Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Gross. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/21/2019
Correctly engrossed: SB 38, SB 124, SB 134, SB 183, SB 215, SB 255, HB 35.
Transmitted to the House: SB 32, SB 139, SB 162, SB 226, SB 229, SB 231, SB 232, HB 45, HB 145, HB 228, HJ 3.

**ANNOUNCEMENTS**
Committee meetings were announced by the committee chairs.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 2/21/2019
SB 183, introduced bill, be amended as follows:

1. Title, page 1, line 9.
   **STRIKE:** "EFFECTIVE DATES"
   **Insert:** "AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE"

2. Page 1, line 13.
   **Strike:** "Effective July 1, 2021, the"
   **Insert:** "The"

3. Page 1, line 14 through line 15.
   **Following:** "authorized to" on line 14
   **Strike:** "allow" on line 14 through "the board may" on line 15
   **Renumber:** subsequent subsections

4. Page 1, line 16.
   **Following:** "horseracing."
   **Insert:** "The implementation of historical horseracing under this section must be conducted with"
oversight and input provided by the economic affairs interim committee. This includes oversight and input on issues relating to the implementation of historical horseracing through proposed rules and legislation."

5. Page 10, line 26 through line 28.
**Strike:** section 11 in its entirety
**Insert:** "NEW SECTION. Section 11. Effective date. [This act] is effective on passage and approval."

**Following:** line 28
**Insert:** "NEW SECTION. Section 12. Termination. [This act] terminates June 30, 2021."

And, as amended, do pass.

**SB 270**, do pass.
**HB 105**, be concurred in.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 2/20/2019
**SB 212**, do pass.
**SB 218**, do pass.
**HB 153**, be concurred in.

**JUDICIARY** (Regier, Chair): 2/21/2019
**SB 254**, do pass.
**SB 255**, introduced bill, be amended as follows:

1. Page 1, line 19.
**Following:** "40-1-311"
**Insert:** "and must be notarized"

And, as amended, do pass.

**SR 29**, be adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair): 2/20/2019
**SB 38**, introduced bill, be amended as follows:

1. Page 15, line 14.
**Following:** "their"
**Strike:** "options"
**Insert:** "choice whether or not"

And, as amended, do pass.
SB 274, do pass.
SR 31, be adopted.
HB 86, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/20/2019
SB 124, introduced bill, be amended as follows:

1. Title, page 1, line 5.
   Strike: "ELECTRONIC"
   Insert: "DIGITAL"
   Strike: "IF A SIGNATURE IS REQUIRED"
   Following: "DURING"
   Insert: "THE"

   Following: line 6
   Insert: "WHEREAS, uniformed and overseas voters may not always have access to a printer,
   scanner, or regular mail in order to provide a physical signature when registering to vote; and
   WHEREAS, although Montana law pursuant to section 13-21-106(3)(b), MCA, currently
   provides that if proper identification is provided, these voters need not provide a signature, some
   voters may not vote because a digital signature is not offered as an option; and
   WHEREAS, the Federal Voting Assistance Program and the Council of State Governments
   has determined that voter experience could be improved if states would allow the use of the digital
   signature available with common access cards, which are identification cards issued by the U.S.
   Department of Defense only to qualified personnel; and
   WHEREAS, allowing uniformed and overseas voters the option of using a common access
   card digital signature would provide an additional opportunity for these voters to register and vote
   as well as added security; and
   WHEREAS, providing this option need not involve a costly change within the secretary of
   state’s electronic absentee system because the digital signature can be validated through a current
   publicly available certificate-based protocol for which the U.S. Department of Defense is the trusted
   authority."

3. Page 1, line 22 through line 24.
   Strike: subsection (3) in its entirety
   Insert: "(3) "Digital signature" means the certificate-based digital identification code issued to
   qualified personnel by the U.S. department of defense as part of the common access card
   or its successor."

   Strike: "42 U.S.C. 1973ff(b)(2)"
   Insert: "52 U.S.C. 20301(b)(2)"

5. Page 1, line 28.
   Strike: "42 U.S.C. 1973ff-2"
NEW SECTION. Section 4. Digital signature authorized. (1) A covered voter may use a digital signature as proof that the voter is the sender when the voter is electronically transmitting any of the following documents to an election administrator pursuant to this chapter:
   (a) a federal postcard application;
   (b) an application for voter registration;
   (c) a request for an absentee ballot; or
   (d) the voter’s marked ballot.
   (2) An election administrator shall verify a digital signature received pursuant to this section and accept a validated digital signature as proof that a document has been transmitted by the voter.
   (3) Nothing in this section may be interpreted as:
   (a) requiring a covered voter to use a digital signature;
   (b) requiring that an election administrator use a digital signature in lieu of the voter’s date of birth and social security number or driver’s license number to validate the voter’s identity during the voter registration process;
   (c) requiring a county election administrator or the secretary of state to validate the voter’s identity with the certificate authority that issued the digital signature;
   (d) requiring both a valid digital signature and the last four digits of a voter's social security number as proof that a document is from the voter; or
   (e) prohibiting a county election administrator from using the last four digits of a voter's social security number, if provided on the document, to verify that the document was sent by the voter."

NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 13, chapter 21, part 1, and the provisions of Title 13, chapter 21, part 1, apply to [section 4]."
And, as amended, do pass.

**SB 134**, introduced bill, be amended as follows:

1. Page 2, line 18.
   **Strike:** "intended"
   **Insert:** "contracted"

   **Strike:** "intended"
   **Insert:** "contracted"
   **Following:** "use"
   **Insert:** "directly or indirectly"

And, as amended, do pass.

**SB 236**, do pass.
**SB 258**, do pass.
**SJ 10**, do pass.

**STATE ADMINISTRATION** (Brown, Chair): 2/21/2019

**SB 275**, do pass.

**TAXATION** (Webb, Chair): 2/21/2019

**SB 215**, introduced bill, be amended as follows:

1. Page 2, line 1.
   **Strike:** "(i)"

2. Page 2, line 2.
   **Following:** "amended or"
   **Insert:** "and must be used by all agencies with responsibilities for estimating revenue or costs, including the preparation of fiscal notes,"

3. Page 2, line 5 through line 7.
   **Strike:** subsection (3)(a)(ii) in its entirety

   **Strike:** "(i)"

5. Page 2, line 11.
   **Strike:** "(ii)"
   **Insert:** "(c)"

And, as amended, do pass.
Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/20/2019

- SB 39, introduced by S. Fitzpatrick
- SB 54, introduced by F. Thomas
- SB 75, introduced by G. Vuckovich
- SB 94, introduced by T. Gauthier

House bills passed and transmitted to the Senate for concurrence: 2/20/2019

- HB 172, introduced by D. Bedey
- HB 192, introduced by M. Ryan
- HB 238, introduced by T. Manzella
- HB 262, introduced by B. Mercer
- HB 368, introduced by R. Lynch
- HB 386, introduced by G. Hertz
- HB 422, introduced by E. Buttrey
- HB 436, introduced by B. Hamlett

FIRST READING AND COMMITMENT OF BILLS

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

- SB 299, introduced by M. Lang, B. Hamlett, F. Moore, R. Osmundson, T. Richmond, S. Sales, R. Shaw, J. Welborn, K. White, referred to Natural Resources.
- SB 301, introduced by J. Small, referred to Local Government.
- SB 303, introduced by M. MacDonald, N. McConnell, referred to Judiciary.
- SB 304, introduced by R. Webb, referred to Judiciary.
- SB 305, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.
- SB 308, introduced by R. Webb, referred to Judiciary.

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

**SR 34**, introduced by D. Ankney, referred to Energy and Telecommunications.
**SR 35**, introduced by D. Ankney, referred to Energy and Telecommunications.

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

**SJ 15**, introduced by M. MacDonald, referred to Agriculture, Livestock and Irrigation.

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

**HB 172**, introduced by D. Bedey, N. Ballance, J. Ellsworth, J. Fuller, referred to State Administration.
**HB 192**, introduced by M. Ryan, K. Dudik, Curdy and Fern, referred to Judiciary.
**HB 262**, introduced by B. Mercer, M. Regier, referred to Finance and Claims.
**HB 386**, introduced by G. Hertz, referred to Taxation.

**MOTIONS**

Majority Leader Thomas moved that consideration of **HB 92**, item 12 on the second reading agenda, be moved to the bottom of the board. Without objection, so ordered.

Majority Leader Thomas moved that **SB 217**, previously reported out of committee, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The Senate was entertained by Expressions of Silence, a popular performing group of students from the Montana School for the Deaf and Blind. The group used sign language and dance to interpret recorded music for the Senators and guests.
Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gauthier in the chair.

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

**SB 221** - Senator Phillips moved SB 221 do pass.

SB 221 - Senator Phillips moved SB 221, second reading copy, be amended as follows:

1. Page 3, line 17.
   **Following:** line 16
   **Insert:** "(b) ivory or rhinoceros horn that is part of a bona fide antique and that is less than 5% by volume of the antique if the antique status is established by the owner or seller of the antique with historical documentation demonstrating provenance and showing the antique to be not less than 100 years old;"
   **Renumber:** subsequent subsections

2. Page 4, line 11.
   **Following:** "part of Title"
   **Strike:** "45"
   **Insert:** "87"
   **Following:** "provisions of Title"
   **Strike:** "45"
   **Insert:** "87"

Amendment **adopted** as follows:

Total 26

Total 24

Paired: None.

Excused: None.
Total 0

**STATE INTERNET/BBS COPY**
Absence or not voting: None.
Total 0

**SB 221** - Senator Phillips moved **SB 221**, as amended, do pass. Motion **failed** as follows:

Total 24

Total 26

Paired: None.

Excused: None.
Total 0

Absence or not voting: None.
Total 0

**SB 221** - Senator Thomas moved **SB 221** be **indefinitely postponed**. Motion carried as follows:

Total 30

Total 20

Paired: None.

Excused: None.
Total 0

Absence or not voting: None.
Total 0

**SB 155** - Senator R. Webb moved **SB 155** do pass. Motion carried as follows:
Total  50

Nays: None.
Total  0

Paired:  None.

Excused: None.
Total  0

Absent or not voting: None.
Total  0

SB 198 - Senator Ellsworth moved SB 198 do pass. Motion carried as follows:

Total  46

Nays: Ankney, Blasdel, Esp, Keenan.
Total  4

Paired:  None.

Excused: None.
Total  0

Absent or not voting: None.
Total  0

SB 225 - Senator Fitzpatrick moved SB 225 do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas,
Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Brown, Hinebauch, Howard, Kary, Smith C, Vance, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 243 - Senator Ellis moved SB 243 do pass. Motion carried as follows:

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 - Senator R. Webb moved SB 216 do pass. Motion carried as follows:

Total 29

Total 21
Paired: None.
Excused: None.
Total 0
Absent or not voting: None.
Total 0

SJ 9 - Senator Pomnichowski moved SJ 9 do pass. Motion carried as follows:

Total 50

Nays: None.
Total 0
Paired: None.
Excused: None.
Total 0
Absent or not voting: None.
Total 0

HB 35 - Senator Fitzpatrick moved HB 35 be concurred in.

HB 35 - Senator D. Brown moved HB 35, second reading copy, be amended as follows:

   Strike: "1 YEAR"
   Insert: "10 years"

Amendment adopted as follows:

Total 31

Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**HB 35** - As amended, **HB 35** was concurred in as follows:

Total 40

Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**HB 56** - Senator Richmond moved **HB 56** be concurred in. Motion carried as follows:

Total 50
Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 57 - Senator Pomnichowski moved HB 57 be concurred in. Motion carried as follows:

Total 44

Nays: Blasdel, Cuffe, Fielder, Lang, Vance, Mr President.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 - Senator Fitzpatrick moved HB 65 be concurred in. Motion carried as follows:

Total 36

Total 14

Paired: None.
Excused: None.
Total 0

Absent or not voting: None.
Total 0

**HB 220** - Senator Cohenour moved **HB 220** be concurred in. Motion carried as follows:

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**SR 11** - Senator Ellsworth moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 11**. Motion carried as follows:

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0
Absent or not voting: None.
Total 0

Senator Olszewski assumed the chair.

HB 92 - Senator Gauthier moved HB 92 be concurred in. Motion carried as follows:

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

Total 49

Nays: Phillips.
Total 1

Paired: None.

Excused: None.
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Total  0
Absent or not voting: None.
Total  0

MOTIONS

Majority Leader Thomas moved SB 155 and SB 216, 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 140 passed as follows:

Total  50

Nays: None.
Total  0

Paired: None.

Excused: None.
Total  0

Absent or not voting: None.
Total  0

Vote totals reflect a vote change from No to Yes made by Senator Welborn under Order of Business 9 - Motions.

SB 207 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski,
HB 127 concurred in as follows:


Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 160 concurred in as follows:


Total 49
Nays: Ankney.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 162 concurred in as follows:

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 176 concurred in as follows:

Total 39

Total 11

Paired: None.
Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 213 concurred in as follows:

Total 47

Nays: Olszewski, Pomnichowski, Smith F.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Webb moved that SB 21 be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion carried as follows:

Total 30

Total 20

Paired: None.

Excused: None.
Total 0
Absent or not voting: None.
Total 0

Senator Welborn moved to change his third-reading vote on SB 140 from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 22, 2019., the 38th legislative day. Motion carried.

Senate adjourned at 2:56 p.m.