

**SENATE JOURNAL  
66TH LEGISLATURE  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 6, 2019

Senate Chambers  
State Capitol

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

Roll Call. Forty-nine members present, Senator Thomas excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/6/2019  
Correctly printed: **SB 79, SB 89, SB 144, SB 150, SB 154, SB 161, SB 163, SB 206, SB 207, SB 208, SR 8, SR 9, SR 24, SJ 4, HB 59, HB 68, HB 90.**  
Correctly engrossed: **SB 73, SB 173, SB 175, SB 192, SR 14, SR 15.**  
Transmitted to the House: **SB 12, SB 70, SB 91, SB 133.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hoven, Chair): 2/5/2019  
**SB 73**, introduced bill, be amended as follows:

1. Page 4, line 18 through line 20.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

2. Page 5, line 8.

**Following:** "applicant's"

**Insert:** "cost of all commodities purchased in Montana,"

3. Page 6, line 12 through line 17.

**Strike:** subsection (6) in its entirety

4. Page 6.

**Following:** line 17

**Insert:** "(6) A publicly traded company may post a bond required by this part for a subsidiary company if the corporate bonds are rated as Aa3 or better by Moody's investors service, inc., or as AA- or better by Standard and Poor's financial services and are issued with the full credit of the parent corporation.

(7) (a) A publicly traded company or its subsidiary may request that the department waive the requirement to file a complete financial statement pursuant to subsection (3)(a)(vi) for a licensing year, the deficit bonding requirements in 80-4-405(1), or both, if the company:

(i) has been licensed for 1 year;

(ii) has corporate bonds rated as Baa3 or better by Moody's investors service, inc., as BBB- or better by Standard and Poor's financial services, or as investment grade by an equivalent rating

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system as determined by department rule; and

(iii) posts the maximum bond amount required by 80-4-405.

(b) The director shall grant or deny the request within 14 days.

(8) (a) A company or its subsidiary may request that the department waive the requirement of subsection (4)(a) or (4)(b), or both, if the company:

(i) has been licensed for 1 year;

(ii) posts the maximum bond amount required by 80-4-405; and

(iii) includes a profit or loss statement from the company's or subsidiary's previous fiscal year that shows operational income equal to or in excess of the value of commodities intended to be purchased during the term of the commodity dealer license.

(b) The director shall grant or deny the request within 14 days.

(9) A publicly traded company whose business structure includes one or more subsidiary locations may file the parent company's financial statement to meet the requirement of subsection (3)(a)(vi). Financial statements are not required for each subsidiary location."

**Renumber:** subsequent subsection

And, as amended, do pass.

**SB 137**, do pass.

**HB 63**, be concurred in.

**HB 101**, be concurred in.

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair):

2/5/2019

**SB 173**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "[section 3]"

**Insert:** "subsection (3)"

**Strike:** "subsection (1) of"

2. Page 1, line 15.

**Strike:** "\$50"

**Insert:** "\$25"

And, as amended, do pass.

**SB 175**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Strike:** "intersection with state highway 420"

**Insert:** "junction with Stillwater road"

And, as amended, do pass.

**SB 196**, do pass.

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**HB 156**, be concurred in.

**JUDICIARY** (Regier, Chair):

2/6/2019

**SB 100**, do pass.

**SB 192**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "FIREFIGHTER;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 27.

**Following:** line 27

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

**HB 20**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE GOVERNOR**

February 5, 2019

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

Dear President Sales:

On Tuesday, February 5, 2019, I signed the following bill:

**Senate Bill 62** - D. Sands

The bill has been delivered to the Secretary of State's Office.

Sincerely,

STEVE BULLOCK  
Governor

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**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 2/5/2019

**HB 228**, introduced by F. Mandeville

**HB 233**, introduced by B. Mercer

**HB 283**, introduced by C. Keogh

**HB 285**, introduced by V. Ricci

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/5/2019

**HJ 6**, introduced by K. Dudik

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 211**, introduced by R. Tempel, referred to Taxation.

**SB 212**, introduced by S. Webber, J. Bahr, B. Bessette, C. Boland, P. Flowers, J. Gross, L. Jones, S. Malek, E. McClafferty, M. McNally, S. Morigeau, R. Peppers, Z. Perry, T. Runningwolf, D. Salomon, D. Sands, J. Small, B. Smith, F. Smith, S. Stewart Peregoy, G. Vuckovich, M. Weatherwax, J. Windy Boy, referred to Education and Cultural Resources.

**SB 213**, introduced by E. McClafferty, S. Malek, S. Webber, referred to Judiciary.

**SB 214**, introduced by S. Fitzpatrick, referred to Public Health, Welfare and Safety.

**SB 215**, introduced by R. Webb, referred to Taxation.

**SB 216**, introduced by R. Webb, referred to Public Health, Welfare and Safety.

**SB 217**, introduced by D. Howard, D. Ankney, D. Bartel, M. Blasdel, K. Bogner, D. Brown, M. Cuffe, A. Doane, J. Dooling, D. Dunn, J. Ellsworth, J. Fielder, S. Fitzpatrick, W. Galt, T. Gauthier, B. Gillespie, S. Hinebauch, M. Hopkins, B. Hoven, D. Kary, C. Knudsen, M. Lang, F. Mandeville, D. Mortensen, A. Olszewski, R. Osmundson, K. Regier, T. Richmond, S. Sales, D. Salomon, D. Skees, J. Small, C. Smith, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, R. Webb, J. Welborn, K. White, referred to Taxation.

**SB 218**, introduced by S. Fitzpatrick, R. Lynch, D. Salomon, referred to Education and Cultural Resources.

**SB 219**, introduced by M. Cuffe, referred to Business, Labor, and Economic Affairs.

**SB 220**, introduced by K. Regier, S. Hinebauch, T. Richmond, D. Sands, F. Smith, referred to Judiciary.

**SB 221**, introduced by M. Phillips, referred to Business, Labor, and Economic Affairs.

**SB 222**, introduced by J. Cohenour, J. Ellsworth, referred to Fish and Game.

The following Senate bills were introduced and read first time:

**SB 223**, introduced by T. Jacobson, S. Fitzpatrick.

**SB 224**, introduced by T. Jacobson, K. Abbott, D. Ankney, J. Bahr, D. Barrett, B. Bennett, B.

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Bessette, L. Bishop, C. Boland, Z. Brown, J. Cohenour, W. Curdy, G. Custer, M. Dunwell, J. Ellis, R. Farris-Olsen, P. Flowers, M. Funk, T. Gauthier, B. Gillespie, J. Gross, J. Hamilton, D. Harvey, D. Hayman, K. Holmlund, B. Hoven, L. Jones, J. Keane, C. Keogh, E. Kerr-Carpenter, J. Krautter, J. Krotkov, R. Lynch, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, G. Pierson, J. Pomnichowski, C. Pope, T. Richmond, D. Salomon, D. Sands, C. Schreiner, J. Sesso, R. Shaw, J. Small, F. Smith, S. Stewart Peregoy, K. Sullivan, M. Sweeney, G. Vuckovich, M. Weatherwax, S. Webber, J. Welborn, T. Welch, T. Winter.

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

**SB 209**, introduced by J. Esp, referred to Public Health, Welfare and Safety.

**SB 210**, introduced by M. Blasdel, referred to Business, Labor, and Economic Affairs.

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

**SR 26**, introduced by J. Fielder, referred to Fish and Game.

**SR 27**, introduced by J. Fielder, referred to Fish and Game.

**SR 28**, introduced by J. Fielder, referred to Fish and Game.

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

**HB 228**, introduced by F. Mandeville, referred to Judiciary.

**HB 233**, introduced by B. Mercer, F. Fleming, B. Usher, referred to Judiciary.

**HB 283**, introduced by C. Keogh, S. Greef, P. Webb, referred to Judiciary.

**HB 285**, introduced by V. Ricci, referred to Highways and Transportation.

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

**HJ 6**, introduced by K. Dudik, B. Brown, J. Gross, K. Holmlund, R. Lynch, N. McConnell, S. Morigeau, referred to Judiciary.

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

Senator C. Smith 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.

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

**SR 4** - Senator D. Brown moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 4**. Motion carried 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, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 49

Nays: None.  
Total 0

Paired: None.

Excused: Thomas.  
Total 1

Absent or not voting: None.  
Total 0

**SR 5** - Senator D. Brown moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 5**. 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, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 49

Nays: None.  
Total 0

Paired: None.

Excused: Thomas.  
Total 1

Absent or not voting: None.  
Total 0

Senator C. Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator C. Smith moved the Committee of the Whole report be adopted. Report adopted 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, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 49

Nays: None.  
Total 0

Paired: None.

Excused: Thomas.  
Total 1

Absent or not voting: None.  
Total 0

Senator Vance arose on a **point of personal privilege** and spoke about the previous day's second-reading discussion of **SB 161**. He clarified that the Montana Constitution provides that legislators may not hold two elected offices concurrently, but there is no restriction on other elected officials. Senator Sesso questioned the need for **SB 161** and moved the bill be removed from third reading this date. Following explanation from Senator Jacobson of the need for the bill, Senator Sesso withdrew his motion.

**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 79** 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, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 48

Nays: Smith F.  
Total 1

Paired: None.

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Excused: Thomas.

Total 1

Absent or not voting: None.

Total 0

**SB 144** 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, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Thomas.

Total 1

Absent or not voting: None.

Total 0

**SB 161** passed as follows:

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

Total 44

Nays: Bogner, Brown, Howard, Olszewski, Vance.

Total 5

Paired: None.

Excused: Thomas.

Total 1

Absent or not voting: None.

Total 0

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**SB 163** 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, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 48

Nays: Pomnichowski.  
Total 1

Paired: None.

Excused: Thomas.  
Total 1

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs. President Sales announced the floor session would begin tomorrow at 2:00 p.m.

Senator C. Smith moved the Senate adjourn until 2:00 p.m., Thursday, February 7, 2019, the twenty-fifth legislative day. Motion carried.

Senate adjourned at 1:20 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate