

**SENATE JOURNAL
66TH LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 26, 2019

Senate Chambers
State Capitol

COMMUNICATION FROM THE PRESIDENT

March 26, 2019

TO: Montana Senators

Senate President Scott Sales has called the Senate into session at 1:00 P.M. on Tuesday, March 26, in order to consider the following:

- Standing Committee Reports
- 1st Reading and Commitment of Bills
- Messages from the House of Representatives
- Announcements

Your attendance is requested in order to allow Senate Finance & Claims to continue meetings on HB2.

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

Roll Call. Thirty members present. Senators Ankney, Bogner, Cuffe, Ellis, Flowers, Gauthier, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Salomon, Sesso, C. Smith, Webber, and Welborn, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

3/26/2019

Correctly printed: **SB 18, SB 328, SB 337, SB 355, SB 356, SB 357, SB 358, SJ 22, HB 233, HB 244, HB 245, HB 257, HB 274, HB 343, HB 347, HB 394, HB 476, HB 487, HB 489, HB 505, HB 518, HB 527, HB 529, HB 581, HB 601,**

Correctly engrossed: **SB 17, SB 204, SB 216, SB 239, SB 312, SB 321, SB 338, SB 341, SJ 19, HB 231, HB 238, HB 413, HB 463, HB 502, HB 586.**

Correctly enrolled: **SB 64, SB 88, SB 261, SB 274.**

Examined by the sponsor and found to be correct: **SB 1, SB 9, SB 36, SB 46, SB 61, SB 82, SB 217, SB 292, SR 26.**

Transmitted to the House: **SB 170, HB 24, HB 37, HB 158, HB 190, HB 192, HB 212, HB 234, HB 268, HB 282, HB 297, HB 305, HB 624.**

Signed by the Secretary of the Senate at 9:30 a.m., March 25, 2019: **SB 59, SB 84, SB 85, SB 248, SB 260, SR 17, SR 18, SR 19.**

Signed by the President at 5:45 p.m., March 25, 2019: **SB 59, SB 84, SB 85, SB 248, SB 260.**

Signed by the President at 8:00 a.m., March 26, 2019: **SR 17, SR 18, SR 19.**

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

Signed by the Speaker at 12:00 p.m., March 26, 2019: **SB 59, SB 72, SB 84, SB 85, SB 144, SB 207, SB 248, SB 260.**

Delivered to the Secretary of State at 11:30 a.m., March 26, 2019: **SR 17, SR 18, SR 19.**

Delivered to the Governor at 2:50 p.m., March 26, 2019: **SB 59, SB 72, SB 84, SB 85, SB 144, SB 207, SB 248, SB 260.**

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/26/2019
HB 150, be concurred in.
HB 267, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/25/2019
SB 204, introduced bill, be amended as follows:

1. Page 1.

Following: line 17

Insert: "(3) An owner may not receive more than two exemptions under this section."

And, as amended, do pass.

SB 216, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "The"

Insert: "If the"

Strike: "shall notify" on line 13 through "ombudsman's" on line 16

Insert: "prepares a"

Following: "findings"

Strike: "and conclusions"

Insert: "report involving a child who is the subject of an abuse or neglect petition filed pursuant to Title 41, chapter 3, part 4, the ombudsman shall provide the report to person who filed the petition"

Following: "."

Insert: "The petitioner shall provide the findings report to the court having jurisdiction in the case for an in camera review before providing the report to the parents or parent, guardian, or other person or agency having legal custody of the child named in the petition."

2. Page 1, line 17 through line 18.

Strike: subsection (2) in its entirety

Insert: "(2) If the findings report contains or confirms allegations of partner or family member assault, the court shall direct the petitioner to redact any information that would allow a party receiving the report to identify the name or location of the alleged or confirmed

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

victim of partner or family member assault before the petitioner provides the report to another party."

And, as amended, do pass.

SB 239, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "FACILITIES"

2. Page 3, line 23.

Following: "cable"

Strike: "facilities"

3. Page 3, line 27.

Following: "cable"

Strike: "facilities"

4. Page 3, line 28.

Following: "cable"

Strike: "facilities"

Insert: "in new fiber optic or coaxial cable"

5. Page 3, line 29.

Following: "cable"

Strike: "facilities"

6. Page 5, line 8.

Following: "CABLE"

Strike: "facilities"

7. Page 5, line 10.

Following: "CABLE"

Strike: "facilities"

Insert: "or the buildings used to house equipment"

8. Page 5, line 14.

Following: "CABLE"

Strike: "FACILITIES"

9. Page 5, line 17.

Following: "CABLE"

Strike: "facilities"

10. Page 5, line 21.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

Following: "CABLE"
Strike: "FACILITIES"

11. Page 5, line 22.

Following: "CABLE"
Strike: "FACILITIES"

Insert: "in new fiber optic or coaxial cable"

12. Page 5, line 23.

Following: "CABLE"
Strike: "FACILITIES"

13. Page 6, line 25.

Following: "CABLE"
Strike: "facilities"

14. Page 6, line 27.

Following: "CABLE"
Strike: "FACILITIES"

15. Page 6, line 28.

Following: "CABLE"
Strike: "FACILITIES"

Insert: "in new fiber optic or coaxial cable"

16. Page 6, line 29.

Following: "CABLE"
Strike: "FACILITIES"

And, as amended, do pass.

SB 312, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "GRANT PROGRAM;"

Insert: "CREATING THE MISSING INDIGENOUS PERSONS TASK FORCE;"

2. Title, page 1, line 8.

Following: "REQUIRING THE"

Strike: "BOARD OF CRIME CONTROL"

Insert: "MISSING INDIGENOUS PERSONS TASK FORCE"

3. Title, page 1, line 9.

Following: "PROGRAM"

Strike: "AND PROVIDE TECHNICAL ASSISTANCE TO ESTABLISH AND MAINTAIN THE

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

NETWORK"

4. Title, page 1, line 10.

Following: "AN"

Insert: "IMMEDIATE"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

5. Page 1, following line 10.

Insert: "WHEREAS, Montana is home to eight recognized tribes with over 55,000 enrolled members; and

WHEREAS, Native women and children experience violent crime at significantly higher rates than other American women and children, including being 10 times more likely to be murdered and 9 times more likely to be sexually assaulted; and

WHEREAS, there are more than 5,600 Native women and children in the United States who are currently listed as missing or abducted; and

WHEREAS, there is no comprehensive data collection system for reporting or tracking missing Native American women and children, creating a reporting and investigation gap that makes Native Americans even more vulnerable to violence; and

WHEREAS, 85% of the Native women and children who went missing between 1900 and 2017 were not listed in the Department of Justice's official database; and

WHEREAS, in 2018, at least 25 Native women and children went missing in Montana, and only 1 was found alive; and

WHEREAS, the likelihood of finding a missing person decreases rapidly after the first 24 hours and falls to less than 4% after 72 hours; and

WHEREAS, families of missing Native women and children often encounter layers of jurisdictional bureaucracy that delay or prevent the filing of official reports for days or weeks; and

WHEREAS, a lack of timely action by law enforcement forces families to use social media and community groups to begin looking for missing Native women and children; and

WHEREAS, Montana's U.S. Senators and Representative are leading the charge to combat this bureaucratic inaction, but are encountering resistance from the government agencies who handle tribal and federal law enforcement; and

WHEREAS, in the absence of a federal solution the Legislature of the state of Montana should take steps to identify and track Native men, women, and children who are currently missing, establish a task force to break down jurisdictional barriers, and provide Montana's native communities with the ability to file missing persons reports in a timely manner."

6. Page 1, line 14 through page 3, line 26.

Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Missing indigenous persons task force -- membership -- duties.** (1) There is a missing indigenous persons task force. The task force is

allocated to the board of crime control for staffing services and administrative purposes only.

(2) Task force members must be appointed by the board of crime control. The task force membership must include, but is not limited to:

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

- (a) a member of the board of crime control, who is the presiding officer of the task force;
- (b) a representative from each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe;
- (c) a member from the Montana highway patrol; and
- (d) a representative from the attorney general's office.

(3) While respecting the government-to-government relationship between the state and each tribe, the primary duties of the task force are to:

(a) administer the looping in native communities network grant program provided for in [section 2]; and

(b)(i) identify jurisdictional barriers between federal, state, local, and tribal law enforcement and community agencies; and

(ii) work to identify strategies to improve interagency communication, cooperation, and collaboration to remove jurisdictional barriers and increase reporting and investigation of missing indigenous persons.

(4) (a) The task force members must be appointed within 60 days after [the effective date of this act]. A vacancy on the task force must be filled in the manner of the original appointment.

(b) The task force shall develop and finalize the looping in native communities network grant application and award criteria and deliver the application and criteria to the board of crime control no later than October 15, 2019.

(c) The task force shall select the recipient of the looping in native communities network competitive grant under [section 2(2)] and disburse the grant funds no later than March 15, 2020.

(d) The task force must select eligible grantees and disburse funds for any grants awarded pursuant to [section 2(3)] by June 30, 2020.

(e) The task force shall convene at least one meeting with tribal and local law enforcement agencies, federally recognized tribes, and urban Indian organizations for the purposes of subsection (3)(b) and to determine the scope of the problem of missing indigenous women and children.

(f) The task force shall prepare a written report of findings and recommendations for submission to the state-tribal relations interim committee provided for in 5-5-229, no later than September 1, 2020. The report must include a recommendation to the 67th legislature as to whether the task force should continue in existence. "

Insert: "NEW SECTION. Section 2. Looping in native communities network grant program. (1) There is a looping in native communities network grant program. The program is established to create a network in support of efforts by Montana tribes to identify, report, and find Native American persons who are missing. The grant program is administered by the missing indigenous persons task force established in [section 1].

(2) The grant program includes a competitive grant to be awarded to one tribal college to create and administer a central administration point for the looping in native communities network. The missing indigenous persons task force shall develop the application and the criteria to award the grant to a tribal college. The criteria must include:

(a) policies and standards for technology and equipment, including data storage and security of information entered into the network;

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

- (b) standards for data verification;
 - (c) job qualifications and requirements for a data specialist to administer the network;
 - (d) development of a system to provide automatic initial alerts pursuant to law enforcement, tribal, and community organizations when a missing indigenous person report is made, including determining which law enforcement agencies will receive the automatic initial alert;
 - (e) development of a standard reporting form that includes space to provide the information specified in subsection (4) to be used by the data specialist; and
 - (f) administrative rights for a designee at each participating tribal agency.
- (3) The grant program may include additional smaller, noncompetitive grants to be awarded to a qualifying tribal agency at each reservation that submits a complete application. The purpose of the grants awarded under this subsection is to provide reimbursement for some or all of the costs required for the tribal agency to set up and maintain access to the looping in native communities network.
- (4) The standard reporting form required under subsection (2)(e) must allow a data specialist to enter information about the missing indigenous person, including but not limited to the missing person's:
- (a) name and any aliases or nicknames;
 - (b) gender, age, height, weight, and other physical descriptive characteristics;
 - (c) last known location and related information, including the date of last contact with the missing indigenous person and the person with whom the missing indigenous person last made contact; and
 - (d) photographs, including photographs obtained from an online or social media profile."

Insert: "NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2021."

And, as amended, do pass.

SB 338, introduced bill, be amended as follows:

1. Page 1, line 30.

Strike: "state special revenue"

Insert: "capital projects"

And, as amended, do pass.

SB 352, do pass.

HB 290, be concurred in.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

HB 351, be concurred in.
HB 387, be concurred in.
HB 633, be concurred in.
HB 639, be concurred in.

JUDICIARY (Regier, Chair):

3/26/2019

SJ 19, introduced joint resolution, be amended as follows:

1. Page 2, line 7.

Following: "offense;"

Strike: "and"

Following: line 7

Insert: "(5) methods and practice for removal from the sexual and violent offender registry;
and"

Renumber: subsequent subsection

2. Page 2, line 15.

Following: "advocates,"

Insert: "county attorneys,"

And, as amended, do pass.

HB 413, be amended as follows:

1. Title, page 1, line 7.

Following: "PRODUCT"

Strike: "AS" through "PRODUCTS"

2. Page 1, line 9.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 50-40-104"

3. Page 1, line 20.

Following: line 20

Insert: "(2) Subsection (1) does not apply to the use of a tobacco product, vapor product, or alternative nicotine product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product, vapor product, or alternative nicotine product."

Renumber: subsequent subsections

4. Page 2, line 14 through page 3, line 6.

Strike: section 2 in its entirety

Renumber: subsequent section

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

And, as amended, be concurred in.

HB 461, be concurred in.

LOCAL GOVERNMENT (Lang, Chair): 3/25/2019
HB 324, be concurred in.
HB 331, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/25/2019
SB 341, introduced bill, be amended as follows:

1. Page 2, line 30.

Following: "(2)"

Strike: "(a)" through "(2)(b), the"

Insert: "The"

2. Page 3, line 2 through line 3.

Strike: subsection (b) in its entirety

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/25/2019
HB 231, be amended as follows:

1. Page 1, line 12.

Following: "~~(a)~~"

Insert: "(a)"

2. Page 1.

Following: line 15

Insert: "(b) Except as provided in 37-7-105, the term does not include immunization by injection for children under 18 years of age."

3. Page 3.

Following: line 23

Insert: "(23) "Immunization-certified pharmacist" means a pharmacist who:

(a) has successfully completed an immunization delivery course of training that is approved by the accreditation council for pharmacy education or by an authority approved by the board and that, at a minimum, includes instruction in hands-on injection technique, clinical evaluation of indications and contraindications of immunizations, storage and handling of immunizations, and documentation and reporting; and

(b) holds a current basic cardiopulmonary resuscitation certification issued by the American heart association, the American red cross, or another recognized provider."

Renumber: subsequent subsections

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

4. Page 6, line 10.

Following: "may" on line 10

Insert: "
(a)"

5. Page 6, line 11.

Following: "~~following~~"

Insert: "the following"

Following: "place"

Insert: "
(i) influenza to individuals who are 12 years of age or older;

(ii) pneumococcal, tetanus, and diphtheria to individuals who are 18 years of age or older;

and

(iii) herpes zoster to those individuals identified in the guidelines published by the United States centers for disease control and prevention's advisory committee on immunization practices; and

(b) administer immunizations"

6. Page 6, line 12.

Strike: "board rule and based on the board's adoption by rule of"

7. Page 6, line 13.

Following: "prevention"

Insert: "and as determined within a collaborative practice agreement"

8. Page 6, line 19.

Following: "~~older~~"

Insert: "to:

(a) an individual who is 12 years of age or older; and

(b) a child who is 7 years of age or older and under 12 years of age within a collaborative practice agreement"

9. Page 6, line 30.

Strike: "and"

10. Page 6.

Following: line 30

Insert: "(ii) the medical provider or providers with whom the pharmacist has a collaborative practice agreement; and"

Renumber: subsequent subsection

11. Page 7, line 1.

Following: "(ii)"

Strike: "to"

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

12. Page 7, line 9.

Following: "administered"

Insert: "or until 7 years after the individual reaches 18 years of age, whichever is later"

13. Page 7, line 12 through line 21.

Strike: "the following" on line 12 through ""Vaccine" on line 21

Insert: ""vaccine"

14. Page 7.

Following: line 23

Insert: "COORDINATION SECTION. Section 3. Coordination instruction. If both House Bill No. 596 and [this act] are passed and approved, then [section 2(4)(f) of this act] is void in its entirety."

Renumber: subsequent section

And, as amended, be concurred in.

HB 502, be amended as follows:

1. Page 8, line 15.

Following: "neglect"

Strike: "child's living arrangement presents an unsafe environment"

Insert: "child is suffering abuse or neglect"

And, as amended, be concurred in.

HB 604, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

3/25/2019

HJ 20, be concurred in.

TAXATION (Webb, Chair):

3/26/2019

SJ 13, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/25/2019

SB 64, introduced by D. Sands

SB 88, introduced by D. Sands

SB 261, introduced by D. Sands

SB 274, introduced by A. Olszewski

STATE INTERNET/BBS COPY

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/25/2019

SB 119, introduced by M. Blasdel
SB 310, introduced by R. Osmundson

Senate amendments to House bill concurred in:

3/25/2019

HB 166, introduced by M. Dunwell

Conference Committee Report No.1 adopted:

3/25/2019

HB 35, introduced by E. Buttrey

House bills passed and transmitted to the Senate for concurrence:

3/25/2019

HB 301, introduced by D. Loge
HB 341, introduced by B. Brown
HB 342, introduced by B. Brown
HB 608, introduced by J. Read
HB 657, introduced by D. Bedey
HB 662, introduced by L. Jones
HB 663, introduced by L. Jones
HB 664, introduced by L. Jones
HB 669, introduced by F. Moore
HB 670, introduced by F. Moore
HB 671, introduced by F. Moore
HB 672, introduced by F. Moore
HB 685, introduced by M. Regier
HB 686, introduced by M. Regier
HB 687, introduced by M. Regier

FIRST READING AND COMMITMENT OF BILLS

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

SB 359, introduced by B. Bennett, referred to Local Government.
SB 360, introduced by T. Jacobson, referred to Taxation.
SB 361, introduced by M. Blasdel, referred to Natural Resources.
SB 362, introduced by M. Lang, referred to Judiciary.
SB 363, introduced by D. Ankney, referred to State Administration.
SB 364, introduced by D. Brown, referred to State Administration.
SB 365, introduced by D. Brown, referred to Highways and Transportation.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 26, 2019

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

SR 49, introduced by D. Brown, referred to State Administration.

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

HB 301, introduced by D. Loge, D. Fern, referred to Fish and Game.

HB 341, introduced by B. Brown, Z. Brown, J. Cohenour, M. Cuffe, C. Glimm, B. Hamlett, T. Manzella, J. Sesso, referred to Natural Resources.

HB 342, introduced by B. Brown, Z. Brown, J. Cohenour, M. Cuffe, C. Glimm, B. Hamlett, T. Manzella, J. Sesso, referred to Natural Resources.

HB 608, introduced by J. Read, M. Ryan, D. Salomon, J. Windy Boy, referred to Natural Resources.

HB 657, introduced by D. Bedey, N. Ballance, B. Hamlett, L. Jones, S. Vinton, T. Woods, referred to Education and Cultural Resources.

HB 662, introduced by L. Jones, referred to Finance and Claims.

HB 663, introduced by L. Jones, referred to Finance and Claims.

HB 664, introduced by L. Jones, referred to Finance and Claims.

HB 669, introduced by F. Moore, referred to Finance and Claims.

HB 670, introduced by F. Moore, referred to Finance and Claims.

HB 671, introduced by F. Moore, referred to Finance and Claims.

HB 672, introduced by F. Moore, referred to Finance and Claims.

HB 685, introduced by M. Regier, referred to Finance and Claims.

HB 686, introduced by M. Regier, referred to Finance and Claims.

HB 687, introduced by M. Regier, referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 27, 2019, the sixty-third legislative day. Motion carried.

Senate adjourned at 1:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate