

**SENATE JOURNAL
64TH LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 19, 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. All members present. Quorum present.

BILLS AND JOURNALS

2/19/2015

Correctly printed: **SB 48, SB 136, SB 256, SB 284, SB 288, SB 296, SB 327, SB 357, SB 358, SB 359, SB 360, SB 361, SB 362, SB 363, SB 364, SB 365, SB 366, SB 367, SB 368, SB 369, SB 370, SB 371, SB 372, SB 373, SB 374, SR 22, SJ 14, HB 19, HB 43, HB 50, HB 61, HB 83, HB 88, HB 98, HB 126, HB 132, HB 133, HB 212, HB 246, HB 250, HB 265.**

Correctly engrossed: **SB 112.**

Transmitted to the House: **SB 34, SB 68, SB 92, SB 169, SB 276, SB 277, HB 27.**

Signed by the Secretary of the Senate at 9:15 a.m., February 19, 2015: **SB 6, SB 28, SB 29, SB 32, SB 65, SB 67, SB 85, SB 95, SB 108, SB 113, SB 163, SR 4, SR 6.**

Signed by the President at 7:50 a.m., February 19, 2015: **SB 50, SB 59, SB 62, SB 81, SB 117, SB 164.**

Signed by the President at 10:35 a.m., February 19, 2015: **SB 6, SB 28, SB 29, SB 32, SB 65, SB 67, SB 85, SB 95, SB 108, SB 113, SB 163, SR 4, SR 6.**

Signed by the Speaker at 8:40 a.m., February 19, 2015: **SB 50, SB 59, SB 62, SB 81, SB 117, SB 164.**

Signed by the Speaker at 3:00 p.m., February 19, 2015: **SB 6, SB 28, SB 29, SB 32, SB 65, SB 67, SB 85, SB 95, SB 108, SB 113, SB 163.**

Delivered to the Secretary of State at 3:08 p.m., February 19, 2015: **SR 4, SR 6.**

Delivered to the Governor 10:35 a.m., February 19, 2015: **SB 50, SB 59, SB 62, SB 81, SB 117, SB 164.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair):

2/18/2015

SB 12, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: ";" on line 7

Insert: "PROVIDING CONDITIONS UNDER WHICH A STUDENT 19 YEARS OF AGE OR OLDER MAY BE INCLUDED IN AVERAGE NUMBER BELONGING CALCULATIONS; PROVIDING A LIMIT ON THE NUMBER OF STUDENTS 19 YEARS OF AGE OR OLDER A DISTRICT MAY INCLUDE IN AVERAGE NUMBER BELONGING CALCULATIONS;"

2. Title, page 1, line 8.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Strike: "SECTION"

Insert: "SECTIONS"

Following: "20-1-101"

Insert: "AND 20-9-311"

3. Page 4.

Following: line 22

Insert: "**Section 2.** Section 20-9-311, MCA, is amended to read:

"20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging. (1)

Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on the first Monday in December of the prior school fiscal year and to a count of regularly enrolled pupils on the first Monday in February of the prior school fiscal year or the next school day if those dates do not fall on a school day, and divide the sum by three; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) Except as provided in subsection (4)(d), for the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

(e) A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.

(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) (a) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(b) Except as provided in subsection (7)(c), a pupil who has reached 19 years of age by September 10 of the school year may not be included in the ANB calculations.

(c) A pupil 19 years of age or older who has not yet graduated and who is enrolled for the purpose of earning credits to meet the district's graduation requirements for a high school diploma may be included in the ANB calculations. The number of additional high school ANB in a district that results from the inclusion of pupils who have reached 19 years of age may not exceed 40 in any school fiscal year and must be further limited to the greater of 3 additional high school ANB or 103% of the high school ANB that would exist without the inclusion of pupils who have reached 19 years of age.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that:

(a) the ANB is calculated as a separate budget unit when:

(i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

- (A) 75% of the basic entitlement for the fourth year;
- (B) 50% of the basic entitlement for the fifth year; and
- (C) 25% of the basic entitlement for the sixth year.

(b) when a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) when a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) when a school has been designated as nonaccredited by the board of public education because of failure to meet the board of public education's assurance and performance standards, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

(i) meet the residency requirements for that district as provided in 1-1-215;

(ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

(13) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (13)(a) and then combined.

(14) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (14)(a) by three."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 162, be amended as follows:

1. Title, page 1, line 7.

Following: "CLASS"

Insert: "THAT THE DISTRICT REQUIRES FOR GRADUATION"

2. Title, page 1, line 8 through line 9.

Strike: "ESTABLISHING" on line 8 through "TEACHERS;" on line 9

Insert: "PROVIDING RULEMAKING AUTHORITY;"

3. Page 2, line 23.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Strike: "teacher compensation"

Insert: "rulemaking authority"

Following: "(1)"

Insert: "(a)"

4. Page 2, line 25 through page 3, line 2.

Strike: ":" on page 2, line 25 through "course." on page 3, line 2

Insert: "any supplemental fee established by the digital academy that is required to pay for the prorated costs of course delivery that exceed the amount appropriated to the digital academy by the legislature. The fee must be established by the governing board of the digital academy by rule and must be commensurate with the costs of operating the digital academy that exceed the appropriation provided by the legislature.

(b) Fees collected under subsection (1)(a) may be spent only on the operating costs of the digital academy.

(c) The governing board of the digital academy shall adopt rules regarding the establishment of any fees required under subsection (1)(a)."

5. Page 3, line 4.

Following: "ACADEMY"

Insert: "that the school district requires for graduation"

6. Page 3, line 5 through line 10.

Strike: subsection (3) through subsection (4) in their entirety

And, as amended, be concurred in. Report adopted.

JUDICIARY (Sales, Chair):

2/18/2015

SB 219, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "SENTENCE"

Insert: "FOR A FELONY CONVICTION"

2. Page 1, line 11.

Following: "imposition."

Insert: "(1)"

3. Page 1, line 13.

Following: "46-18-208"

Strike: ", "

Insert: ": (a) for a felony conviction,"

4. Page 1, line 16.

Following: "filed"

Strike: ". "

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Insert: "; or (b) for a misdemeanor conviction, upon motion of the court, the defendant, or the defendant's attorney, the court may allow the defendant to withdraw a plea of guilty or nolo contendere or may strike the verdict of guilty from the record and order that the charge or charges against the defendant be dismissed.
(2)"

And, as amended, do pass. Report adopted.

SB 253, do pass. Report adopted.

SB 266, do pass. Report adopted.

SJ 3, introduced joint resolution, be amended as follows:

1. Page 1, line 11 through line 23.

Strike: "WHEREAS," on line 11 through "facility; and" on line 23

2. Page 1, line 24.

Following: "Department"

Insert: "of Corrections"

And, as amended, be adopted. Report adopted.

SR 9, preliminary report.

SR 10, preliminary report.

SR 11, preliminary report.

HB 165, be concurred in. Report adopted.

HB 197, be concurred in. Report adopted.

HB 232, be concurred in. Report adopted.

JUDICIARY (Sales, Chair):

2/19/2015

SB 223, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 7.

Following: "LAWS;"

Strike: remainder of line 4 through "BAIL;" on line 7

2. Title, page 1, line 8 through line 9.

Following: "DEFENDANT"

Strike: remainder of line 8 through "COMPANY"

Insert: "FOR BREACH OF CONTRACT, UPON REQUEST OF AN INDEMNITOR, OR FOR A VIOLATION OF A CONDITION OF RELEASE"

Following: "46-9-503"

Strike: ", "

3. Title, page 1, line 10.

Strike: "46-9-311" through "46-9-401,"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

4. Page 1, line 14 through page 2, line 14.

Strike: section 1 through section 2 in their entirety

Renumber: subsequent sections

5. Page 2, line 25.

Strike: "180"

Insert: "150"

Following: "after the"

Insert: "notice of the order of"

6. Page 2, line 27.

Strike: "180"

Insert: "150"

Following: "after the"

Insert: "notice of the order of"

7. Page 3, line 5.

Strike: "180"

Insert: "150"

Following: "from"

Insert: "notice of the order of"

8. Page 3, line 9.

Following: "the"

Insert: "notice of the"

Strike: "of bail"

Strike: "180"

Insert: "150"

9. Page 3, line 10.

Following: "the"

Insert: "notice of the"

10. Page 3, line 13.

Following: "be"

Insert: "arrested and"

Following: "surrendered"

Insert: "by the surety company or its agent"

11. Page 3, line 14 through line 15.

Strike: line 14 through line 15.

Insert: "for breach of any contract between the defendant and the surety company or its agent, including breach of a premium deferment agreement; upon request of an indemnitor; or for violation of a condition of release other than a failure to appear.

(2) Nothing in subsection (1)(b) may be construed as prohibiting a surety or its agent from

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

surrendering a defendant and receiving exoneration of bail in the event that a defendant fails to appear or becomes incarcerated on new charges or for violations of release conditions."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 298, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "pursue"

Insert: ", to the extent feasible,"

And, as amended, do pass. Report adopted.

HB 129, be concurred in. Report adopted.

HB 186, be concurred in. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair):

2/18/2015

SB 239, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "dog"

Insert: ", Canis familiaris"

2. Page 1, line 13.

Following: "dogs"

Insert: "and dog hybrids with wolves, coyotes, or jackals"

3. Page 1, line 17.

Following: "dog"

Insert: ", Canis familiaris"

4. Page 1, line 18.

Following: "dogs"

Insert: "and dog hybrids with wolves, coyotes, or jackals"

And, as amended, do pass. Report adopted.

SB 294, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ELECTORS;"

Strike: "AND"

2. Title, line 7.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

3. Page 2.

Following: line 10

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to issuance of notes authorized by the electors of the district on or after November 1, 2014."

And, as amended, do pass. Report adopted.

HB 193, be amended as follows:

1. Title, line 6.

Following: the first "COMMISSIONERS"

Insert: "IF THE COMMISSIONERS ESTABLISH A PROCESS"

Following: the second "COMMISSIONERS"

Insert: "OR A BOARD OF ADJUSTMENT"

2. Page 2, lines 1 and 2.

Following: "~~of~~"

Insert: "county commissioners or board of"

Strike: "~~to~~" on line 1 through "commissioners" on line 2

Following: "~~record~~" on line 2

Insert: "-- county commissioners may establish appeal process"

3. Page 2, line 2 through line 8.

Strike: subsection (1) in its entirety

Insert: "(1) (a) The board of county commissioners may establish in the zoning regulations a process for an appeal of a decision by the board of adjustment to the board of county commissioners by any person or persons, jointly or severally, aggrieved by a decision of the board of adjustment or an officer, department, board, or bureau of the county.

(b) The process, if established, must provide that an appeal to the board of county commissioners be initiated by presenting to the board of county commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality.

(c) The petition must be presented to the board of county commissioners within 30 days after the filing of the decision of the board of adjustment, and a final decision must be made within 60 days of receipt of the petition.

(d) The board of county commissioners may:

(i) remand the special exception to the board of adjustment;

(ii) reverse or affirm, wholly or partly, the decision of the board of adjustment; or

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

(iii) modify the decision of the board of adjustment."

4. Page 2, line 10.

Strike: "filed after the hearing required in subsection (1)"

Insert: "or the board of adjustment"

5. Page 2, lines 12 and 13.

Following: "office of the" on line 12

Insert: "appropriate"

Strike: "of" on line 12 through "commissioners" on line 13

6. Page 2, line 15.

Following: the first "commissioners"

Insert: "or the board of adjustment"

Following: "board"

Strike: "of"

Strike: "county commissioners"

7. Page 2, line 19.

Following: "commissioners"

Insert: "or the board of adjustment"

8. Page 2, line 20.

Following: "commissioners"

Insert: "or the board of adjustment"

9. Page 3, line 3.

Following: "commissioners"

Insert: "or the board of adjustment"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair):

2/18/2015

SB 118, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "RIGHT;"

Insert: "REQUIRING NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION IN CASE OF DISRUPTION;"

2. Page 2, line 3.

Strike: "are"

Insert: "is"

3. Page 2, line 5.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Following: "right."

Insert: "In the event that the means of conveyance is disrupted, impeded, or otherwise blocked, the appropriator shall notify the department by certified mail of the disruption, impediment, or blockage."

And, as amended, do pass. Report adopted.

SB 261, introduced bill, be amended as follows:

1. Page 5.

Following: line 3

Insert: "(4) The oversight team shall seek a depredation order from the United States fish and wildlife service under the Migratory Bird Treaty Act of 1918, as necessary, to control common raven (*Corvus corax*) or black-billed magpie (*Pica hudsonia*) to reduce depredation on sage grouse populations and their nests."

2. Page 5, line 21.

Following: "generate credits"

Insert: "that are available for compensatory mitigation under [section 9]"

3. Page 7.

Following: line 13

Insert: "(5) If a grant is awarded to a proposed project that uses matching funds from a source that prohibits the generation of credits for compensatory mitigation, the oversight team, when possible, shall allocate the credits generated by the proposed project on a pro rata basis and make available for compensatory mitigation under [section 9] only those credits attributable to funds awarded pursuant to this section and any unrestricted matching funds."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair):

2/18/2015

SB 9, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "50-16-805,"

2. Page 1, line 7.

Following: line 7

Insert: "WHEREAS, it is in the interest of all Montanans to address prescription drug abuse and diversion; and

WHEREAS, health care providers who are subject to the Health Insurance Portability and Accountability Act are permitted to disclose health care information for law enforcement purposes, including the purposes of notifying authorities of suspected criminal conduct that has occurred on a provider's premises and reporting information to lessen a serious and imminent threat to the health or safety of a patient or the public; and

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

WHEREAS, Montana's Uniform Health Care Information Act is unclear on whether these provisions similarly apply to health care providers who are not subject to the Health Insurance Portability and Accountability Act; and

WHEREAS, it is in the interest of all Montanans for health care providers to report these activities to law enforcement to address, among other matters, prescription drug abuse and diversion and to ensure the safety of Montana communities; and

WHEREAS, the granting of immunity to health care providers for reporting these activities would encourage reporting."

3. Page 2, line 3.

Strike: "(a)"

4. Page 2, line 7 through line 8.

Strike: subsection (1)(b) in its entirety

5. Page 2, line 21 through page 3, line 6.

Strike: section 3 in its entirety

Renumber: subsequent section

6. Page 3, line 26.

Strike: "(a)"

Following: "information"

Insert: "to federal, state, or local law enforcement authorities"

Following: "50-16-805(2)"

Strike: "(c)"

7. Page 3, line 27.

Following: "was"

Insert: ": (a)"

8. Page 3, line 28.

Following: "faith"

Strike: "and"

Insert: "; (b)"

9. Page 3, line 29.

Following: "164"

Insert: "; and (c) to notify the authorities of an activity that the provider in good faith believed constituted evidence of criminal conduct that occurred on the provider's premises or to prevent or lessen a serious and imminent threat to the health or safety of a person or the public"

10. Page 3, line 30 through page 4, line 1.

Strike: subsection (8)(b) in its entirety

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

11. Page 4, line 2.

Insert: "NEW SECTION. Section 4. Two-thirds vote required. Because [section 2 and section 3] limit governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

And, as amended, do pass. Report adopted.

SB 207, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "AN ACCEPTABLE"

Insert: "A REASONABLY PRUDENT"

2. Page 2, line 6.

Strike: "medically acceptable"

Insert: "reasonably prudent"

3. Page 2, line 10.

Strike: "medically appropriate"

Insert: "reasonably prudent"

4. Page 2, line 22.

Following: "brief"

Strike: ", comprehensive"

Strike: "made"

Insert: "written by a health care provider"

5. Page 3, line 6.

Strike: "medically acceptable"

Insert: "reasonably prudent"

6. Page 3, line 8 through line 9.

Strike: "A" on line 8 through "followed" on line 9

Insert: "For the purposes of this section, a selected course of treatment may be reasonably prudent even though it"

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair):

2/19/2015

SB 167, do pass. Report adopted.

SB 269, introduced bill, be amended as follows:

1. Page 1, line 5 through line 6.

Strike: "ESTABLISHING" on line 5 through "AUDITS;" on line 6

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

2. Title, page 1, line 8.

Strike: "PROVIDING RULEMAKING AUTHORITY;"

Strike: "15-1-216, 15-30-2512,"

3. Page 1, line 13 through page 6, line 14.

Strike: section 1 through section 3 in their entirety

Renumber: subsequent sections

4. Page 6, line 18.

Strike: "Subject to [section 1] if"

Insert: "If"

5. Page 6, line 23.

Strike: "[section 1] and"

Strike: "of this section"

6. Page 9, line 4 through line 6.

Strike: section 8 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 335, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 17, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Tuesday, February 17, 2015, I signed the following bills:

Senate Bill 5 - J. Windy Boy

Senate Bill 10 - J. Keane

Senate Bill 11 - J. Keane

Senate Bill 15 - N. Swandal

Senate Bill 26 - N. Swandal

Senate Bill 75 - G. Vuckovich

Senate Bill 98 - T. Facey

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

February 18, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Wednesday, February 18, 2015, I signed the following bills:

Senate Bill 4 - T. Facey
Senate Bill 19 - R. Ripley
Senate Bill 27 - D. Brown
Senate Bill 35 - T. Facey
Senate Bill 36 - T. Facey
Senate Bill 46 - J. Pomnichowski
Senate Bill 70 - J. Keane
Senate Bill 71 - J. Keane
Senate Bill 78 - B. Tutvedt

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/18/2015

HB 279, introduced by J. Essmann
HB 354, introduced by R. Brodehl
HB 358, introduced by R. Lynch
HB 359, introduced by E. Lieser
HB 390, introduced by M. Lang

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

HB 392, introduced by F. Garner
HB 393, introduced by T. Richmond
HB 396, introduced by D. Jones
HB 400, introduced by G. Custer

MOTIONS

Senator Webb moved the Senate suspend the rules and reconsider its action on **SB 125**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Kary, Kaufmann, Keane, Larsen, McNally, Moe, Phillips, Ripley, Swandal, Thomas, Tutvedt, Webb, Wolken.
Total 24

Nays: Arntzen, Barrett Dick, Brenden, D. Brown, Buttrey, Connell, Hinkle, Howard, Jones, Keenan, Malek, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Taylor, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Ms. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 375, introduced by S. Sales, referred to Highways and Transportation.
SB 376, introduced by J. Brenden, referred to Finance and Claims.
SB 377, introduced by P. Connell, referred to Business, Labor, and Economic Affairs.
SB 378, introduced by E. Arntzen, referred to Taxation.
SB 379, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.
SB 380, introduced by C. Larsen, B. Hoven, E. Lieser, A. Person, R. Shaw, referred to Finance and Claims.
SB 381, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.

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

SR 23, introduced by F. Thomas, referred to Public Health, Welfare and Safety.
SR 24, introduced by T. Brown, referred to Education and Cultural Resources.

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

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

SJ 15, introduced by F. Thomas, B. Tutvedt, referred to Taxation.

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

HB 279, introduced by J. Essmann, referred to Fish and Game.

HB 354, introduced by R. Brodehl, V. Court, M. Cuffe, R. Ehli, D. Jones, A. Redfield, M. Tropila, referred to Finance and Claims.

HB 358, introduced by R. Lynch, referred to Public Health, Welfare and Safety.

HB 359, introduced by E. Lieser, referred to Taxation.

HB 390, introduced by M. Lang, C. Clark, K. Flynn, R. Hollandsworth, G. Pierson, L. Randall, A. Redfield, S. Staffanson, K. White, B. Hamlett, F. Moore, R. Ripley, referred to Agriculture, Livestock and Irrigation.

HB 392, introduced by F. Garner, referred to State Administration.

HB 393, introduced by T. Richmond, referred to Energy and Telecommunications.

HB 396, introduced by D. Jones, T. Berry, T. Burnett, E. Buttrey, P. Connell, C. Fiscus, C. Glimm, D. Hagstrom, G. Hertz, K. Holmlund, D. Kary, D. Salomon, C. Smith, F. Thomas, B. Tutvedt, referred to Business, Labor, and Economic Affairs.

HB 400, introduced by G. Custer, referred to State Administration.

**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:

SB 252 - Senator L. Jones moved **SB 252** 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, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

Nays: Hinkle, Howard, Sales, Vance.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Total 0

SB 260 - Senator F. Moore moved **SB 260** 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, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 282 - Senator Facey moved **SB 282** 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, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 220 - Senator Kaufmann moved **SB 220** 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, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 225 - Senator D. Brown moved **SB 225** do pass. Motion **failed** as follows:

Yeas: Ankney, Blasdel, D. Brown, Buttrey, Caferro, Connell, Fielder, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Webb, Ms. President.

Total 22

Nays: Arntzen, Barrett Dick, Brenden, T. Brown, Cohenour, Driscoll, Facey, Hamlett, Hansen, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 225 - Senator Rosendale moved **SB 225** be **indefinitely postponed**. Motion carried as follows:

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

Total 42

Nays: D. Brown, Caferro, Hamlett, Hinkle, Taylor, Webb, Wolken, Ms. President.

Total 8

Absent or not voting: None.

Total 0

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Excused: None.
Total 0

SB 235 - Senator Hansen moved **SB 235** 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, Moe, Moore, Ripley, Rosendale, Smith, Swandal, Thomas, Vincent, Webb, Ms. President.
Total 26

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248 - Senator Brenden moved **SB 248** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Hansen, Kaufmann, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

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

Total 46

Nays: Cohenour, Kaufmann, Keenan, Phillips.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 48 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, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 136 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, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 168 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, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 256 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, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 19, 2015

SB 51, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Blasdel, D. Brown, Fielder, Howard, Rosendale, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator L. Jones moved **SB 252** and **SB 260** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Thomas moved **SJ 15** be taken from the Taxation Committee and referred to the Rules Committee. Without objection, so ordered.

ANNOUNCEMENTS

President Barrett announced that the transmittal break has been extended and that the Senate will convene for the 46th legislative day on Thursday, March 5, 2015.

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, February 20, 2015, the thirty-ninth legislative day. Motion carried.

Senate adjourned at 2:16 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate