

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

Helena, Montana  
January 30, 2019

Senate Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 1/30/2019  
Correctly printed: **SB 20, SB 59, SB 60, SB 61, SB 92, SB 98, SB 101, SB 119, SB 126, SB 185, SB 186, SB 187, SB 188, SB 189, SB 190, SB 191, SJ 2, SJ 3, SJ 7.**  
Correctly engrossed: **SB 23, SB 136.**  
Correctly enrolled: **SB 62.**  
Transmitted to the House: **SB 29, SB 49, SB 58, SB 81, SB 85, SB 94, SB 104.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 1/30/2019  
**SB 157**, do pass.  
**SR 13**, be adopted.  
**HB 62**, be concurred in.

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair): 1/29/2019  
**SB 117**, do pass.

**JUDICIARY** (Regier, Chair): 1/30/2019  
**SB 99**, do pass.  
**SB 136**, introduced bill, be amended as follows:

1. Page 2, line 1.

**Strike:** "(a)"

**Following:** "A"

**Strike:** "Except" through "a"

**Insert:** "A"

2. Page 2, line 4 through line 6.

**Strike:** line 4 through line 6

And, as amended, do pass.

**HB 46**, be concurred in.

**HB 89**, be concurred in.

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**HB 117**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate: 1/29/2019

**SB 62**, introduced by D. Sands

**House bills** passed and transmitted to the Senate for concurrence: 1/29/2019

**HB 37**, introduced by D. Loge

**HB 47**, introduced by T. Moore

**HB 56**, introduced by J. Keane

**HB 78**, introduced by Z. Perry

**HB 110**, introduced by R. Lynch

**HB 119**, introduced by D. Loge

**HB 145**, introduced by D. Zolnikov

**HB 155**, introduced by C. Knudsen

**HB 206**, introduced by F. Garner

**HB 237**, introduced by J. Krotkov

**House joint resolution** passed and transmitted to the Senate for concurrence: 1/29/2019

**HJ 5**, introduced by K. Dudik

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 192**, introduced by M. Lang, referred to Judiciary.

**SB 193**, introduced by J. Cohenour, B. Bennett, C. Boland, M. MacDonald, E. McClafferty, M. McNally, D. Sands, referred to Highways and Transportation.

**SB 194**, introduced by J. Cohenour, B. Bennett, C. Boland, P. Flowers, M. MacDonald, E. McClafferty, M. McNally, J. Pomnichowski, D. Sands, referred to Highways and Transportation.

**SB 195**, introduced by J. Cohenour, C. Boland, M. MacDonald, E. McClafferty, M. McNally, J. Pomnichowski, D. Sands, referred to Energy and Telecommunications.

**SB 196**, introduced by D. Sands, B. Tschida, referred to Highways and Transportation.

**SB 197**, introduced by J. Welborn, R. Shaw, T. Welch, referred to Education and Cultural Resources.

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

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**SB 159**, introduced by K. Regier, referred to Public Health, Welfare and Safety.

**SB 177**, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, J. Kassmier, C. Knudsen, R. Lynch, R. Peppers, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, R. Tempel, D. Zolnikov, referred to Agriculture, Livestock and Irrigation.

**SB 182**, introduced by K. Bogner, M. Cuffe, B. Gillespie, referred to Business, Labor, and Economic Affairs.

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

**SJ 8**, introduced by D. Barrett, B. Bennett, J. Ellis, P. Flowers, J. Gross, M. MacDonald, E. McClafferty, N. McConnell, M. McNally, M. Phillips, J. Pomnichowski, D. Sands, J. Sesso, F. Smith, G. Vuckovich, S. Malek, S. Webber, referred to Energy and Telecommunications.

**SJ 9**, introduced by J. Pomnichowski, M. Blasdel, W. Galt, S. Sales, B. Tschida, referred to State Administration.

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

**HB 37**, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.

**HB 47**, introduced by T. Moore (by request of the Department of Justice), referred to Judiciary.

**HB 56**, introduced by J. Keane (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 78**, introduced by Z. Perry (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

**HB 110**, introduced by R. Lynch (by request of the Supreme Court), referred to Judiciary.

**HB 119**, introduced by D. Loge (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 145**, introduced by D. Zolnikov, C. Knudsen, Morigeau, referred to Judiciary.

**HB 155**, introduced by C. Knudsen, B. Beard, S. Berglee, A. Doane, L. Galloway, W. Galt, F. Garner, R. Lynch, S. Morigeau, Z. Perry, D. Zolnikov, M. Blasdel, referred to Judiciary.

**HB 206**, introduced by F. Garner, referred to Energy and Telecommunications.

**HB 237**, introduced by J. Krotkov, F. Anderson, C. Schreiner, referred to Finance and Claims.

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

**HJ 5**, introduced by K. Dudik, Z. Brown, J. Cohenour, C. Knudsen, R. Lynch, M. MacDonald, D. Mortensen, J. Welborn, referred to Judiciary.

**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 Sands in the chair.

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

**SB 68** - Senator Gillespie moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 45

Nays: Barrett, Gross, McClafferty, Phillips, Smith F.  
Total 5

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 4** - Senator Olszewski moved **SB 4** 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

**SB 7** - Senator Olszewski moved **SB 7** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 47

Nays: Fielder, Malek, Mr President.  
Total 3

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 45** - Senator Cohenour moved **SB 45** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.  
Total 32

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Keenan, Lang, Mr President, Osmundson, Regier, Small, Smith C, Vance.  
Total 18

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 115** - Senator Kary moved **SB 115** 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,

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Welborn.  
Total 50

Nays: None.  
Total 0

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 60** - President Sales moved **HB 60** be concurred in. 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 arose. Senate resumed. President Sales presiding.

Senator Sands 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,

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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

**MOTIONS**

Majority Leader Thomas moved that **SB 7**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**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 20** 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.

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Total 0

**SB 92** passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.

Total 38

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Howard, Kary, Keenan, Mr President, Smith C, Vance, Webb.

Total 12

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 98** 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

**SB 101** passed as follows:

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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

**SB 119** 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

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 31,

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2019, the nineteenth legislative day. Motion carried.

Senate adjourned at 1:38 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate