

**SENATE JOURNAL
64TH LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana
January 27, 2015

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Larsen excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/27/2015
Correctly printed: **SB 76, SB 77, SB 104, SB 117, SB 206, SB 207, SB 208, SB 209.**
Correctly enrolled: **SJ 1.**
Examined by the sponsor and found to be correct: **SJ 1.**
Transmitted to the House: **SB 82, SB 88, SB 102.**
Signed by the Secretary of the Senate at 1:25 p.m., January 27, 2015: **SJ 1.**
Signed by the President at 3:15 p.m., January 27, 2015: **SJ 1.**

Republicans and Democrats each met in caucus; Senate reconvened at 1:30 p.m.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair): 1/27/2015
SB 131, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): 1/26/2015
SB 125, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND"

2. Title, page 1, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 12.
Following: "physician"
Insert: "or advanced practice registered nurse"

4. Page 2, line 18.
Following: "physician"
Insert: "or advanced practice registered nurse"

5. Page 3, line 18.

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Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 133, do pass. Report adopted.

SB 142, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "AND"

Following: "IMMUNITY"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 16.

Following: line 16

Insert: "(2) "Health care facility" has the meaning provided in 50-5-101."

Renumber: subsequent subsections

3. Page 4, line 9.

Strike: "hospital or"

Strike: "licensed under Title 50, chapter 5,"

4. Page 4, line 14.

Strike: "hospital or"

5. Page 4, line 15.

Strike: "hospital or"

6. Page 5, line 6.

Following: "pharmacist,"

Insert: "a health care facility, a health care provider,"

7. Page 5, line 8.

Following: "manufacturer"

Insert: ", pharmacist, health care facility, health care provider,"

8. Page 5, line 22.

Insert: "NEW SECTION. Section 14. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/26/2015

HB 26, introduced by M. MacDonald

HB 53, introduced by A. Person

HB 130, introduced by E. Hill

HB 135, introduced by J. Eck

HB 139, introduced by N. McConnell

MOTIONS

Senator Cohenour moved to reconsider action on **SB 52** and that **SB 52** be placed on second reading on Friday, January 30, the 21st legislative day. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keane, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 32

Nays: Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hinkle, Howard, Jones, Kary, Keenan, Rosendale, Sales, Smith, Vance, Vincent, Webb.

Total 16

Absent or not voting: None.

Total 0

Excused: Caferro, Larsen.

Total 2

FIRST READING AND COMMITMENT OF BILLS

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

SB 210, introduced by G. Vuckovich, referred to Agriculture, Livestock and Irrigation.

SB 211, introduced by E. Buttrey, referred to Public Health, Welfare and Safety.

SB 212, introduced by S. Sales, referred to Taxation.

SB 213, introduced by F. Thomas, S. Laszloffy, referred to Education and Cultural Resources.

SB 214, introduced by E. Arntzen, referred to Local Government.

SB 215, introduced by J. Fielder, referred to Natural Resources.

SB 216, introduced by R. Webb, referred to Public Health, Welfare and Safety.

SB 217, introduced by K. Hansen, referred to Public Health, Welfare and Safety.

SB 218, introduced by M. Moe, referred to Natural Resources.

SB 219, introduced by J. Taylor, D. Mortensen, N. Swandal, referred to Judiciary.

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SB 220, introduced by C. Kaufmann, referred to State Administration.

SB 221, introduced by Debby Barrett, R. Shaw, referred to Natural Resources.

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

SR 4, introduced by B. Tutvedt, referred to Taxation.

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

HB 26, introduced by M. MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 53, introduced by A. Person (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 130, introduced by E. Hill, referred to Judiciary.

HB 135, introduced by J. Eck (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 139, introduced by N. McConnell (by request of the Public Defender Commission), referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

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

SB 68 - Senator Moe moved consideration of **SB 68** be passed to February 4, 2015, the twenty-fifth legislative day. Without objection, so ordered.

SB 139 - Senator Sands moved **SB 139** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Caferro, Larsen.

Total 2

SB 90 - Senator Swandal moved **SB 90** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: Hinkle.

Total 1

Paired: Caferro, Aye; Hinkle, No.

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

SB 61 - Senator Driscoll moved **SB 61** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Larsen.

Total 2

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

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 76 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Ms. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 77 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt,

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Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 104 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 38

Nays: Blasdel, Brenden, Fielder, Keane, Ripley, Rosendale, Smith, Tutvedt, Vincent, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Caferro, Larsen.
Total 2

SB 117 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Brenden, Fielder, Howard, Moore, Ripley, Sales, Smith, Vincent.
Total 8

Absent or not voting: None.
Total 0

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Excused: Caferro, Larsen.

Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Wednesday, January 28, 2015, the nineteenth legislative day. Motion carried.

Senate adjourned at 1:57 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate