

**SENATE JOURNAL
64TH LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
January 31, 2015

Senate Chambers
State Capitol

Senate convened at 8:30 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

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

BILLS AND JOURNALS (Fielder, Chair): 1/31/2015

Correctly printed: **SB 41, SB 52, SB 81, SB 140, SB 150, SB 152, SB 163, SB 164, SB 183, SB 240, SB 241, SB 242, SB 243, SB 244, SB 245, SR 7, SR 8, HB 63, HB 108, HB 109, HB 121, HB 125.**

Correctly engrossed: **SB 53, SB 54, SB 110, SB 119.**

Transmitted to the House: **SB 72, SB 94, SB 105, SB 124, SB 131.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 1/30/2015

SB 128, do pass. Report adopted.

HB 31, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/30/2015

HB 12, introduced by E. Hill

HB 27, introduced by D. Hayman

HB 107, introduced by R. Cook

HB 132, introduced by F. Garner

HB 150, introduced by K. Flynn

MOTIONS

Majority Leader Rosendale moved **HB 61** be re-referred from the Natural Resources committee to the Highways and Transportation committee. Without objection, so ordered.

Majority Leader Rosendale moved **HB 90** be re-referred from the Natural Resources committee to the Business, Labor and Economic Affairs committee. Without objection, so ordered.

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

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

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

SB 39 - Senator C. Smith moved **SB 39** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.
Total 2

SB 84 - Senator McNally moved **SB 84** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.
Total 2

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SB 85 - Senator Buttrey moved **SB 85** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.
Total 2

SB 135 - Senator Facey moved **SB 135** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.
Total 2

SB 141 - Senator L. Jones moved **SB 141** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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 47

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Nays: Fielder.

Total 1

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 154 - Senator Sales moved **SB 154** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.

Total 30

Nays: Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.

Total 19

Paired: Smith, Aye; Driscoll, No.

Absent or not voting: None.

Total 0

Excused: Caferro.

Total 1

SB 184 - Senator Cohenour moved **SB 184** do pass. Motion carried as follows:

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

Total 46

Nays: Ripley, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

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Total 2

SB 125 - Senator Webb moved **SB 125** do pass. Motion **failed** as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Kaufmann, Keenan, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Thomas, Vuckovich, Webb, Windy Boy, Wolken.

Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Howard, Jones, Kary, Keane, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Whitford, Ms. President.

Total 28

Paired: Driscoll, Aye; Rosendale, No.

Absent or not voting: None.

Total 0

Excused: Caferro.

Total 1

SB 125 - Majority Leader Rosendale moved **SB 125** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Ms. President.

Total 27

Nays: Barrett Dick, Cohenour, Connell, Facey, Hamlett, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Webb, Whitford, Windy Boy, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 142 - Senator C. Smith moved **SB 142** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann,

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Keane, Keenan, Larsen, 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, Driscoll.

Total 2

SB 43 - Senator Malek moved **SB 43** do pass. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 28

Paired: Caferro, Driscoll, Aye; Buttrey, Sales, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 43 - Majority Leader Rosendale moved **SB 43** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 29

Nays: Barrett Dick, Cohenour, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

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Total 19

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SJ 6 - Senator Larsen moved **SJ 6** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.

Total 2

SB 42 - Senator Malek moved **SB 42** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.

Total 2

SB 64 - Senator Keane moved **SB 64** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.
Total 2

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

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 41

Nays: Cohenour, Kaufmann, Larsen, Malek, Phillips, Sesso, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
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 52 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane,

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Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 44

Nays: Fielder, Moore, Rosendale, Sales.

Total 4

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 152 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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, Driscoll.

Total 2

SB 164 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, 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.

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Total 0

Excused: Caferro, Driscoll.

Total 2

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Monday, February 2, 2015, the twenty-third legislative day. Motion carried.

Senate adjourned at 9:45 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate