

**SENATE JOURNAL  
66TH LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 13, 2019

Senate Chambers  
State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Esp. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/13/2019  
Correctly printed: **SB 267, SB 324, SB 325, SR 33, SR 37, SR 43, HB 24, HB 33, HB 85, HB 198, HB 229, HB 299, HB 320, HB 326, HB 334, HB 343, HB 368.**  
Correctly engrossed: **SB 239, SB 241, SB 247, HB 16, HB 205, HB 288.**  
Correctly enrolled: **SR 16, SR 31, SR 34, SR 35.**  
Transmitted to the House: **SB 24, SB 228, SB 269, HB 86, HB 112, HJ 4.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 3/13/2019  
**SB 125**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Strike:** "The following types of disability"

**Insert:** "Disability"

2. Page 1, line 29.

**Following:** "[section 8]"

**Insert:** "if the insurers solely issue or administer one or more of the following coverage types under the Montana Insurance Code"

3. Page 2, line 2.

**Following:** "(c)"

**Strike:** "medicare supplement insurance as described in chapter 22, part 9; and"

**Insert:** "excepted benefits as defined in 33-22-140;"

4. Page 2, line 3.

**Following:** "part 11"

**Insert:** "; or

(e) disability income insurance as defined in 33-1-235"

5. Page 3.

**Following:** line 30

**Insert:** "(b) examine the affairs of the board and program;"

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

**Renumber:** subsequent subsections

6. Page 4.

**Following:** line 30

**Insert:** "(3) The board may be audited by the legislative auditor."

**Renumber:** subsequent subsections

7. Page 5, line 21.

**Strike:** "1%"

**Insert:** "1.2%"

8. Page 5, line 21 through line 23.

**Following:** "from 2019" on line 21

**Strike:** "for" on line 21 through "33-1-207" on line 23

9. Page 5, line 25 through line 29.

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

**Insert:** "(ii) For purposes of subsection (1)(a)(i), total premium volume may not include premiums that member insurers collect on any coverage issued for excepted benefits as defined in 33-22-140."

10. Page 6, line 5.

**Following:** "(2)"

**Strike:** "No later than April 1 of each year, the"

**Insert:** "The"

11. Page 8, line 9.

**Following:** line 8

**Insert:** "(6) The board has no responsibility to pay claims if funds are unavailable. Nothing in [sections 1 through 15] creates an obligation of the state to pay claims."

12. Page 9, line 2.

**Following:** "Section 14."

**Strike:** "Special revenue account"

**Insert:** "State and federal special revenue accounts"

**Following:** "(1)"

**Insert:** "(a)"

13. Page 9, line 5.

**Strike:** "(2)"

**Insert:** "(b)"

14. Page 9, line 6.

**Strike:** "(a)"

**Insert:** "(i)"

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

15. Page 9, line 7 through line 8.

**Strike:** subsection (b) through subsection (c) in their entirety

16. Page 9, line 9.

**Strike:** "(d)"

**Insert:** "(ii)"

17. Page 9, line 10.

**Strike:** "(e)"

**Insert:** "(iii)"

18. Page 9, line 11.

**Strike:** "(3)"

**Insert:** "(c)"

19. Page 9, line 13.

**Following:** line 12

**Insert:** "(2) There is an account in the federal special revenue fund to the credit of the board and administered by the commissioner for the benefit of the program. There must be deposited in the account:

(a) federal funding allocated as a result of a section 1332 waiver application;

(b) any federal or grant funding; and

(c) any interest and income earned on the account."

20. Page 9, line 18.

**Following:** line 17

**Insert:** "NEW SECTION. Section 16. Transition. Within 1 year after [the effective date of this act], the board of directors may apply an initial administrative assessment on Montana reinsurance association members. The initial assessment must be approved by the insurance commissioner. The initial administrative assessment may pay for costs associated with the submission of the state innovation waiver pursuant to [section 15] and initial costs of the program."

**Renumber:** subsequent sections

And, as amended, do pass.

**SR 32**, be adopted.

**HB 370**, be concurred in.

**HB 373**, be concurred in.

**FINANCE AND CLAIMS** (Osmundson, Chair):

3/13/2019

**SB 200**, do pass.

**HB 237**, be concurred in.

**HB 422**, be concurred in.

**HB 436**, be concurred in.

**HB 444**, be concurred in.

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

**FISH AND GAME** (Fielder, Chair):  
**SB 247**, introduced bill, be amended as follows:

3/12/2019

1. Title, line 5.

**Strike:** "REPEALING"

**Insert:** "EXTENDING"

2. Page 3, line 16.

**Following:** "(6)"

**Insert:** "(a)"

**Strike:** "The"

**Insert:** "From May 8, 2007, through June 30, 2029, the"

3. Page 3, line 23.

**Following:** line 22

**Insert:** "(b) After June 30, 2029, the department of fish, wildlife, and parks may not change the appropriation rights that it holds in fee simple to instream flow purposes on any stream reaches.

(7) After June 30, 2029, the department of fish, wildlife, and parks may not enter into any new lease agreements pursuant to this section or renew any leases that will expire after that date."

And, as amended, do pass.

**HB 29**, be concurred in.

**HB 205**, be amended as follows:

1. Page 1, line 28.

**Following:** "acres, is"

**Insert:** "not"

**Following:** "department to"

**Strike:** "not"

And, as amended, be concurred in.

**HB 239**, be concurred in.

**HB 348**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Governor's amendments to House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

3/12/2019

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

**HB 90**, introduced by S. Gunderson

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced and read first time:

**SB 326**, introduced by N. McConnell, S. Fitzpatrick.

**SB 327**, introduced by A. Olszewski.

**SB 328**, introduced by T. Richmond.

**SB 329**, introduced by T. Richmond.

**SB 330**, introduced by M. Blasdel, K. Bogner, E. Buttrey, S. Fitzpatrick, W. Galt, G. Hertz, C. Knudsen, R. Lynch, F. Mandeville, S. Morigeau, C. Schreiner, R. Webb.

The following Senate joint resolution was introduced and read first time:

**SJ 17**, introduced by S. Malek, D. Hayman, M. MacDonald, E. McClafferty.

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

**SB 324**, introduced by T. Jacobson, referred to Judiciary.

**SB 325**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

**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 Ellsworth in the chair.

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

**SB 183** - Senator Blasdel moved **SB 183** do pass.

**SB 183** - Senator Blasdel moved **SB 183**, second reading copy, be amended as follows:

1. Page 1, line 20.

**Following:** "LEGISLATION."

**Insert:** "Historical horseracing terminals may not be placed in service in the state prior to the reauthorization of [this act] by the 2021 legislature."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

Ellsworth, Esp, Fielder, 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 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 183** - Senator Gauthier moved **SB 183**, second reading copy, be further amended as follows:

1. Page 1, line 26.

**Following:** line 25

**Insert:** "(3) Nothing in this section may be construed to allow the board of horseracing to offer historical horseracing. This section authorizes the board of horseracing to develop proposed rules and legislation relating to the implementation of historical horseracing to present to the economic affairs interim committee and to the 2021 legislature for possible approval of historical horseracing."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Richmond, Sands, Small, Tempel, Webber, Welborn.

Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Howard, Jacobson, Kary, Lang, McConnell, Osmundson, Phillips, Regier, Salomon, Sesso, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Mr President.

Total 24

Paired: None.

Excused: None.

Total 0

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

Absent or not voting: None.

Total 0

**SB 183** - As amended, **SB 183 failed** to pass as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Gillespie, Jacobson, Kary, McConnell, McNally, Phillips, Pomnichowski, Sesso, Small, Smith F, Thomas, Vance, Webb, Mr President.

Total 20

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Smith C, Tempel, Vuckovich, Webber, Welborn.

Total 30

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 183** - Majority Leader Thomas moved **SB 183** be **indefinitely postponed**. Motion carried as follows:

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

Total 42

Nays: Blasdel, Brown, Cuffe, Jacobson, Sesso, Thomas, Vance, Mr President.

Total 8

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 18** - Senator MacDonald moved **SB 18** do pass. Motion carried as follows:

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Webb, Webber.  
Total 28

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Vance, Welborn, Mr President.  
Total 22

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 170** - Senator Hoven moved **SB 170** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.  
Total 38

Nays: Brown, Esp, Fielder, Hinebauch, Kary, Keenan, Osmundson, Smith C, Thomas, Vance, Welborn, Mr President.  
Total 12

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 204** - Senator MacDonald moved **SB 204** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.  
Total 26

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 24

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 2 - House Amendments** - Senator MacDonald moved House amendments to **SB 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, 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: Ellsworth.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 58 - House Amendments** - Senator Salomon moved House amendments to **SB 58** be concurred in.

Senator Blasdel assumed the chair.

Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Tempel, Vuckovich, Webber, Welborn.

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

Total 34

Nays: Boland, Brown, Cohenour, Ellsworth, Esp, Fielder, Hinebauch, Kary, Olszewski, Regier, Smith C, Smith F, Thomas, Vance, Webb, Mr President.

Total 16

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 83 - Governor's Amendments** - Senator Fitzpatrick moved the Governor's amendments to **SB 83** 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, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

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 Ellsworth 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,

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

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

Nays: Mr President.  
Total 1

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 18**, **SB 170**, and **SB 204**, all heard on second reading this date, be re-referred to the Finance and Claims Committee. Minority Leader Sesso objected to the inclusion of **SB 18** in the re-referral motion.

President Sales segregated **SB 18** from the motion and, without objection, ordered **SB 170** and **SB 204** be re-referred to the Finance and Claims Committee. **SB 18** was re-referred, by vote, as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.  
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.  
Total 21

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 267** passed as follows:

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

Total 33

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.

Total 17

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 33** concurred in as follows:

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

Total 33

Nays: Bogner, Brown, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Mr President.

Total 17

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 198** concurred in as follows:

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

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

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 334** concurred in 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, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

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, March 14, 2019,

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

the fifty-second legislative day. Motion carried.

Senate adjourned at 2:30 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate