB 144, introduced by T. Jacobson, referred to Fish and Game.
SB 145, introduced by B. Hoven, referred to Taxation.
SB 146, introduced by D. Salomon, referred to Education and Cultural Resources.

The following Senate bills, previously introduced, were referred to committee:

SB 138, introduced by S. Hinebauch, referred to Judiciary.
SB 141, introduced by D. Barrett, referred to Taxation.
SB 142, introduced by D. Barrett, referred to Taxation.
SB 143, introduced by M. Cuffe, referred to State Administration.

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

SR 2, introduced by S. Sales, referred to Taxation.
SR 3, introduced by S. Sales, referred to Taxation.

The following Senate joint resolutions were introduced and read first time:

SJ 4, introduced by J. Sesso.
SJ 5, introduced by S. Malek.

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

HB 60, introduced by E. Buttrey (by request of the Code Commissioner), referred to Judiciary.
HB 89, introduced by S. Morigeau (by request of the State Public Defender), referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

SENATE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 18, 2019

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

SB 26 - Senator Fitzpatrick moved **SB 26** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Cuffe, Esp, Keenan, Malek.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 88 - Senator Sands moved **SB 88** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee

SENATE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 18, 2019

arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows.

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: 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 39 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.

Total 42

Nays: Boland, Cohenour, Ellis, McClafferty, Pomnichowski, Sands, Smith F, Webber.

Total 8

Paired: None.

Excused: None.

Total 0

SENATE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 18, 2019

Absent or not voting: None.

Total 0

SB 43 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 21, 2019, the eleventh legislative day. Motion carried.

Senate adjourned at 1:15 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate