

**SENATE JOURNAL  
66TH LEGISLATURE  
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 20, 2019

Senate Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/20/2019

Correctly printed: **SB 32, SB 53, SB 147, SB 162, SB 198, SB 216, SB 226, SB 229, SB 231, SB 232, SB 243, SB 252, SB 279, SB 280, SB 281, SB 282, SB 283, SB 284, SB 285, SB 286, SB 287, SR 11, SJ 13, HB 45, HB 56, HB 57, HB 70, HB 92, HB 145, HB 154, HB 220, HB 228, HB 259, HJ 3.**

Correctly engrossed: **SB 220, SB 221, SB 225, SB 234, HB 35, HB 65, HB 94.**

Transmitted to the House: **SB 78, SB 132, SB 176, SB 177, SB 223, HB 43, HB 50, HB 51, HB 102, HB 143, HB 163, HB 196, HB 201, HB 206.**

Signed by the Secretary of the Senate at 4:30 p.m., February 19, 2019: **SR 6, SR 7.**

Signed by the President at 4:50 p.m., February 19, 2019: **SR 6, SR 7.**

Delivered to the Secretary of State at 9:45 a.m., February 20, 2019: **SR 6, SR 7.**

**REPORTS OF STANDING COMMITTEES**

**ENERGY AND TELECOMMUNICATIONS** (Ankney, Chair): 2/19/2019  
**SB 199**, do pass.

**FINANCE AND CLAIMS** (Osmundson, Chair): 2/19/2019  
**SB 114**, do pass.  
**HB 73**, be concurred in.

**FISH AND GAME** (Fielder, Chair): 2/20/2019  
**HB 94**, be amended as follows:

1. Page 4, line 18.

**Following:** "outfitting" on line 18

**Insert:** ", "

**Strike:** "or"

2. Page 4, line 19, through line 20.

**Following:** "commercial hunting" on line 19

**Strike:** "restricts public hunting opportunities" on page 4, line 19 through "THAT LAND" on page 4, line 20

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**Insert:** ",or fees charged for private hunting access unreasonably restrict public hunting opportunities."

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair):

2/20/2019

**SB 213**, do pass.

**SB 220**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "ALLOWING"

**Insert:** "CLARIFYING THAT"

**Following:** "GOVERNMENT"

**Insert:** "HAS THE AUTHORITY"

2. Title, page 1, line 6.

**Following:** "SERVICES; "

**Insert:** "PROVIDING THAT ONLY PUBLICLY EMPLOYED PROBATION OFFICERS MAY MAKE ARRESTS;"

3. Page 2, line 16.

**Following:** line 16

**Insert:** "(a) must have the minimum training required in 46-23-1003; and"

**Renumber:** subsequent subsections

4. Page 2, line 17.

**Strike:** "; and"

**Insert:** "."

5. Page 2, line 18.

**Following:** "(~~e~~)"

**Strike:** "(b)"

**Insert:** "(3) A publicly employed misdemeanor probation officer"

6. Page 2, line 19.

**Strike:** "(3)"

**Insert:** "(4)"

And, as amended, do pass.

**HB 283**, be concurred in.

Without objection, committee reports were adopted.

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**MESSAGES FROM THE OTHER HOUSE**

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

2/19/2019

**HB 21**, introduced by R. Peppers  
**HB 41**, introduced by J. Windy Boy  
**HB 318**, introduced by F. Garner  
**HB 319**, introduced by T. Winter

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 288**, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.  
**SB 289**, introduced by D. Sands, referred to Public Health, Welfare and Safety.  
**SB 290**, introduced by D. Barrett, referred to Highways and Transportation.  
**SB 291**, introduced by F. Thomas, referred to State Administration.  
**SB 292**, introduced by R. Webb, referred to Education and Cultural Resources.  
**SB 293**, introduced by B. Hoven, referred to Judiciary.  
**SB 294**, introduced by B. Hoven, referred to Judiciary.  
**SB 295**, introduced by T. Richmond, N. Duram, D. Loge, referred to State Administration.  
**SB 296**, introduced by S. Fitzpatrick, referred to Natural Resources.  
**SB 297**, introduced by D. Brown, referred to Education and Cultural Resources.  
**SB 298**, introduced by D. Brown, referred to Education and Cultural Resources.

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

**SB 264**, introduced by J. Small, D. Ankney, B. Bennett, T. Jacobson, J. Keane, R. Lynch, M. McNally, S. Stewart Peregoy, S. Webber, referred to Natural Resources.  
**SB 282**, introduced by J. Fielder, referred to Judiciary.

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

**HB 21**, introduced by R. Peppers, Dudik (by request of the State-Tribal Relations Committee), referred to Judiciary.  
**HB 41**, introduced by J. Windy Boy (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.  
**HB 319**, introduced by T. Winter, referred to State Administration.

The following House bill was introduced and read first time:

**HB 318**, introduced by F. Garner.

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**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 Flowers in the chair.

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

**SB 30** - Senator Gross moved **SB 30** do pass. Motion carried as follows:

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

Total 35

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Vance, Webb, Mr President.

Total 15

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Fielder excused at this time.

**SB 140** - Senator C. Smith moved **SB 140** do pass. Motion carried as follows:

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, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

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Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 207** - Senator Jacobson moved **SB 207** do pass. Motion carried as follows:

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

Total 46

Nays: Brown, Howard, Vance.

Total 3

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**HB 127** - Senator Salomon moved **HB 127** be concurred in. Motion carried as follows:

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, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

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Total 0

**HB 160** - Senator D. Brown moved **HB 160** be concurred in. Motion carried as follows:

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, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**HB 162** - Senator Ellsworth moved **HB 162** be concurred in. Motion carried as follows:

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, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**HB 176** - Senator Bogner moved **HB 176** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.  
Total 41

Nays: Blasdel, Brown, Cuffe, Howard, Kary, Olszewski, Webb, Mr President.  
Total 8

Paired: None.

Excused: Fielder.  
Total 1

Absent or not voting: None.  
Total 0

**HB 213** - Senator Richmond moved **HB 213** be concurred in. Motion carried as follows:

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, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 49

Nays: None.  
Total 0

Paired: None.

Excused: Fielder.  
Total 1

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 Flowers 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, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 30**, 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 32** passed as follows:

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

Total 48

Nays: Cuffe.

Total 1

Paired: None.

Excused: Fielder.

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Total 1

Absent or not voting: None.

Total 0

**SB 139** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.

Total 16

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 162** passed as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Vuckovich, Webb, Webber.

Total 30

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Thomas, Vance, Welborn, Mr President.

Total 19

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

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**SB 226** passed as follows:

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

Total 44

Nays: Barrett, Blasdel, Esp, Keenan, Pomnichowski.

Total 5

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 229** passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.

Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Salomon, Smith C, Vance, Welborn, Mr President.

Total 18

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 231** passed as follows:

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, Malek, McClafferty, McConnell, McNally,

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Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 232** passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.

Total 37

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Hinebauch, Lang, Olszewski, Osmundson, Smith C, Vance, Welborn, Mr President.

Total 12

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**HB 45** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.

Total 30

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Kary, Keenan, Lang,

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Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb, Mr President.

Total 19

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**HB 145** concurred in as follows:

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, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**HB 228** concurred in as follows:

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, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

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Paired: None.

Excused: Fielder.  
Total 1

Absent or not voting: None.  
Total 0

**HJ 3** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.  
Total 40

Nays: Blasdel, Bogner, Ellsworth, Esp, Hinebauch, Howard, Keenan, Welborn, Mr President.  
Total 9

Paired: None.

Excused: Fielder.  
Total 1

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, February 21, 2019. Motion carried.

Senate adjourned at 2:08 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate