

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

Helena, Montana
February 19, 2019

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/19/2019

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth through the thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 78, SB 93, SB 132, SB 176, SB 177, SB 223, SB 275, SB 276, SB 277, SB 278, SJ 12, HB 43, HB 50, HB 51, HB 102, HB 143, HB 163, HB 196, HB 201, HB 206.**

Correctly engrossed: **SB 139, SB 155, SB 217, SJ 9, HB 55.**

Examined by the sponsor and found to be correct: **SR 6, SR 7.**

Transmitted to the House: **SB 35, SB 40, SB 72, SB 116, SB 127, SB 130, SB 197, HB 123, HB 124, HB 200.**

Delivered to the Secretary of State at 9:00 a.m., February 19, 2019: **SR 21, SR 22, SR 23, SR 25.**

Delivered to the Secretary of State at 9:05 a.m., February 19, 2019: **SJ 1.**

Sergeant-at-Arms Spencer escorted Katie Ross, Montana's representative in the Children's Miracle Network Hospitals' program, into the Senate chamber. President Sales read the following proclamation:

**A PROCLAMATION OF THE MONTANA LEGISLATURE
COMMENDING AND RECOGNIZING
KATIE ROSS**

KATIE ROSS, A 17-YEAR-OLD GARDINER GIRL,
HAS BEEN TREATED AT SHODAIR CHILDREN'S HOSPITAL. HER
ENTHUSIASM, DETERMINATION, AND SPIRIT HAVE SUSTAINED
HER AND HER FAMILY THROUGHOUT SIGNIFICANT HEALTH CHALLENGES
RESULTING FROM A RARE GENETIC CONDITION.

WHEREAS, Shodair Children's Hospital is Montana's Children's Miracle Network Hospital. The Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the United States and abroad, spotlights the heroic battles of children like Katie with varied illnesses and health challenges; and

WHEREAS, Katie Ross will represent Montana in the Children's Miracle Network Hospitals' program honoring remarkable children who have encountered severe medical conditions and

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have endured to inspire others; and

WHEREAS, Katie has a rare genetic condition, only experienced by less than 100 people worldwide, yet even rarer is her determination and indomitable spirit to live as an active and vibrant 17-year-old Montanan despite her health challenges;

WHEREAS, Katie has been selected for her courage, tenacity and perseverance as the sole representative of children's genetic conditions in the state of Montana, and an ambassador for the 18 million children treated each year at Children's Miracle Network Hospitals.

NOW THEREFORE BE IT RESOLVED by the 66th Montana Legislature that the members of this body honor Katie Ross for her spirit and inspiration in the face of significant medical challenges, and convey to her their sincere wishes for memorable experiences during her year as Montana's Champion.

Signed by: Scott Sales, President of the Senate
 Greg Hertz, Speaker of the House

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):
SB 221, introduced bill, be amended as follows:

2/19/2019

1. Page 1, line 15 through line 19.

Strike: subsection (1)(c) through subsection (1)(d) in their entirety

Renumber: subsequent subsections

2. Page 1, line 25 through line 26.

Strike: "animals" on line 25 through "tusks" on line 26

Insert: "elephants"

3. Page 2, line 7 through line 8.

Strike: "any animal" on line 7 through "mammoth" on line 8

Insert: "an elephant"

4. Page 3, line 14 through line 16.

Strike: subsection (b) in its entirety

Insert: "(b) ivory or rhinoceros horn that is part of a knife or firearm and is a fixed or integral part of the knife or firearm, that originated in the United States or was legally imported, and for which the owner can provide documentation that the knife or firearm was legally acquired;"

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And, as amended, do pass.

SB 234, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "plan No. 3."

Insert: "The department shall elect a plan that insures all state agencies. If the department elects workers' compensation insurance coverage under compensation plan No. 2, the insurer must have an A financial strength rating from a major financial services entity."

2. Page 2, line 19.

Following: "plan No. 3."

Insert: "The department shall elect a plan that insures all state agencies. If the department elects workers' compensation insurance coverage under compensation plan No. 2, the insurer must have an A financial strength rating from a major financial services entity."

3. Page 7, line 11.

Strike: "1 and 2"

Insert: "2 and 3"

4. Page 7, line 13.

Strike: "1 and 2"

Insert: "2 and 3"

And, as amended, do pass.

HB 35, be amended as follows:

1. Page 6, line 16.

Following: line 15

Insert: "(c) If any new retail beer licenses are allowed by license transfers as provided in subsection (2)(a), the department may publish the availability of more than one new license a year until the quota has been reached."

2. Page 13, line 3.

Following: "(5)"

Insert: "(a)"

3. Page 13, line 8.

Following: line 7

Insert: "(b) If any new all-beverages licenses are allowed by license transfers as provided in subsection (4), the department may publish the availability of more than one new license a year until the quota has been reached."

4. Page 13, line 8.

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Following: "SUBSECTION (5)"

Insert: "(a)"

5. Page 30, line 15.

Following: line 14

Insert: "(c) If any new restaurant beer and wine licenses are allowed by license transfers as provided in subsection (9)(a), the department may publish the availability of more than one new license a year until the quota has been reached."

And, as amended, be concurred in.

HB 65, be amended as follows:

1. Page 1, line 22.

Following: "whom any"

Insert: "legal"

2. Page 1, line 28.

Following: "must be made public in a"

Insert: "readily accessible"

3. Page 1, line 30.

Following: "(4) Service"

Strike: "of process"

Following: "by"

Insert: "certified"

Following: "an insurer"

Strike: "is valid"

Insert: "constitutes"

Following: "service"

Insert: "of legal process"

4. Page 2, line 6.

Strike: "of process"

5. Page 2, line 7.

Following: "by"

Insert: "certified"

Following: "such agent"

Strike: "is valid"

Insert: "constitutes"

Following: "service"

Insert: "of legal process"

Following: "upon the"

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Strike: "company"

Insert: "insurer"

6. Page 2, line 13.

Following: line 12

Insert: "(9) When legal process is served pursuant to this section, the insurer must appear, answer, or plead within 30 days, exclusive of the date of mailing, after the date of the certified mailing or be subject to the laws of this state regarding default judgment.

(10) For the purposes of this section:

(a) "certified mail" means a method of sending by common carrier with tracking capability; and

(b) "legal process" means a summons and complaint."

7. Page 2, line 18.

Following: "desiring to serve"

Insert: "legal"

8. Page 2, line 24.

Following: "the commissioner shall"

Insert: "promptly"

Following: "serve"

Insert: "the legal"

9. Page 2, line 25.

Following: "or demand by"

Strike: "regular"

Insert: "certified"

10. Page 2, line 26.

Following: "Service"

Insert: "by the commissioner"

11. Page 2, line 26 through line 27.

Following: "upon the insurer" on line 26

Strike: "is deemed" on line 26 through "demand" on line 27

Insert: "by certified mail constitutes service of legal process on that insurer"

12. Page 2, line 28.

Strike: "completes"

Insert: "serves"

13. Page 2, line 29.

Following: line 29

Insert: "(3) When legal process is served pursuant to this section, the insurer must appear, answer, or plead within 30 days, exclusive of the date of mailing, after the date of the

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certified mailing or be subject to the laws of this state regarding default judgment.

(4) For purposes of this section:

(a) "certified mail" means a method of sending by common carrier with tracking capability; and

(b) "legal process" means a summons and complaint."

And, as amended, be concurred in.

HB 92, be concurred in.

JUDICIARY (Regier, Chair):

2/19/2019

SB 155, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "SECTIONS"

Insert: "39-51-2111, 40-4-219, 40-15-116, 41-3-102, 42-2-608,"

Strike: "45-5-507, AND"

Following: "45-5-625,"

Insert: "45-8-221, 46-1-502, 46-4-307, 46-18-219, 46-18-231, 46-18-1001, AND 52-3-803,"

2. Page 1, line 8.

Following: line 8

Insert: "**Section 1.** Section 39-51-2111, MCA, is amended to read:

"39-51-2111. Unemployment benefits for victims of domestic violence, sexual assault, or stalking. (1) (a) An individual who is otherwise eligible for benefits may not be denied benefits because the individual left work or was discharged because of circumstances resulting from the individual or a child of the individual being a victim of domestic violence, a sexual assault, or stalking or the individual left work or was discharged because of an attempt on the individual's part to protect the individual or the individual's child from domestic abuse, a sexual assault, or stalking.

(b) The account of an employer with an experience rating as provided in 39-51-1213 may not be charged for the payment of benefits to an individual who left work or was discharged because of circumstances resulting from domestic violence, a sexual assault, or stalking as provided for in subsection (1)(a).

(c) An individual may not receive more than 28 weeks of unemployment benefits for the 12-month period after filing a claim under the provisions of this section. The provisions of this section do not affect the rights of an individual to receive unemployment insurance benefits that the individual is entitled to under other provisions of state law.

(2) For the purposes of subsection (1), an individual must be treated as being a victim of domestic violence, a sexual assault, or stalking if the individual provides one or more of the following:

(a) an order of protection or other documentation of equitable relief issued by a court of competent jurisdiction;

(b) a police record documenting the domestic violence, sexual assault, or stalking;

(c) medical documentation of domestic violence or a sexual assault; or

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(d) other documentation or certification of domestic violence, a sexual assault, or stalking provided by a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has assisted the individual in dealing with domestic violence, a sexual assault, or stalking.

(3) An individual who is otherwise eligible for benefits under this section becomes ineligible if the individual remains in or returns to the abusive situation that caused the individual to leave work or be discharged.

(4) The department shall provide a report to the legislature, as provided in 5-11-210, regarding the benefits applied for and granted under this section, including a summary of the demographics of applicants for and recipients of the benefits and the average and total cost of benefits provided.

(5) For the purposes of this section:

(a) "domestic violence" means the physical, mental, or emotional abuse of an individual or the individual's child by a person with whom that individual or the individual's child lives or has recently lived;

(b) "sexual assault" means sexual assault as described in 45-5-502, sexual intercourse without consent as described in 45-5-503, incest as described in 45-5-507, or sexual abuse of children and child pornography as described in 45-5-625; and

(c) "stalking" has the meaning provided in 45-5-220."

Insert: "Section 2. Section 40-4-219, MCA, is amended to read:

"40-4-219. Amendment of parenting plan -- mediation. (1) The court may in its discretion amend a prior parenting plan if it finds, upon the basis of facts that have arisen since the prior plan or that were unknown to the court at the time of entry of the prior plan, that a change has occurred in the circumstances of the child and that the amendment is necessary to serve the best interest of the child. In determining the child's best interest under this section, the court may, in addition to the criteria in 40-4-212, also consider whether:

(a) the parents agree to the amendment;

(b) the child has been integrated into the family of the petitioner with consent of the parents;

(c) the child is 14 years of age or older and desires the amendment;

(d) one parent has willfully and consistently:

(i) refused to allow the child to have any contact with the other parent; or

(ii) attempted to frustrate or deny contact with the child by the other parent; or

(e) one parent has changed or intends to change the child's residence in a manner that significantly affects the child's contact with the other parent.

(2) A court may modify a de facto parenting arrangement in accordance with the factors set forth in 40-4-212.

(3) The court shall presume a parent is not acting in the child's best interest if the parent does any of the acts specified in subsection (1)(d) or (8).

(4) The court may amend the prior parenting plan based on subsection (1)(e) to provide a new residential schedule for parental contact with the child and to apportion transportation costs between the parents.

(5) Attorney fees and costs must be assessed against a party seeking frivolous or repeated amendment if the court finds that the amendment action is vexatious and constitutes harassment.

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(6) A parenting plan may be amended pursuant to 40-4-221 upon the death of one parent.

(7) As used in this section, "prior parenting plan" means a parenting determination contained in a judicial decree or order made in a parenting proceeding. In proceedings for amendment under this section, a proposed amended parenting plan must be filed and served with the motion for amendment and with the response to the motion for amendment. Preference must be given to carrying out the parenting plan.

(8) (a) If a parent or other person residing in that parent's household has been convicted of any of the crimes listed in subsection (8)(b), the other parent or any other person who has been granted rights to the child pursuant to court order may file an objection to the current parenting order with the court. The parent or other person having rights to the child pursuant to court order shall give notice to the other parent of the objection as provided by the Montana Rules of Civil Procedure, and the other parent has 21 days from the notice to respond. If the parent who receives notice of objection fails to respond within 21 days, the parenting rights of that parent are suspended until further order of the court. If that parent responds and objects, a hearing must be held within 30 days of the response.

(b) This subsection (8) applies to the following crimes:

- (i) deliberate homicide, as described in 45-5-102;
- (ii) mitigated deliberate homicide, as described in 45-5-103;
- (iii) sexual assault, as described in 45-5-502;
- (iv) sexual intercourse without consent, as described in 45-5-503;
- (v) deviate sexual conduct with an animal, as described in 45-2-101 and prohibited under 45-8-218;
- (vi) incest, as described in 45-5-507;
- (vii) aggravated promotion of prostitution of a child, as described in 45-5-603(1)(b);
- (viii) endangering the welfare of children, as described in 45-5-622;
- (ix) partner or family member assault of the type described in 45-5-206(1)(a);
- (x) sexual abuse of children and child pornography, as described in 45-5-625; and
- (xi) strangulation of a partner or family member, as described in 45-5-215.

(9) Except in cases of physical, sexual, or emotional abuse or threat of physical, sexual, or emotional abuse by one parent against the other parent or the child or when a parent has been convicted of a crime enumerated in subsection (8)(b), the court may, in its discretion, order the parties to participate in a dispute resolution process to assist in resolving any conflicts between the parties regarding amendment of the parenting plan. The dispute resolution process may include counseling or mediation by a specified person or agency, and court action.

(10) (a) Except as provided in subsection (10)(b), a court-ordered or de facto modification of a parenting plan based in whole or in part on military service orders of a parent is temporary and reverts to the previous parenting plan at the end of the military service. If a motion for an amendment of a parenting plan is filed after a parent returns from military service, the court may not consider a parent's absence due to that military service in its determination of the best interest of the child.

(b) A parent who has performed or is performing military service, as defined in 10-1-1003, may consent to a temporary or permanent modification of a parenting plan:

- (i) for the duration of the military service; or
- (ii) that continues past the end of the military service."

Insert: "Section 3. Section 40-15-116, MCA, is amended to read:

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"40-15-116. Definitions. As used in 40-15-115 through 40-15-121, the following definitions apply:

(1) "Applicant" means a victim and includes a parent or guardian who acts on behalf of a victim.

(2) "Department" means the department of justice.

(3) "Participant" means an applicant who has submitted an application pursuant to 40-15-117 that has been approved by the department.

(4) "Partner or family member assault" has the meaning provided in 45-5-206.

(5) "Sexual assault" means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children and child pornography as defined in 45-5-625.

(6) "Stalking" has the meaning provided in 45-5-220.

(7) "Victim" means an individual who has been a victim of partner or family member assault, sexual assault, or stalking or who is otherwise eligible to file a petition for an order of protection under 40-15-102."

Insert: "Section 4. Section 41-3-102, MCA, is amended to read:

"41-3-102. Definitions. As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to

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the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare; or

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act is applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child.

(8) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(9) "Department" means the department of public health and human services provided for in 2-15-2201.

(10) "Family group decisionmaking meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(11) "Indian child" means any unmarried person who is under 18 years of age and who is either:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12) "Indian child's tribe" means:

(a) the Indian tribe in which an Indian child is a member or eligible for membership; or

(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts.

(13) "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the child's parent.

(14) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:

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(a) the state of Montana; or
(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group's status as Indians, including any Alaskan native village as defined in federal law.

(15) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(16) "Parent" means a biological or adoptive parent or stepparent.

(17) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(18) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(19) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(20) "Physical neglect" means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

(21) (a) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare:

(i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect;

(ii) commits or allows sexual abuse or exploitation of the child;

(iii) induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child's welfare;

(iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;

(v) exposes or allows the child to be exposed to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk; or

(vi) abandons the child.

(b) The term does not include a youth not receiving supervision solely because of parental inability to control the youth's behavior.

(22) (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when

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circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, voluntary protective services provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(23) (a) "Psychological abuse or neglect" means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child's home.

(b) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(24) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act means:

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(25) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(26) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(27) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

(28) "Sexual exploitation" means allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601 through 45-5-603, or allowing, permitting, or encouraging sexual abuse of children and child pornography as described in 45-5-625.

(29) (a) "Social worker" means an employee of the department who, before the employee's field assignment, has been educated or trained in a program of social work or a related field that includes cognitive and family systems treatment or who has equivalent verified experience or verified training in the investigation of child abuse, neglect, and endangerment.

(b) This definition does not apply to any provision of this code that is not in this chapter.

(30) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties,

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if necessary, for protective services.

(31) "Unfounded" means that after an investigation, the investigating person has determined that the reported abuse, neglect, or exploitation has not occurred.

(32) "Unsubstantiated" means that after an investigation, the investigator was unable to determine by a preponderance of the evidence that the reported abuse, neglect, or exploitation has occurred.

(33) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (33), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(34) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned."

Insert: "Section 5. Section 42-2-608, MCA, is amended to read:

"42-2-608. Finding of unfitness. (1) The court may terminate parental rights for purposes of making a child available for adoption on the grounds of unfitness if:

(a) the court makes a determination that the parent has been judicially deprived of custody of the child on account of abuse or neglect toward the child;

(b) the parent has willfully abandoned the child, as defined in 41-3-102, in Montana or in any other jurisdiction of the United States;

(c) it is proven to the satisfaction of the court that the parent, if able, has not contributed to the support of the child for an aggregate period of 1 year before the filing of a petition for adoption;

(d) it is proven to the satisfaction of the court that the parent is in violation of a court order to support either the child that is the subject of the adoption proceedings or other children with the same birth mother;

(e) the parent has been found guilty by a court of competent jurisdiction of:

(i) aggravated assault on the adoptee, as provided in 45-5-202;

(ii) sexual assault on a child, as provided in 45-5-502;

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- (iii) sexual intercourse without consent, as provided in 45-5-503, if the victim was a child;
- (iv) incest, as provided in 45-5-507, if the victim was a child;
- (v) homicide of a child, as provided in 45-5-102 or 45-5-103;
- (vi) sexual abuse of a child and child pornography, as provided in 45-5-625; or
- (vii) ritual abuse of a minor, as provided in 45-5-627;
- (f) the child has been maintained by a public or private children's institution, a charitable agency, a licensed child-placing agency, or the department for a period of 1 year without the parent contributing to the support of the child during that period, if able;
- (g) a finding is made for a parent who is given proper notice of hearing:
 - (i) that the parent has been convicted of a crime of violence or of violating a restraining or protective order; and
 - (ii) the facts of the crime or violation and the parent's behavior indicate that the parent is unfit to maintain a relationship of parent and child with the child;
- (h) a finding is made for a parent who is given proper notice of hearing and is a respondent to the petition to terminate parental rights and:
 - (i) by a preponderance of the evidence, it is found that termination is in the best interests of the child; and
 - (ii) upon clear and convincing evidence, it is found that one of the following grounds exists:
 - (A) if the child is not in the legal and physical custody of the other parent, that the respondent is not able or willing to promptly assume legal and physical custody of the child and to pay for the child's support in accordance with the respondent's financial means;
 - (B) if the child is in the legal and physical custody of the other parent and a stepparent who is the prospective adoptive parent, that the respondent is not able or willing to promptly establish and maintain contact with the child and to pay for the child's support in accordance with the respondent's financial means;
 - (C) placing the child in the respondent's legal and physical custody would pose a risk of substantial harm to the physical or psychological well-being of the child because the circumstances of the child's conception, the respondent's behavior during the mother's pregnancy or since the child's birth, or the respondent's behavior with respect to other children indicates that the respondent is unfit to maintain a relationship of parent and child with the child; or
 - (D) failure to terminate the relationship of parent and child would be detrimental to the child.

(2) In making a determination under subsection (1)(h)(ii)(D), the court shall consider any relevant factor, including the respondent's efforts to obtain or maintain legal and physical custody of the child, the role of other persons in thwarting the respondent's efforts to assert parental rights, the respondent's ability to care for the child, the age of the child, the quality of any previous relationship between the respondent and the child and between the respondent and any other children, the duration and suitability of the child's present custodial environment, and the effect of a change of physical custody on the child."

Renumber: subsequent sections

3. Page 2, line 7.

Following: "years."

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Strike: "The"

Insert: "For a first offense, the court may not suspend execution or defer imposition of the first 10 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 10 years of imprisonment, the offender is not eligible for parole. For a second or subsequent offense, the"

4. Page 3, line 7 through page 4, line 11.

Strike: section 2 in its entirety

Renumber: subsequent sections

5. Page 4, line 14.

Following: "children"

Insert: "and child pornography"

Following: "children"

Insert: "and child pornography"

6. Page 5, line 11.

Following: "children"

Insert: " and child pornography"

7. Page 5, line 14.

Following: "children"

Insert: " and child pornography"

8. Page 5, line 16.

Following: "children"

Insert: " and child pornography"

9. Page 5, line 25.

Following: "years."

Strike: "The"

Insert: "For a first offense, the court may not suspend execution or defer imposition of the first 10 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 10 years of imprisonment, the offender is not eligible for parole. For a second or subsequent offense, the"

10. Page 6, line 30.

Following: line 30

Insert: "**Section 8.** Section 45-8-221, MCA, is amended to read:

"45-8-221. Predatory loitering by sexual offender. (1) A person commits the offense of predatory loitering if the person:

(a) was previously convicted of a predatory sexual offense or sexual abuse of children and child pornography;

(b) purposely or knowingly loiters:

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(i) in the vicinity of a residence, school, church, or place of work of the person's previous victim; or

(ii) in the vicinity of any school, park, playground, church, bicycle or multiuse path, or other place frequented by minors of an age similar to the age of the victim of the previous sexual offense if the sexual offense concerned a minor; and

(c) has previously been requested by a person in authority to:

(i) leave the area in which the person loiters; or

(ii) leave any area in which the person has loitered.

(2) Proof of the offense of predatory loitering must also include proof that the person in authority has made a report of the request to the law enforcement agency with jurisdiction over the area, and the agency has documented the report.

(3) A person convicted of the offense of predatory loitering may be fined not more than \$500 or be imprisoned for not more than 6 months, or both. A person convicted of a second or subsequent offense of predatory loitering may be fined not more than \$1,000 or be imprisoned for not more than 1 year, or both.

(4) As used in this section, the following definitions apply:

(a) "Person in authority" includes a peace officer or:

(i) for the purposes of a school or playground, a principal, teacher, school staff member, parent or other adult relative of a child attending the school or playground, or other supervisor of minors;

(ii) for the purposes of a church, a minister, priest, rabbi, deacon, or other ecclesiastical official, a church staff member, or a parent or other adult relative of a child attending the church;

(iii) for the purposes of a park, playground, or bicycle or multiuse path, a person specified in subsection (3)(a)(i) or a park warden, guard, or host; or

(iv) for purposes of a place of work, a person employed at the place of work.

(b) "Predatory sexual offense" has the meaning provided in 46-23-502.

(c) "Sexual abuse of children and child pornography" means commission of the offense provided in 45-5-625."

Insert: "Section 9. Section 46-1-502, MCA, is amended to read:

"46-1-502. Mediation. (1) At any time after the commencement of a prosecution and before the verdict, the court may, at its suggestion or upon motion of a party and with the consent of all the parties, refer the proceeding to mediation by a mediator chosen by the court.

(2) The proceeding may not be referred for mediation if the offense charged is:

(a) deliberate homicide, as described in 45-5-102;

(b) mitigated deliberate homicide, as described in 45-5-103;

(c) intimidation, as described in 45-5-203;

(d) partner or family member assault, as described in 45-5-206;

(e) assault on a minor, as described in 45-5-212;

(f) strangulation of a partner or family member, as described in 45-5-215;

(g) stalking, as described in 45-5-220;

(h) aggravated kidnapping, as described in 45-5-303;

(i) a sex crime, as described in 45-5-502, 45-5-503, 45-5-504, or 45-5-507;

(j) endangering the welfare of children, as described in 45-5-622;

(k) sexual abuse of children and child pornography, as described in 45-5-625; or

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(l) ritual abuse of a minor, as described in 45-5-627.

(3) Any aspect of or issue in the proceeding may be the subject of the mediation, including but not limited to the charge, a plea bargain, or a recommended sentence.

(4) At any point during mediation, a party may withdraw from the mediation without penalty or sanction.

(5) This section does not prohibit the parties from engaging in traditional plea negotiations.""

Insert: "Section 10. Section 46-4-307, MCA, is amended to read:

"46-4-307. Sexual abuse of children and child pornography -- report to national center for missing and exploited children. A peace officer who, pursuant to a criminal investigation, recovers images or movies of a child in an exhibition of sexual conduct, actual or simulated, or images or movies of a child engaging in sexual conduct, actual or simulated, shall:

(1) provide the images or movies to the law enforcement contact at the child victim identification program at the national center for missing and exploited children;

(2) request the law enforcement contact at the child victim identification program to identify any images or movies recovered that contain an identified victim of ~~child~~ sexual abuse of children and child pornography as defined by 45-5-625; and

(3) provide case information to the child victim identification program in any case in which the peace officer identifies a previously unidentified victim of ~~child~~ sexual abuse of children and child pornography.""

Insert: "Section 11. Section 46-18-219, MCA, is amended to read:

"46-18-219. Life sentence without possibility of release. (1) (a) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted of one of the following offenses or of an offense under the laws of another state or of the United States that, if committed in this state, would be one of the following offenses, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-102, deliberate homicide;

(ii) 45-5-303, aggravated kidnapping;

(iii) 45-5-625, sexual abuse of children and child pornography;

(iv) 45-5-627, except subsection (1)(b), ritual abuse of a minor; or

(v) 45-5-508, aggravated sexual intercourse without consent.

(b) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted of two of the following offenses, two of any combination of the offenses listed in subsection (1)(a) or the following offenses, or two of any offenses under the laws of another state or of the United States that, if committed in this state, would be one of the offenses listed in subsection (1)(a) or this subsection, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-103, mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-215, strangulation of a partner or family member;

(iv) 45-5-302, kidnapping;

(v) 45-5-401, robbery; or

(vi) 45-5-603, aggravated promotion of prostitution.

(2) Except as provided in 46-23-210 and subsection (3) of this section, an offender

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sentenced under subsection (1):

- (a) shall serve the entire sentence;
- (b) shall serve the sentence in prison;
- (c) may not for any reason, except a medical reason, be transferred for any length of time to another type of institution, facility, or program;
- (d) may not be paroled; and
- (e) may not be given time off for good behavior or otherwise be given an early release for any reason.

(3) If the offender was previously sentenced for either of two or three offenses listed in subsection (1), pursuant to any of the exceptions listed in 46-18-222, then the provisions of subsections (1) and (2) of this section do not apply to the offender's present sentence.

(4) The imposition or execution of the sentences prescribed by this section may not be deferred or suspended. In the event of a conflict between this section and any provision of 46-18-201 or 46-18-205, this section prevails.

(5) (a) For purposes of this section, "prison" means a secure detention facility in which inmates are locked up 24 hours a day and that is operated by this state, another state, the federal government, or a private contractor.

(b) Prison does not include a work release center, prerelease center, boot camp, or any other type of facility that does not provide secure detention."

Insert: "Section 12. Section 46-18-231, MCA, is amended to read:

"46-18-231. Fines in felony and misdemeanor cases. (1) (a) Except as provided in subsection (1)(b), whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a felony penalty of imprisonment could be imposed, the sentencing judge may, in lieu of or in addition to a sentence of imprisonment, impose a fine only in accordance with subsection (3).

(b) For those crimes for which penalties are provided in the following sections, a fine may be imposed in accordance with subsection (3) in addition to a sentence of imprisonment:

- (i) 45-5-103(4), mitigated deliberate homicide;
- (ii) 45-5-202, aggravated assault;
- (iii) 45-5-213, assault with a weapon;
- (iv) 45-5-302(2), kidnapping;
- (v) 45-5-303(2), aggravated kidnapping;
- (vi) 45-5-401(2), robbery;
- (vii) 45-5-502(3), sexual assault when the victim is less than 16 years old and the offender is 3 or more years older than the victim or the offender inflicts bodily injury in the course of committing the sexual assault;
- (viii) 45-5-503(2) through (5), sexual intercourse without consent;
- (ix) 45-5-507(5), incest when the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;
- (x) 45-5-601(3), 45-5-602(3), or 45-5-603(2)(b), prostitution, promotion of prostitution, or aggravated promotion of prostitution when the person patronized or engaging in prostitution was a child and the patron was 18 years of age or older at the time of the offense;
- (xi) 45-5-625(4), sexual abuse of children and child pornography;
- (xii) 45-9-101(4), criminal possession with intent to distribute a dangerous drug; and
- (xiii) 45-9-109, criminal possession with intent to distribute dangerous drugs on or near

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school property.

(2) Whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the sentencing judge may impose a fine only in accordance with subsection (3).

(3) The sentencing judge may not sentence an offender to pay a fine unless the offender is or will be able to pay the fine. In determining the amount and method of payment, the sentencing judge shall take into account the nature of the crime committed, the financial resources of the offender, and the nature of the burden that payment of the fine will impose.

(4) Any fine levied under this section in a felony case shall be in an amount fixed by the sentencing judge not to exceed \$50,000."

Insert: "Section 13. Section 46-18-1001, MCA, is amended to read:

"46-18-1001. Definitions. As used in this part, the following definitions apply:

(1) (a) "Home" means the temporary or permanent residence of an offender consisting of the actual living area approved by the supervising authority.

(b) When more than one residence or family are located on a single piece of property, the term does not include the residence of any other person who is not part of the social unit formed by the offender's immediate family.

(2) "Home arrest" means the use of a person's home for purposes of confinement and home arrest procedures and conditions imposed under this part. It does not include intensive supervision by the department of corrections.

(3) "Monitoring device" means an electronic device or apparatus capable of recording or transmitting information concerning the offender's presence in or absence from the home. The device may include an apparatus for testing the offender's breath for the presence of alcohol. A telephone alone is not a monitoring device.

(4) "Supervising authority" means:

(a) in the case of an adult felon, the department of corrections;

(b) in the case of an adult misdemeanor, a court-approved entity other than the department of corrections; or

(c) in the case of a juvenile, the juvenile probation division of the youth court or any other person or entity appointed by the court.

(5) "Violent felony offense" means deliberate homicide, mitigated deliberate homicide, negligent homicide, aggravated assault, negligent vehicular assault, kidnapping, aggravated kidnapping, robbery, sexual intercourse without consent, sexual abuse of children and child pornography, arson, aggravated burglary, escape, any criminal attempt to commit an enumerated offense, or conviction as a persistent felony offender when the offender has a felony conviction for any of the listed offenses within the 5-year period preceding the date of the present conviction."

Insert: "Section 14. Section 52-3-803, MCA, is amended to read:

"52-3-803. Definitions. As used in this part, the following definitions apply:

(1) "Abuse" means:

(a) the infliction of physical or mental injury; or

(b) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes lawful authority.

(2) "Department" means the department of public health and human services provided

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for in 2-15-2201.

(3) "Exploitation" means:

(a) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(b) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(c) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person's money, assets, or property.

(4) "Incapacitated person" has the meaning given in 72-5-101.

(5) "Long-term care facility" means a facility defined in 50-5-101.

(6) "Mental injury" means an identifiable and substantial impairment of a person's intellectual or psychological functioning or well-being.

(7) "Neglect" means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a person with a developmental disability or who has voluntarily assumed responsibility for the person's care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or services necessary to maintain the physical or mental health of the older person or the person with a developmental disability.

(8) "Older person" means a person who is at least 60 years of age.

(9) "Person with a developmental disability" means a person 18 years of age or older who has a developmental disability, as defined in 53-20-102.

(10) "Physical injury" means death, permanent or temporary disfigurement, or impairment of any bodily organ or function.

(11) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, incest, or sexual abuse of children and child pornography as described in Title 45, chapter 5, part 5, and Title 45, chapter 8, part 2."

Renumber: subsequent section

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And, as amended, do pass.

SB 225, introduced bill, be amended as follows:

1. Title, page 1, line 12.

Strike: "72-7-305,"

Strike: "72-2-124,"

2. Title, page 1, line 13.

Strike: "72-2-1017,"

3. Page 11, line 8 through page 16, line 29.

Strike: section 13 through section 19 in their entirety

Renumber: subsequent sections

4. Page 17, line 1.

Strike: "20 through 29"

Insert: "13 through 22"

5. Page 17, line 2.

Strike: "24"

Insert: "17"

6. Page 17, line 3.

Strike: "24"

Insert: "17"

7. Page 17, line 28.

Strike: "24(2)(b)"

Insert: "17(2)(b)"

8. Page 18, line 1 through line 2.

Strike: "20" on line 1 through "29" on line 2

Insert: "13 through 22"

9. Page 18, line 4.

Strike: "26 and 28(1)(a)"

Insert: "19 and 21(1)(a)"

10. Page 18, line 5 through line 6.

Strike: "28(3)" on line 5 through "(4)" on line 6

Insert: "21(3) and (4)"

11. Page 18, line 9.

Strike: "28(3) and (4)"

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Insert: "21(3) and (4)"

12. Page 18, line 16.

Strike: "27"

Insert: "20"

13. Page 18, line 17.

Strike: "23" through "26"

Insert: "16, 17, 18, and 19"

14. Page 19, line 22.

Strike: "23"

Insert: "16"

15. Page 21, line 22.

Strike: "24(1) or (2)"

Insert: "17(1) or (2)"

16. Page 21, line 27.

Strike: "23 or 25"

Insert: "16 or 18"

17. Page 22, line 25.

Strike: "24" through "26"

Insert: "17, 18, or 19"

18. Page 23, line 3.

Strike: "24" through "26"

Insert: "17, 18, or 19"

19. Page 23, line 11.

Strike: "23"

Insert: "16"

20. Page 23, line 13.

Strike: "25"

Insert: "18"

21. Page 23, line 16.

Strike: "26"

Insert: "19"

22. Page 23, line 18.

Strike: "26"

Insert: "19"

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23. Page 23, line 19.

Strike: "22(2)"

Insert: "15(2)"

24. Page 23, line 24.

Strike: "24(1) and (2)"

Insert: "17(1) and (2)"

25. Page 25, line 24.

Strike: "28(3) and (4)"

Insert: "21(3) and (4)"

26. Page 26, line 22.

Strike: "24"

Insert: "17"

27. Page 26, line 28.

Strike: "24"

Insert: "17"

28. Page 27, line 6.

Strike: "28"

Insert: "21"

29. Page 27, line 11.

Strike: "28"

Insert: "21"

30. Page 27, line 17.

Strike: "24"

Insert: "17"

31. Page 29, line 6.

Strike: "28"

Insert: "21"

32. Page 37, line 2.

Following: ""Adoptee""

Strike: remainder of line 2

Insert: "means an individual who is adopted."

33. Page 37, line 3.

Following: "reproduction""

Strike: remainder of line 3

Insert: "means a child conceived by means of assisted reproduction by a woman other than a

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gestational carrier."

34. Page 37, line 6 through line 7.

Following: "adoptee"

Strike: remainder of line 6 and line 7.

Insert: "means behaving toward an adoptee in a manner consistent with being the adoptee's parent and performing functions that are customarily performed by a parent, including fulfilling parental responsibilities toward the adoptee, recognizing or holding out the adoptee as the individual's child, materially participating in the adoptee's upbringing, and residing with the adoptee in the same household as a regular member of that household."

35. Page 37, line 8.

Following: "child"

Strike: remainder of line 8

Insert: "means behaving toward a child in a manner consistent with being the child's parent and performing functions that are customarily performed by a parent, including fulfilling parental responsibilities toward the child, recognizing or holding out the child as the individual's child, materially participating in the child's upbringing, and residing with the child in the same household as a regular member of that household."

36. Page 37, line 9.

Strike: line 9

Renumber: subsequent subsections

37. Page 37, line 10.

Strike: line 10

Renumber: subsequent subsections

38. Page 37, line 11.

Following: "Relative"

Strike: remainder of line 11

Insert: "means a grandparent or a descendant of a grandparent."

39. Page 51, line 27.

Strike: "47 through 63"

Insert: "40 through 56"

40. Page 51, line 30.

Strike: "47 through 63"

Insert: "40 through 56"

41. Page 52, line 25.

Strike: "47 through 63"

Insert: "40 through 56"

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42. Page 52, line 28.

Strike: "47 through 63"

Insert: "40 through 56"

43. Page 52, line 29.

Strike: "47 through 63 "

Insert: "40 through 56"

44. Page 52, line 29 through line 30.

Strike: "47" on line 29 through "63" on line 30

Insert: "40 through 56"

45. Page 53, line 1.

Strike: "47 through 63"

Insert: "40 through 56"

46. Page 53, line 2.

Strike: "47 through 63"

Insert: "40 through 56"

47. Page 53, line 17.

Strike: "58"

Insert: "51"

48. Page 53, line 25.

Strike: "58"

Insert: "51"

49. Page 53, line 26.

Strike: "52 through 57"

Insert: "45 through 50"

50. Page 53, line 27.

Strike: "47 through 63"

Insert: "40 through 56"

51. Page 54, line 4.

Strike: "53 or 54"

Insert: "46 or 47"

52. Page 58, line 9.

Strike: "47 through 63"

Insert: "40 through 56"

53. Page 58, line 12.

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Strike: "47 through 63"

Insert: "40 through 56"

54. Page 58, line 15.

Strike: "47 through 63"

Insert: "40 through 56"

55. Page 58, line 18.

Strike: "47 through 63"

Insert: "40 through 56"

56. Page 59, line 22.

Strike: "58(7)(b)"

Insert: "51(7)(b)"

57. Page 58, line 27.

Strike: "59"

Insert: "52"

58. Page 58, line 28.

Strike: "47 through 63"

Insert: "40 through 56"

59. Page 59, line 2.

Strike: "47 through 63"

Insert: "40 through 56"

60. Page 59, line 12 through line 15.

Strike: section 65 in its entirety

Renumber: subsequent sections

61. Page 74, line 7.

Strike: "94"

Insert: "86"

62. Page 76, line 22.

Strike: "93 through 110"

Insert: "85 through 102"

63. Page 76, line 25.

Strike: "93 through 110"

Insert: "85 through 102"

64. Page 77, line 9.

Strike: "93 through 110"

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Insert: "85 through 102"

65. Page 77, line 13.

Strike: "93 through 110"

Insert: "85 through 102"

66. Page 79, line 10.

Strike: "91"

Insert: "83"

67. Page 80, line 4.

Strike: "47 through 63"

Insert: "40 through 56"

68. Page 80, line 8.

Strike: "91"

Insert: "83"

69. Page 80, line 11.

Strike: "93 through 110"

Insert: "85 through 102"

70. Page 82, line 24.

Following: "under [sections]"

Strike: "93 through 110"

Insert: "85 through 102"

Following: "of [sections]"

Strike: "93 through 110"

Insert: "85 through 102"

71. Page 84, line 12 through line 13.

Strike: "93 through" on line 12 through "110" on line 13

Insert: "85 through 102"

72. Page 84, line 15 through page 85, line 1.

Strike: section 111 in its entirety

Renumber: subsequent sections

73. Page 85, line 4.

Strike: "55 and 56"

Insert: "48 and 49"

74. Page 85, line 30.

Strike: "29"

Insert: "22"

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75. Page 86, line 1.

Strike: "29"

Insert: "22"

76. Page 86, line 2.

Strike: "40"

Insert: "33"

77. Page 86, line 3.

Strike: "40"

Insert: "33"

78. Page 86, line 4.

Strike: "45 through 63"

Insert: "38 through 56"

79. Page 86, line 5.

Strike: "45 through 63"

Insert: "38 through 56"

80. Page 86, line 6 through line 7.

Strike: subsection (6) in its entirety

81. Page 86, line 8.

Strike: "72"

Insert: "64"

82. Page 86, line 9.

Strike: "72"

Insert: "64"

83. Page 86, line 10.

Strike: "81"

Insert: "73"

84. Page 86, line 11.

Strike: "81"

Insert: "73"

85. Page 86, line 12.

Strike: "91"

Insert: "83"

86. Page 86, line 13.

Strike: "91"

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Insert: "83"

87. Page 86, line 14.

Strike: "93 through 110"

Insert: "85 through 102"

88. Page 86, line 15.

Strike: "93 through 110"

Insert: "85 through 102"

89. Page 86, line 19.

Strike: line 19 in its entirety

90. Page 86, line 28.

Strike: line 28

And, as amended, do pass.

SR 11, be adopted.

LOCAL GOVERNMENT (Lang, Chair):

2/18/2019

SB 198, do pass.

SB 243, do pass.

HB 55, be amended as follows:

1. Title, page 1, line 7 through line 8.

Strike: "REMOVING" on line 7 through "SYSTEMS;" on line 8.

2. Title, page 1, line 13.

Strike: "AN EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

3. Page 6, line 17.

Following: "(11)"

Insert: "(a)"

4. Page 6, line 17 through 18.

Strike: "that" on line 17 through "2011" on line 18

Insert: "submitted for approval under this chapter after March 30, 2011.

(b) The term does not include drainfield mixing zones that existed or were approved under this chapter prior to March 30, 2011"

5. Page 6, line 19.

Strike: subsection (12) in its entirety

Renumber: subsequent subsections

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6. Page 6, line 20.

Following: "(13)"

Insert: "(a)"

7. Page 6, line 20 through line 21.

Strike: "not" on line 20 through "2013" on line 21.

Insert: "submitted for approval under this chapter after October 1, 2013.

(b) The term does not include well isolation zones that existed or were approved under this chapter prior to October 1, 2013"

8. Page 14, line 16.

Strike: "may"

Insert: "shall"

9. Page 14, line 17.

Following: "disposal system"

Insert: "required by rule to be designed by a registered professional engineer"

10. Page 19, line 15.

Following: line 14

Insert: "(i) new divisions subject to review under the Montana Subdivision and Platting Act;"

Renumber: subsequent subsections

11. Page 19, line 25.

Following: "(f)"

Insert: "the sale of"

Following: "provided"

Strike: "in 77-2-318"

Insert: "for and subject to the limitations in 77-2-318(2)"

12. Page 23, line 28.

Strike: Section 19 in its entirety

Insert: "NEW SECTION. Section 19. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2019.

(2) [Section 5(6)(m) and section 7] are effective January 1, 2020."

And, as amended, be concurred in.

HB 154, be concurred in.

HB 259, be concurred in.

NATURAL RESOURCES (Welborn, Chair):

2/18/2019

SB 252, do pass.

HB 56, be concurred in.

HB 57, be concurred in.

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HB 70, be concurred in.

HB 220, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/18/2019
SB 216, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/18/2019
SJ 9, introduced joint resolution, be amended as follows:

1. Page 2, line 27.

Following: line 26

Insert: "(4) That the Secretary of State send copies of this resolution to all three members of Montana's Congressional Delegation, Governor Bullock, Director General Kuo-Shu Fan and Vice Consul KuanTing Chen of the Taipei Economic and Cultural Office in Seattle, President Ing-Wen Tsai, and Minister of Foreign Affairs Jaushieh Joseph Wu."

And, as amended, do pass.

TAXATION (Webb, Chair): 2/19/2019
SB 217, introduced bill, be amended as follows:

1. Page 4, line 30.

Strike: "\$30,000"

Insert: "\$20,000"

2. Page 5, line 1.

Strike: "\$36,000"

Insert: "\$26,000"

And, as amended, do pass.

Without objection, committee reports were adopted.

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MESSAGES FROM THE GOVERNOR

February 19, 2019

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

Dear President Sales:

On Tuesday, February 19, 2019, I signed the following bills:

Senate Bill 10 - Salomon
Senate Bill 16 - Salomon
Senate Bill 28 - Richmond

These bills have been delivered to the Secretary of State's Office.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/18/2019

HB 179, introduced by A. Redfield
HB 243, introduced by K. White
HB 265, introduced by K. White
HB 275, introduced by F. Garner
HB 297, introduced by F. Fleming
HB 320, introduced by B. Mercer
HB 322, introduced by J. Fuller
HB 326, introduced by A. Redfield
HB 327, introduced by A. Redfield
HB 366, introduced by R. Farris-Olsen
HB 369, introduced by R. Lynch

FIRST READING AND COMMITMENT OF BILLS

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

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SB 279, introduced by T. Jacobson, referred to Business, Labor, and Economic Affairs.

SB 280, introduced by A. Olszewski, M. Caferro, S. Fitzpatrick, K. Kelker, S. Malek, T. Moore, W. Sales, D. Salomon, D. Sands, F. Thomas, R. Webb, referred to Public Health, Welfare and Safety.

SB 281, introduced by J. Fielder, referred to State Administration.

SB 283, introduced by J. Cohenour, K. Dudik, P. Flowers, T. Jacobson, J. Karjala, J. Pomnichowski, J. Welborn, referred to Fish and Game.

SB 284, introduced by J. Gross, B. Bennett, P. Flowers, T. Jacobson, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, M. Phillips, J. Pomnichowski, D. Salomon, D. Sands, J. Sesso, F. Smith, G. Vuckovich, S. Webber, referred to State Administration.

SB 285, introduced by D. Brown, referred to State Administration.

SB 286, introduced by B. Bennett, K. Bogner, D. Brown, J. Cohenour, J. Fielder, S. Fitzpatrick, P. Flowers, F. Garner, S. Greef, M. Hopkins, F. Mandeville, M. McNally, K. Regier, T. Richmond, K. Sullivan, G. Vance, D. Zolnikov, referred to Judiciary.

SB 287, introduced by J. Ellsworth, referred to Fish and Game.

The following Senate bill was introduced and read first time:

SB 282, introduced by J. Fielder.

The following Senate bill, previously introduced, was referred to committee:

SB 278, introduced by T. Richmond, D. Ankney, referred to Energy and Telecommunications.

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

SJ 13, introduced by M. Cuffe, referred to State Administration.

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

HB 179, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.

HB 243, introduced by K. White, referred to Fish and Game.

HB 265, introduced by K. White, referred to Fish and Game.

HB 275, introduced by F. Garner, referred to Fish and Game.

HB 297, introduced by F. Fleming, B. Beard, R. Garcia, D. Lenz, B. Mercer, B. Usher, referred to State Administration.

HB 320, introduced by B. Mercer, referred to Business, Labor, and Economic Affairs.

HB 322, introduced by J. Fuller, S. Berglee, M. Blasdel, W. Galt, G. Hertz, B. Tschida, D. Skees, referred to Judiciary.

HB 326, introduced by A. Redfield, Z. Brown, referred to Local Government.

HB 327, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.

HB 366, introduced by R. Farris-Olsen, M. Funk, referred to Judiciary.

HB 369, introduced by R. Lynch, referred to Judiciary.

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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 R. Webb in the chair.

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

SB 184 - Majority Leader Thomas moved consideration of **SB 184** and **SB 162** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 30 - Majority Leader Senator Thomas moved consideration of **SB 30** be passed for the day. Without objection, so ordered.

SB 44 - Senator Cohenour moved consideration of **SB 44** be passed for the day. Without objection, so ordered.

SB 32 - Senator Sesso moved **SB 32** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: Esp.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 147 - Senator MacDonald moved **SB 147** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith

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C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: Hinebauch, Kary, Mr President, Vance.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 226 - Senator Vance moved **SB 226** do pass. Motion carried as follows:

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

Total 46

Nays: Barrett, Esp, Keenan, Malek.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 229 - Senator Hoven moved **SB 229** do pass. Motion carried as follows:

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

Total 34

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

Total 16

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Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 53 - Senator Sesso moved **SB 53** do pass. Motion carried as follows:

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

Total 31

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb.

Total 19

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 231 - Senator Bennett moved **SB 231** do pass. 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 232 - Senator Bennett moved **SB 232** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, 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, Welborn.

Total 41

Nays: Bogner, Fielder, Hinebauch, Lang, Mr President, Olszewski, Osmundson, Smith C, Vance.

Total 9

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 45 - Senator Cohenour moved **HB 45** be concurred in. Motion carried as follows:

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

Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Howard, Kary, Keenan, Mr President, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb.

Total 15

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJ 3 - Senator Kary moved **HJ 3** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, 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 F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.

Total 40

Nays: Blasdel, Bogner, Esp, Fielder, Hinebauch, Howard, Keenan, Mr President, Smith C, Welborn.

Total 10

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 145 - Senator Gross moved **HB 145** 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, 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: Howard.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 228 - Senator Esp moved **HB 228** 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,

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

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 12 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 30 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 30**. 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,

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Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 184 - Senator R. Webb moved **SB 184** do pass. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb.
Total 25

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 - Majority Leader Thomas moved **SB 184** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn.
Total 30

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Nays: Blasdel, Bogner, Brown, Cuffe, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Webb.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 - Senator R. Webb moved **SB 162** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 35

Nays: Ankney, Blasdel, Bogner, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Keenan, Osmundson, Regier, Small, Thomas, Vance, Welborn.
Total 15

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 Webb 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, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

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Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Thomas moved that **SB 53** and **SB 147**, 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 78 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 132 passed as follows:

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Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Barrett, Ellis, Pomnichowski.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 176 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

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Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Howard, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 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, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Pomnichowski.

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Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 50 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, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 51 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, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 48

Nays: Keenan, Olszewski.

Total 2

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 102 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, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 143 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, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 163 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, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 196 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, 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, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: Cuffe.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 201 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, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 206 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, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Senator Cuffe arose and stated that it was his intent to vote Yes on the third reading of **HB 206**

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and that he wished to make sure his vote had been included in the final vote.

Senator Gross arose on a point of personal privilege and clarified information presented during the discussion of **HB 145**.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 20, 2019, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 2:47 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate