

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

Helena, Montana
February 10, 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-nine members present, Senator Swandal excused. Quorum present.

BILLS AND JOURNALS

2/10/2015

Ms. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth through twentieth legislative days, find the same to be correct.

Correctly printed: **SB 123, SB 149, SB 221, SB 237, SB 285, SB 286, SB 287, SB 288, SB 289, SB 290, SB 291, SB 292.**

Correctly engrossed: **SB 160.**

Correctly enrolled: **SB 10, SB 11, SB 26.**

Examined by the sponsor and found to be correct: **SB 10, SB 11, SB 70, SB 71, SB 75, SB 98.**

Transmitted to the House: **SB 126, SB 175, SB 211, SB 217, SB 233, SJ 2, HB 56, HB 67, HB 75, HB 81, HB 84, HB 110, HB 122, HB 134, HB 139, HB 143.**

Senator Brenden arose on a point of personal privilege concerning messages to Senators that contain unacceptable language.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):

2/10/2015

SB 138, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "PROTECTIONS FOR"

Insert: "PRIVATE"

2. Title, page 1, line 5.

Following: "INSTITUTIONS, AND"

Insert: "PRIVATE"

3. Page 2, line 6.

Strike: "An"

Insert: "A private"

4. Page 2, line 9.

Following: "employer"

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Insert: "
(a) "

5. Page 2, line 10.

Following: "dismissal;"

Insert: "or"

6. Page 2.

Following: line 10

Insert: "(b) requested information regarding an applicant's criminal record but received false or incomplete information;"

7. Page 2, line 28.

Following: "misdemeanor"

Insert: "or felony"

Strike: "other than"

Insert: "that may have resulted in a term of incarceration exceeding 6 months, excluding"

Strike: ", excluding violations" through "61-8-406"

Insert: "within 3 years of the filing of the petition"

8. Page 3, line 26.

Following: "harbor for"

Insert: "private"

9. Page 3, line 27.

Following: "record. A"

Insert: "private"

10. Page 3, line 27 through line 30.

Following: "if" on line 27

Insert: "."

Strike: "the landlord" on line 27 through "offense;" on line 30

Renumber: subsequent subsections

11. Page 4, line 2.

Following: "course;"

Strike: "or"

12. Page 4, line 3.

Following: "[section 2]"

Insert: "; or

(3) the tenant provided false information on the application concerning the tenant's criminal history"

13. Page 4, line 19.

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Following: "chapter"
Strike: "1"
Insert: "25"

14. Page 4, line 20.
Following: "chapter"
Strike: "1"
Insert: "25"

And, as amended, do pass. Report adopted.

HB 38, be concurred in. Report adopted.
HB 103, be concurred in. Report adopted.
HB 147, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair):
SB 148, introduced bill, be amended as follows:

2/9/2015

1. Page 6, line 27 through line 28.
Following: "public"
Insert: "the following"
Following: "part 1"
Strike: ", including but not limited to"

2. Page 6, line 29 through line 30.
Strike: subsection (1) through subsection (2) in their entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SR 6, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/9/2015

HB 28, introduced by J. Eck
HB 87, introduced by E. McClafferty
HB 111, introduced by K. Regier
HB 226, introduced by T. Richmond
HB 280, introduced by J. Essmann
HB 302, introduced by F. Mandeville

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FIRST READING AND COMMITMENT OF BILLS

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

SB 293, introduced by B. Hamlett, D. Ankney, Debby Barrett, G. Bennett, J. Brenden, J. Keane, E. Lieser, R. Ripley, J. Sesso, B. Tutvedt, C. Vincent, G. Vuckovich, referred to State Administration.

SB 294, introduced by F. Moore, referred to Local Government.

SB 295, introduced by M. Blasdel, R. Brodehl, C. Fiscus, F. Garner, B. Harris, J. Hinkle, D. Howard, D. Kary, B. Keenan, D. Lamm, N. Schwaderer, C. Smith, J. Taylor, F. Thomas, G. Vance, D. Zolnikov, referred to Fish and Game.

SB 296, introduced by E. Arntzen, referred to Highways and Transportation.

SB 297, introduced by E. Arntzen, referred to Highways and Transportation.

SB 298, introduced by J. Fielder, referred to Judiciary.

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

SJ 11, introduced by M. Phillips, referred to Agriculture, Livestock and Irrigation.

The following House bills were referred to committees:

HB 166, introduced by K. Regier, referred to Taxation.

HB 169, introduced by A. Wittich, referred to Taxation.

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

HB 28, introduced by J. Eck (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 87, introduced by E. McClafferty (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

HB 111, introduced by K. Regier, referred to Judiciary.

HB 226, introduced by T. Richmond, referred to Natural Resources.

HB 280, introduced by J. Essmann, referred to Highways and Transportation.

HB 302, introduced by F. Mandeville, G. Bennett, B. Brown, A. Doane, S. Fitzpatrick, F. Garner, D. Mortensen, V. Ricci, M. Rosendale, N. Schwaderer, S. Staffanson, referred to Local Government.

**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 Webb in the chair.

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

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SJ 9 - Senator Brenden moved **SJ 9** do pass. 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, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 28

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

Total 21

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

Senator Sesso arose and reminded the Senators that no persons or organizations should be named during floor debate.

Senator Thomas arose on a point of personal privilege and acknowledged the Minority Leader's point.

HB 64 - Senator Whitford moved **HB 64** be concurred in. Motion carried as follows:

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

Total 48

Nays: Sales.

Total 1

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

SB 22 - Senator Cohenour moved **SB 22** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll,

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Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 30

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

SJ 10 - Senator L. Jones moved **SJ 10** 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, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

SB 229 - Senator Tutvedt moved **SB 229** 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, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

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

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

Total 28

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

Total 21

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

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 123 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, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 45

Nays: Caferro, Keane, Sesso, Stewart-Peregoy.

Total 4

Absent or not voting: None.

Total 0

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Excused: Swandal.

Total 1

SB 149 passed as follows:

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

Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

SB 237 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, 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, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Wednesday, February 11, 2015, the thirty-first legislative day. Motion carried.

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Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate