

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

Helena, Montana
April 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. All members present. Quorum present.

BILLS AND JOURNALS

4/10/2015

Correctly printed: **SR 42, SR 52, SJ 26, HB 322, HB 356, HB 434, HB 479, HB 483, HB 525.**

Correctly engrossed: **HB 463, HB 488.**

Correctly enrolled: **SB 209, SB 224, SB 238, SB 255, SB 295, SB 333.**

Examined by the sponsor and found to be correct: **SB 209, SB 219, SB 221, SB 224, SB 238, SB 255, SB 295, SB 333.**

Transmitted to the House: **HB 29, HB 196, HB 258, HB 359, HB 379, HB 538, HB 553, HB 587, HB 606.**

Signed by the Secretary of the Senate at 4:30 p.m., April 10, 2015: **SB 183, SB 209, SB 219, SB 221, SB 224, SB 238, SB 255, SB 295, SB 333.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair):

4/10/2015

HB 430, be concurred in. Report adopted.

HB 463, be amended as follows:

1. Page 2, line 1.

Following: "subject to"

Insert: "notice to the court or"

2. Page 2, line 1.

Following: line 1

Insert: "(3) Subsection (1)(a) does not apply if the owner of the property dies or if the owner of the property flees

after the prosecution is commenced and is not apprehended within 12 months after the prosecution is commenced. If the owner of the property appears or is apprehended within 12 months after the prosecution is commenced, the owner of the property shall pay a storage fee of \$100 per month for each month the property is held."

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

HB 468, be concurred in. Report adopted.

HB 488, be amended as follows:

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1. Page 7, line 10 through line 11.

Following: "[section1]."

Strike: remainder of line 10 through line 11

2. Page 13, line 23.

Strike: "consecutive"

3. Page 14, line 1.

Strike: "consecutive"

4. Page 14, line 3.

Strike: "consecutive"

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

MESSAGES FROM THE GOVERNOR

April 9, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear President Barrett:

On Thursday, April 9, 2015, I signed and delivered **Senate Bill 338** - E. Arntzen to the Secretary of State.

I am returning **Senate Bill 188** - C. Vincent with amendments.

I have vetoed **Senate Bill 200** - D. Ankney.

Sincerely,

STEVE BULLOCK
Governor

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April 9, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59602

Dear President Barrett:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 188** (SB 188), "AN ACT CLARIFYING THAT REAL PROPERTY DAMAGE RESTORATIONS COSTS MAY NOT BE GREATER THAN THE FAIR MARKET VALUE OF THE PROPERTY IMMEDIATELY BEFORE A FIRE; DEFINING 'FOREST OR RANGE FIRE'; AMENDING SECTION 50-63-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 188 amends Section 50-63-104 (Liability for forest or range fires) in two ways. First, it caps the amount that may be recovered specifically for fire losses and damages to real and personal property. Second, it provides a definition of "forest or range fire."

To the extent that the bill provides greater clarity and certainty for claims arising out of forest or range fires, I support it. However, as enacted, I believe the cap on the amount recoverable for losses to improved property creates a risk that property owners may not be fully compensated if the costs of restoring improvements on their property exceeds the fair market value of the property immediately before the fire. As we have seen in recent years, property values can fluctuate significantly due to a number of factors, and they vary across the state. If the costs of restoring a property owner's improvements, including homes and other structures, exceeds the fair market value, the property owner may be left without full recourse for their losses.

My proposed amendment to SB 188 addresses this potentially inequitable result. Damages to unimproved property will still be capped at the fair market value immediately before the fire. With respect to improvements, however, a property owner will be able to claim the costs of restoring the property as damages, if those costs exceed the fair market value of the property immediately before the fire.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

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Amendment reads:

1. Page 1, line 21.

Strike: "restoration"

2. Page 1, line 22.

Strike: "restoration"

Following: "costs"

Insert: "of restoring the unimproved property"

April 9, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 200** (SB 200), "AN ACT GENERALLY REVISING INCOME TAX LAWS; LOWERING INDIVIDUAL INCOME TAX RATES; REVISING THE CAPITAL GAINS CREDIT; AMENDING SECTIONS 15-30-2103 AND 15-30-2301, MCA; AND PROVIDING AN APPLICABILITY DATE."

Under our current tax climate, Montana's economy is thriving. Over the past two years our unemployment rate has fallen by 25 percent to 4.2 percent, almost a point-and-a-half below the national average. We are the 5th fastest state for employment growth in the nation. In 2013 every industry added jobs and our GDP expanded by 4.5 percent.

The budget I presented to the 64th Legislature balances our budget without raising taxes. It builds upon the fiscally responsible management that has served our state so well and makes fiscally responsible and sustainable investments in education, health care and infrastructure that will benefit Montanans for generations to come, and it sets some money aside for an unexpected rainy day.

History has a way of repeating itself - at the end of the 2013 legislative session I had to veto \$150 million in expenditures that would have left our budget unbalanced and jeopardized Montana's

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fiscal health. I would not think the Legislature would want to go down that path again.

Although we have just 20 days left of a 90 day session, the Legislature has yet to settle on a revenue estimate. The most recent projections from legislative staff show that the Legislature, controlled by Republican majorities in both houses, has disregarded my balanced budget and proposed spending and tax cuts that would put the State in deficit spending by \$90 million (attached LFD status sheet).

This lack of fiscal discipline would jeopardize the strength of Montana's economy and our place as the most fiscally prudent state in the nation.

SB 200 accounts for a significant part of the spending that has been proposed. SB 200 primarily benefits the wealthiest individuals and costs close to \$200 million over the next four years. Almost 40 percent of the benefit of SB 200 would go to the top 10 percent of income earners, with 56 percent of the benefit going to individuals who earn more than \$80,000.

The experience of other states shows that decimating your revenue base to benefit large corporations and the wealthiest individuals does not work to stimulate the economy. To the contrary, states like New Jersey, Wisconsin, and Louisiana have seen these trickle-down experiments fail resulting in funding cuts to schools, roads, and other services and forcing these states into, in some cases, billion dollar deficits.

SB 200 proposes to take Montana down this failed path despite the fact that Montana's economy is growing and that our state and local tax burden is among the lowest in the nation.

I take my job to be a responsible steward of Montana taxpayer dollars seriously. SB 200 would undercut Montana's fiscal health and the strong job creating climate that comes from it.

For these reasons, I veto SB 200.

Sincerely,

STEVE BULLOCK
Governor

MOTIONS

Majority Leader Rosendale moved to appoint a Conference Committee on **SB 138** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

4/10/2015

Senator Hoven, Chair
Senator Larsen
Senator Webb

Senator Rosendale moved **HB 89, HB 322, HB 389, HB 483, HB 506, HB 560, and HB 577** be

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taken from the second-reading board, and **HB 356** be taken from today's second-reading agenda, and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Hansen moved that **HB 381** be taken from Finance and Claims and brought before the Committee of the Whole this date. 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, Vance, Webb, Ms. President.

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SR 53, introduced by J. Sesso, referred to State Administration.

SR 54, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SR 55, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

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

SJ 27, introduced by D. Kary, D. Brown, referred to Highways and Transportation.

SJ 28, introduced by J. Windy Boy, D. Ankney, Dick Barrett, B. Bennett, T. Brown, E. Buttrey, M. Caferro, P. Connell, V. Court, W. Curdy, A. Doane, K. Dudik, J. Eck, M. Funk, B. Hamlett, K. Hansen, D. Hayman, C. Hunter, J. Karjala, C. Kaufmann, J. Keane, B. Keenan, K. Kelker, G. Kipp, D. Lamm, C. Larsen, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, R. Mehlhoff, D. Moore, P. Noonan, A. Olsen, R. Osmundson, C. Pease-Lopez, R. Peppers, Z. Perry, J. Pomnichowski, D. Sands, N. Schwaderer, J. Sesso, B. Smith, S. Stewart-Peregoy, K. Swanson, F. Thomas, M. Tropila, B. Tutvedt, C. Vincent, G. Vuckovich, S. Webber, L. Whitford, K. Williams, N. Wilson, C. Wolken, referred to Education and Cultural Resources.

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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 Sands in the chair.

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

HB 78 - Senator Facey moved **HB 78** 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, 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

HJ 7 - Senator Larsen moved **HJ 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 42

Nays: Fielder, Hinkle, Howard, Moore, Ripley, Sales, Tutvedt, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 237 - Senator C. Smith moved **HB 237** 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, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 48

Nays: Malek, Whitford.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 575 - Senator Hansen moved **HB 575** be concurred in. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 517 - Senator Swandal moved **HB 517** 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, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 168 - House Amendments - Senator Buttrey moved House amendments to **SB 168** 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, 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 191 - House Amendments - Senator Driscoll moved House amendments to **SB 191** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, 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, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: D. Brown, Webb.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

SB 220 - House Amendments - Senator Kaufmann moved House amendments to **SB 220** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 34

Nays: Ankney, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Moore, Pomnichowski, Smith, Taylor, Thomas, Vance, Webb, Ms. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 356 - House Amendments - Senator Fielder moved House amendments to **SB 356** 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, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 44

Nays: Kaufmann, Malek, McNally, Pomnichowski, Whitford, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 385 - House Amendments - Senator Webb moved House amendments to **SB 385** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Malek, McNally,

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Moore, Phillips, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 36

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Kaufmann, Larsen, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 250 - Governor's Amendments - Senator Ripley moved Governor's amendments to **HB 250** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Barrett Dick, Driscoll, Kaufmann, Malek, Pomnichowski, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 381 - Senator Hansen moved **HB 381** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

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

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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 Sands 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, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 36

Nays: Caferro, Driscoll, Kaufmann, Keane, Malek, McNally, Moe, Phillips, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 8:00 a.m., Saturday, April 11, 2015, the seventy-third legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate