

**SENATE JOURNAL
64TH LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 23, 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

4/23/2015

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

Correctly printed: **SR 30, SR 31, SR 44.**

Correctly enrolled: **SB 259, SB 312, SB 375, SB 387, SB 399, SR 5, SR 34, SR 46, SR 55, SR 57.**

Examined by the sponsor and found to be correct: **SB 100, SB 122, SB 175, SB 245, SB 259, SB 284, SB 312, SB 375, SB 387, SB 399, SR 5, SR 34, SR 46, SR 55, SR 57, SJ 20, SJ 21.**

Signed by the Secretary of the Senate at 4:05 p.m., April 22, 2015: **SB 83, SB 188, SB 334, SR 52, SJ 24.**

Signed by the President at 8:00 a.m., April 23, 2015: **SB 83, SB 188, SB 334, SR 52, SJ 24.**

Signed by the Secretary of the Senate at 4:10 p.m., April 23, 2015: **SB 100, SB 175, SB 284, SB 399, SR 34, SR 46, SR 55, SR 57.**

Signed by the Speaker at 2:25 p.m., April 23, 2015: **SB 262.**

Delivered to the Secretary of State at 10:46 a.m., April 23, 2015: **SR 52.**

Delivered to the Governor for approval at 2:50 p.m., April 23, 2015: **SB 262.**

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 138**
Report No. 002, April 22, 2015

Ms. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 138** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 138** (reference copy -- salmon) be amended as follows:

1. Page 2, line 6.

Strike: "ACTS REASONABLY AND"

2. Page 3, line 25.

Strike: "ACTS REASONABLY AND"

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3. Page 4, line 6.

Strike: "ACTS REASONABLY AND"

For the Senate:

Hoven, Chair
Larsen
Webb

For the House:

Berry, Vice Chair
Fitzpatrick
Mehlhoff

Senator Hoven moved to adopt the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **Senate Bill 171**
Report No. 001, April 22, 2015

Ms. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 171** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 171** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.

Strike: "LOWERING" through "RATES;"

2. Title, page 1, line 29.

Strike: "15-31-121,"

3. Title, page 2, line 11.

Following: the first "DATES"

Insert: ", "

Strike: "AND"

Following: the second "DATES"

Insert: ", AND A TERMINATION DATE"

4. Page 4, line 2.

Following: "(3)(g)"

Insert: "and (3)(h)"

5. Page 4, line 3.

Following: "\$6,400"

Insert: "; and

(h) the amount of any refund or credit for overpayment of income taxes imposed by this state or any other taxing jurisdiction to the extent included in gross income for federal income tax

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purposes but not previously allowed as a deduction for Montana income tax purposes"

6. Page 19, line 24.

Strike: "\$43,400"

Insert: "\$41,000"

7. Page 19, line 25.

Strike: "\$43,400"

Insert: "\$41,000"

8. Page 19, line 27.

Strike: "\$32,550"

Insert: "\$30,750"

9. Page 19, line 28.

Strike: "\$32,550"

Insert: "\$30,750"

10. Page 20, line 1.

Strike: "\$21,700"

Insert: "\$20,500"

11. Page 20, line 2.

Strike: "\$21,700"

Insert: "\$20,500"

12. Page 20, line 5.

Strike: "\$21,700"

Insert: "\$20,500"

13. Page 20, line 6.

Strike: "\$21,700"

Insert: "\$20,500"

14. Page 22, line 1.

Insert: "**Section 20.** Section 15-30-2113, MCA, is amended to read:

"15-30-2113. Determination of status -- effect of marital status elections. For purposes of this chapter:

(1) ~~the determination of whether an individual is married must be made as of the close of the individual's tax year, except that if the individual's spouse dies during the individual's tax year, the determination must be made as of the time of death~~ marital status, dependent status, status as an association, partnership, or individual, and any other status must be made as provided in the Internal Revenue Code; and

~~(2) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married.~~

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(2) the status that a taxpayer claims or elects in a federal income tax return with respect to the taxpayer or another individual or that the taxpayer or other individual is determined to have for federal income tax purposes conclusively determines the status of that individual; and

(3) a joint Montana individual income tax return must be filed for any tax year for which a joint federal income tax return is filed unless one of the individuals is a nonresident for any part of the tax year."

Renumber: subsequent sections

15. Page 40, line 12 through line 18.

Strike: section 38 in its entirety

Renumber: subsequent sections

16. Page 81, line 1.

Strike: line 1

17. Page 81, line 9 through line 13.

Strike: line 9 through line 13

18. Page 82, line 16.

Following: line 15

Insert: "NEW SECTION. Section 69. Repealer. The following sections of the Montana Code Annotated are repealed:

15-30-2319. Credit for energy-conserving investments.

15-32-109. Credit for energy-conserving expenditures.

15-32-115. Credit for geothermal system -- to whom available -- eligible costs -- limitations.

15-32-201. Amount of credit -- to whom available.

15-32-202. Taxable years in which credit may be claimed -- carryover.

15-32-203. Department to make rules."

19. Page 84, line 30 through page 87, line 10.

Strike: section 72 in its entirety

Insert: "COORDINATION SECTION. Section 73. Coordination instruction. If House Bill No. 359 and [this act] are passed and approved and if [this act] contains a section that repeals 15-30-2110, then [section 1(4) of Senate Bill No. 171] must be amended as follows:

(4) By November 1 of each year, the department shall multiply the subtraction from federal taxable income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for ~~that~~ the following tax year, rounding the result to the nearest \$10. The resulting amount is effective for that following tax year and must be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g)."

Insert: "COORDINATION SECTION. Section 74. Coordination instruction. If Senate Bill No. 399 and [this act] are passed and approved and if [this act] contains a section that repeals 15-30-2110, then [section 1(3) of Senate Bill No. 171] must be amended to insert subsection (3)(i) that reads as follows:

(i) a reduction for contributions to one or more accounts established under the Montana achieving a better life experience program or to a qualified program established and maintained

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by another state as provided by section 529A(e)(7) of the Internal Revenue Code, 26 U.S.C. 529A(e)(7). The reduction must be the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not to exceed \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as being made by each spouse. The reduction in federal taxable income under this subsection (3)(i) applies only with respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident."

Renumber: subsequent sections

20. Page 93, line 29.

Strike: "\$43,400"

Insert: "\$41,000"

21. Page 93, line 30.

Strike: "\$43,400"

Insert: "\$41,000"

22. Page 94, line 2.

Strike: "\$32,550"

Insert: "\$30,750"

23. Page 94, line 3.

Strike: "\$32,550"

Insert: "\$30,750"

24. Page 94, line 6.

Strike: "\$21,700"

Insert: "\$20,500"

25. Page 94, line 7.

Strike: "\$21,700"

Insert: "\$20,500"

26. Page 94, line 10.

Strike: "\$21,700"

Insert: "\$20,500"

27. Page 94, line 11.

Strike: "\$21,700"

Insert: "\$20,500"

28. Page 97, line 3.

Following: line 2

Insert: "COORDINATION SECTION. **Section 80. Coordination instruction.** If Senate

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Bill No. 378 and [this act] are both passed and approved and if [this act] repeals 15-30-2117, then [section 1(3)(b) of Senate Bill No. 171] is amended as follows:

(b) (i) salary received from the armed forces by residents who entered into active duty from Montana and are serving on active duty in the regular armed forces;

(ii) salary received by residents of Montana for active duty in the national guard as provided in subsection (4);"

Insert: "COORDINATION SECTION. Section 81. Coordination instruction. If Senate Bill No. 378 and [this act] are both passed and approved and if [this act] repeals 15-30-2117, then [section 1 of Senate Bill No. 171] is amended to insert subsection (4) that reads as follows:

(4) For the purposes of subsection (3)(b)(ii), "active duty" means duty performed under an order issued to a national guard member pursuant to:

(a) Title 10 U.S.C.; or

(b) Title 32 U.S.C. for a homeland defense activity, as defined in Title 32 U.S.C. 901, or a contingency operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland defense activity or contingency operation."

Renumber: subsequent sections

29. Page 97, line 7.

Strike: "JANUARY 1"

Insert: "December 31"

30. Page 97, line 10.

Following: line 9

Insert: "NEW SECTION. Section 83. Instruction to code commissioner -- amend internal references in coordinated sections. If Senate Bill No. 399 and [this act] are passed and approved, the code commissioner shall amend [section 1(3)(f) of Senate Bill No. 171] to include the internal reference to subsection (3)(i)."

Renumber: subsequent sections

31. Page 97, line 15.

Strike: "SUBSECTION"

Insert: "subsections"

Following: "(2)"

Insert: "through (4)"

32. Page 97, line 17.

Strike: "25" through "81"

Insert: "26, 27, 49, 72, and 84 through 87"

33. Page 97, line 19.

Following: line 18

Insert: "(3) [Section 69] is effective December 31, 2016.

(4) [Sections 21, 43, and 44] are effective January 1, 2017."

34. Page 97, line 22.

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Strike: "25,"
Following: "26,"
Insert: "27,"

35. Page 97, line 24.

Following: line 23

Insert: "NEW SECTION. **Section 87. Termination.** [Sections 20, 26, and 27] terminate December 31, 2016."

For the Senate:

Tutvedt, Chair
Dick Barrett
Thomas

For the House:

Redfield, Vice Chair
Hertz
Williams

Senator Tutvedt moved to adopt the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **Senate Bill 260**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 260** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 260** (reference copy -- salmon) be amended as follows:

1. Page 13, line 14.

Strike: "2024"
Insert: "2019"

For the Senate:

F. Moore, Chair
Facey
Rosendale

For the House:

Laszloffy, Vice Chair
McClafferty
Monforton

Senator Moore moved to adopt the committee report. Report adopted.

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MESSAGES FROM THE GOVERNOR

April 22, 2015

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

Dear President Barrett:

On Wednesday, April 22, 2015, I signed the following bills:

Senate Bill 238 - M. Blasdel
Senate Bill 289 - D. Ankney

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

I am returning Senate Bill 336 - B. Keenan with amendments.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/23/2015

SB 211, introduced by E. Buttrey
SB 233, introduced by M. Caferro

Senate joint resolution concurred in and returned to the Senate: 4/22/2015

SJ 12, introduced by P. Connell

Senate joint resolution concurred in and returned to the Senate: 4/23/2015

SJ 22, introduced by R. Webb

House joint resolution passed and transmitted to the Senate for concurrence: 4/23/2015

HJ 29, introduced by A. Olsen

Senate amendments to House bills concurred in: 4/22/2015

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HB 7, introduced by M. Cuffe
HB 9, introduced by M. Cuffe
HB 219, introduced by J. Essmann
HB 487, introduced by D. Jones

Senate amendments to House bills concurred in:

4/23/2015

HB 4, introduced by N. Ballance
HB 140, introduced by J. Welborn
HB 150, introduced by K. Flynn
HB 156, introduced by M. Miller
HB 167, introduced by J. Welborn
HB 223, introduced by C. Clark
HB 228, introduced by T. Berry
HB 300, introduced by K. White
HB 403, introduced by D. Hagstrom
HB 423, introduced by S. Staffanson
HB 463, introduced by K. McCarthy
HB 464, introduced by Z. Brown
HB 488, introduced by K. Regier
HB 496, introduced by K. White
HB 560, introduced by G. Hertz
HB 599, introduced by L. Randall
HB 604, introduced by E. Greef
HB 617, introduced by S. Lavin
HB 627, introduced by R. Brodehl

HB 10 - The House failed to concur in Senate amendments to **HB 10**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 10**:

4/23/2015

Representative McCarthy, Vice Chair
Representative Ehli
Representative Lavin

Conference Committee Report No.1 adopted:

4/22/2015

HB 118, introduced by B. Bennett
HB 211, introduced by K. Wagoner
HB 226, introduced by T. Richmond

Conference Committee Report No.1 adopted:

4/23/2015

HB 28, introduced by J. Eck

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Free Conference Committee Report No.1 adopted: 4/22/2015

SB 261, introduced by B. Hamlett

SB 385, introduced by R. Webb

Free Conference Committee Report No.1 adopted: 4/23/2015

SB 283, introduced by J. Brenden

SB 389, introduced by B. Hamlett

MOTIONS

Majority Leader Rosendale moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 10**. Motion carried. President Barrett appointed:

4/23/2015

Senator Ripley, Chair
Senator Blasdel
Senator Caferro

Senator Vuckovich moved that **HJ 26** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole this date. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

HJ 29, introduced by A. Olsen, referred to Public Health, Welfare and Safety.

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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 Thomas in the chair.

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

HJ 21 - Senator Moe moved **HJ 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Blasdel, Connell, Driscoll, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 23 - Senator Webb moved **HJ 23** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Rosendale, Sesso, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Blasdel, Caferro, Cohenour, Connell, Hansen, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sales, Sands, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HJ 27 - Senator Webb moved **HJ 27** be concurred in. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 27

Nays: Ankney, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hansen, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 2 - House Amendments - Senator Hamlett moved House amendments to **SJ 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, 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 49

Nays: Driscoll.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - Free Conference Committee Report No. 1 - Senator Brenden moved the Free Conference Committee report to **SB 283** be adopted. 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.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 389 - Free Conference Committee Report No. 1 - Senator Hamlett moved the Free Conference Committee report to **SB 389** be adopted. 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 353 - Free Conference Committee Report No. 1 - Senator Ripley moved the Free Conference Committee report to **SB 353** be adopted. 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, Vuckovich, Webb, Ms. President.

Total 30

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

Total 20

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 353, which requires an affirmative vote of 2/3 of the entire legislature, will proceed to third reading with the mathematical possibility of obtaining the required vote.

SB 410 - Free Conference Committee Report No. 1 - Senator L. Jones moved the Free Conference Committee report to **SB 410** be adopted. 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, Windy Boy, Ms. President.

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 171 - Free Conference Committee Report No. 1 - Senator Tutvedt moved the Free Conference Committee report to **SB 171** be adopted. Motion carried as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 138 - Conference Committee Report No. 2 - Senator Hoven moved the Conference Committee report to **SB 138** be adopted. Motion carried as follows:

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

Total 38

Nays: Barrett Dick, D. Brown, Cohenour, Driscoll, Facey, Kaufmann, Malek, Moe, Phillips, Pomnichowski, Sands, Wolken.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 336 - Governor's Amendments - Senator Keenan moved Governor's amendments to **SB 336** 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

HB 512 - Conference Committee Report No. 1 - Senator Hansen moved the Conference Committee report to **HB 512** be adopted. 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, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb,

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Whitford, Windy Boy, Wolken, Ms. President.

Total 44

Nays: Fielder, Hinkle, Howard, Sales, Vance, Vincent.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Thomas 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, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, 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 49

Nays: Kaufmann.

Total 1

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 252, as amended by the House, 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, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

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Nays: Tutvedt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 272, as amended by the House, passed as follows:

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

Total 42

Nays: Brenden, Howard, Kary, Sales, Smith, Swandal, Vance, Webb.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 396, as amended by the House, passed as follows:

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

Total 41

Nays: Blasdel, Cohenour, Hinkle, Kaufmann, Malek, Stewart-Peregoy, Vance, Vuckovich, Whitford.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 411, as amended by the House, passed as follows:

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

Total 44

Nays: Cohenour, Driscoll, Facey, Keane, Sesso, Tutvedt.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 28, Conference Committee Report No. 1, adopted as follows:

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

Total 44

Nays: Blasdel, Kary, Rosendale, Sales, Smith, Vincent.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 306, as amended by the Governor, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 32

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale,

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Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 6**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 6** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 6** (reference copy -- salmon) be accepted by the House.

For the Senate:

Ripley, Chair
Keenan
Wolken

For the House:

Cuffe, Vice Chair
Hagstrom
Tropila

Senator Ripley moved to adopt the committee report. Report adopted.

FREE CONFERENCE COMMITTEE
on **House Bill 33**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 33** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 33** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "COUNTIES;"

Insert: "REDUCING LOCAL GOVERNMENT ENTITLEMENT SHARE PAYMENTS AND

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CERTAIN CALCULATIONS FOR THE PURPOSE OF PROVIDING FUNDING;"

2. Title, page 1, line 8.

Strike: "SECTION"

Insert: "SECTIONS 15-1-121 AND"

3. Page 1, line 12.

Following: line 11

Insert: "**Section 1.** Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment -- purpose -- appropriation. (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments.

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle, boat, and aircraft taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-9-506; and

(iv) 27-9-103;

(e) certificate of title fees for manufactured homes pursuant to 15-1-116;

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(f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;

(g) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

(h) late filing fees pursuant to 61-3-220;

(i) title and registration fees pursuant to 61-3-203;

(j) veterans' cemetery license plate fees pursuant to 61-3-459;

(k) county personalized license plate fees pursuant to 61-3-406;

(l) special mobile equipment fees pursuant to 61-3-431;

(m) single movement permit fees pursuant to 61-4-310;

(n) state aeronautics fees pursuant to 67-3-101; and

(o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

(3) (a) Except as provided in subsection (3)(b), the total amount received by each local government in the prior fiscal year 2010 as an entitlement share payment under this section is the base component for the subsequent fiscal year 2011 distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. The Subject to subsection (3)(b), the sum of all local governments' base components is the fiscal year entitlement share pool.

(b) ~~The For fiscal year 2016, the fiscal year entitlement share pool is reduced by \$1,049,904 total amount received by each local government in fiscal year 2011 as an entitlement share payment under this section is the base component for fiscal year 2012 and 2013 distributions, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. The sum of all local governments' base components is the fiscal year entitlement share pool.~~

(4) (a) ~~With the exception of fiscal years 2012 and 2013~~ Subject to subsection (3)(b), the base entitlement share pool must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year, ~~with the exception of fiscal years 2012 and 2013.~~

(b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share pool for the current year in the following manner:

(i) The department shall calculate the entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide budgeting and accounting system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in ~~subsection~~ subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same

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sources multiplied by 0.25.

(ii) Except as provided in subsection (4)(b)(iii), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. The Subject to subsection (4)(b)(iv), the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment.

(iv) For fiscal year 2016, the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment minus \$1,049,904 to determine the subsequent fiscal year payment.

(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (8). The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in 2002.

(6) (a) The entitlement share pools calculated in this section, the amounts determined under 15-1-123(2) for local governments, the funding provided for in subsection (8) of this section, and the amounts determined under 15-1-123(4) for tax increment financing districts are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Except for the distribution made under 15-1-123(2)(b), the distributions must be made on a quarterly basis.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each

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consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

(8) (a) Except for a tax increment financing district entitled to a reimbursement under 15-1-123(4), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

(b) Except for the reimbursement made under 15-1-123(4)(b), one-half of the payments provided for in this subsection (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment financing districts is as follows:

Deer Lodge	TIF District 1	\$2,833
Deer Lodge	TIF District 2	2,813
Flathead	Kalispell - District 2	4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009
Silver Bow	Butte - uptown	255,421

(9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts, from countywide transportation block grants, or from countywide retirement block

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grants.

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base component, the entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1."

Renumber: subsequent sections

4. Page 2, line 13.

Following: "used"

Insert: "in the following order"

5. Page 2, line 16 through line 18.

Strike: "OR" on line 16 through "YEARS" on line 18

6. Page 2, line 21 through line 30.

Strike: "IF A COUNTY" on line 21 through "PURPOSES." on line 30

Renumber: subsequent subsections

7. Page 3, line 13.

Strike: "2"

Insert: "3"

For the Senate:

Keenan, Chair
Caferro
Thomas

For the House:

Ehli, Vice Chair
Burnett
Schreiner

Senator Keenan moved to adopt the committee report. Report adopted.

SPECIAL ORDERS OF THE DAY

SR 59 - Senator T. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. 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,

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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

Marilyn Miller, Secretary to the Senate, Debra Polhemus, Assistant Secretary to the Senate, and Donna O'Neill, Secretary to the President, presented remembrances of the 2015 session to President Debby Barrett. A voting box from an original Senate desk was a special gift as was a scroll which carries the names of Senate presidents from 1889 through the current date.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate stand in recess until 5:30 p.m. this date.
Motion carried.

Senate recessed at 2:20 p.m.

=====

Senate reconvened at 5:40 p.m. Forty-eight members present, Senators Buttrey and Howard excused. Quorum present.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair):
HJ 29, be concurred in. Report adopted.

4/23/2015

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REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 10**
Report No. 001, April 23, 2015

Ms. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 10** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 10** (reference copy -- salmon) be amended as follows:

1. Page 3, line 2.

Strike: "1,500,000" in both places

Insert: "\$1,000,000" in both places

2. Page 3, line 5.

Strike: "3,000,000"

Insert: "2,000,000"

Strike: "27,000,000"

Insert: "18,000,000"

Strike: "30,000,000"

Insert: "20,000,000"

3. Page 3, line 12.

Strike: "\$11.8"

Insert: "\$10.3"

4. Page 4, line 3.

Strike: "or third parties"

5. Page 4, line 6.

Following: "Efficiencies."

Insert: "(1)"

6. Page 4, line 9.

Following: line 8

Insert: "(2) State agencies are authorized to utilize existing appropriation authority to support or enhance enterprise electronic content management services."

7. Page 5, line 21.

Following: line 20

Insert: "(3) In addition to the amounts authorized in [this act], the department may utilize its existing appropriation authority to take advantage of the A-87 cost allocation waiver."

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For the Senate:

Ripley, Chair
Blasdel
Caferro

For the House:

McCarthy, Vice Chair
Ehli
Lavin

Senator Ripley moved the committee report be adopted. Report adopted..

MESSAGES FROM THE GOVERNOR

April 23, 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:

Today I signed House Bill 250, entitled "AN ACT CLARIFYING THAT SOUND REDUCTION DEVICES MAY BE USED ON FIREARMS WHILE HUNTING WILDLIFE; AMENDING SECTION 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." When this bill first came to my office, I offered amendments that made the use of a suppressor on a firearm lawful while hunting in Montana. These amendments received strong bipartisan support in the legislature, and with my signature today HB 250 is now law.

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I do hereby veto Senate Bill 295 (SB 295), "AN ACT ELIMINATING A STATE LIMITATION ON THE USE OF SOUND REDUCTION DEVICES ON FIREARMS; AMENDING SECTIONS 87-1-201, 87-1-301, AND 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. As a result of my action today on HB 250, this bill is not necessary.

For this reason, I veto SB 295.

Sincerely,

STEVE BULLOCK
Governor

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April 23, 2015

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

Dear President Barrett:

On Thursday, April 23, 2015, I signed the following bills:

Senate Bill 34 - T. Facey
Senate Bill 57 - C. Vincent
Senate Bill 168 - E. Buttrey
Senate Bill 183 - T. Brown
Senate Bill 209 - M. Rosendale
Senate Bill 219 - J. Taylor
Senate Bill 220 - C. Kaufmann
Senate Bill 221 - Debby Barrett
Senate Bill 237 - M. Blasdel
Senate Bill 240 - E. Buttrey
Senate Bill 256 - B. Hamlett
Senate Bill 270 - J. Taylor
Senate Bill 307 - S. Stewart-Peregoy
Senate Bill 330 - B. Hamlett
Senate Bill 333 - J. Hinkle
Senate Bill 361 - B. Hamlett

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

I have signed **Senate Bill 224** - C. Wolken into law with the exception of Section 3, which I have line item vetoed.

I have vetoed **Senate Bill 295** - M. Blasdel.

Sincerely,

STEVE BULLOCK
Governor

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April 23, 2015

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

Dear President Barrett:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby deliver to you Senate Bill 224 (SB 224), "AN ACT CREATING A COMMISSION ON SENTENCING TO STUDY SENTENCING PRACTICES AND POLICIES; PROVIDING FOR THE SUBMISSION OF RECOMMENDATIONS TO THE LEGISLATURE BY THE COMMISSION; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE" which, except for one line-item veto, I have signed into law.

It has been 20 years since Montana has undertaken a comprehensive review of sentencing policies and our criminal justice system as SB 224 proposes to do. Much has changed in the last 20 years in the criminal justice field, and many states have undergone similar comprehensive reviews, resulting in justice reinvestment strategies that have reduced recidivism in their jails and prisons. Over the last two years, Department of Corrections Director Batista has made a commitment to implementing data-driven policies and practices within the department. The Re-Entry Task Force, created at the direction of the 2013 Legislature, has also produced a report with recommendations to reduce recidivism.

It makes sense to take this next step, bringing together law enforcement at all levels, the judicial branch, and stakeholders including victims, family members of offenders and community members. We must take a hard look at our practices and policies to ensure fair and equitable sentencing, to reduce recidivism, and to assess whether we are using Montana taxpayer dollars effectively while keeping our communities safe.

As Governor, I may line-item veto the following items in an appropriations bill: (1) a specific appropriation contained in the bill; (2) a condition that limits the use to which an appropriation may be put but only if the appropriation to which it is attached is vetoed as well; and (3) a rider. My line-item veto strikes the \$28,000 appropriation from SB 224, because the Legislature has the resources needed to support the interim study without increased funding. Under HB 2, \$1.3 million is appropriated to support legislative committees and activities during the interim, including studies of the kind required under SB 224.

For these reasons, I sign SB 224 into law with the exception of Section 3.

Sincerely,

STEVE BULLOCK
Governor

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MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 4/23/2015

HB 8, introduced by M. Cuffe.

This bill is being transmitted after the deadline for appropriation bills and requires a 2/3 vote for the bill to be considered by the Senate.

MOTIONS

Majority Leader Rosendale moved the Senate suspend the rules for the purpose of accepting the late transmittal of **HB 8**. Acceptance of the bill requires a 2/3 vote of the Senate. Motion carried as follows:

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

Total 40

Nays: Brenden, Hinkle, Kary, Ripley, Sales, Smith, Vincent, Webb.

Total 8

Absent or not voting: None.

Total 0

Excused: Buttrey, Howard.

Total 2

Senator Vuckovich moved that **HJ 26** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole the next legislative day. Motion carried as follows:

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

Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President.

Total 20

Absent or not voting: None.

Total 0

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Excused: Buttrey, Howard.

Total 2

Senator Windy Boy rose on a point of personal privilege and stated that today, with the passage of SB 272 encouraging language immersion programs passing the same day as his granddaughter's first birthday, April 23 will be a date to be remembered each year.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 8, introduced by M. Cuffe, referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 11:00 a.m., Friday, April 24, 2015, the eighty-fourth legislative day. Motion carried.

Senate adjourned at 5:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate