

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

Helena, Montana
January 14, 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 (Fielder, Chair):

1/14/2015

Correctly printed: **SB 11, SB 15, SB 46, SB 65, SB 133, SB 134, SB 135, SB 136, SB 137, SB 138.**

Transmitted to the House: **SB 11, SB 15, SB 46, SJ 1.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

1/13/2015

SB 78, do pass. Report adopted.

SB 100, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "FERAL SWINE;"

Insert: "ESTABLISHING LIMITS ON COST OF DEPARTMENT OF LIVESTOCK ENFORCEMENT ACTIONS;"

2. Page 1, line 12.

Strike: "5"

Insert: "6"

3. Page 1.

Following: line 17

Insert: "NEW SECTION. **Section 2. Control of feral swine.** A person, a state agency, or a federal agency authorized by the state or the federal government is allowed to control or eradicate feral swine."

Renumber: subsequent sections

4. Page 1, line 18.

Following: "Authority --"

Insert: "costs --"

Following: "rulemaking."

Insert: "(1)"

SENATE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

5. Page 1, line 19.

Strike: "the provisions of this part"

Insert: "the reporting requirements of [section 5]"

6. Page 1, line 20.

Insert: "(2) The cost of enforcement actions under [sections 1 through 6] must be paid from the general fund if the cost to the department exceeds \$1,000 and federal funds are not available to pay the excess costs."

7. Page 1, line 21.

Strike: "(1)"

8. Page 1, line 22.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

9. Page 1, line 24.

Strike: "[section 4] and subsection (2) of this section"

Insert: "[sections 2 and 5]"

10. Page 1, line 29 through line 30.

Strike: subsection (2) in its entirety

11. Page 2, line 13 through line 14.

Strike: "[sections 1" on line 13 through "5]" on line 14

Insert: "[section 4]"

12. Page 3, line 10.

Strike: "5"

Insert: "6"

13. Page 4, line 1.

Strike: "5"

Insert: "6"

14. Page 4, line 3.

Strike: "5"

Insert: "6"

15. Page 4, line 4.

Strike: "5"

Insert: "6"

And, as amended, do pass. Report adopted.

SENATE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

FINANCE AND CLAIMS (Jones, Chair): 1/13/2015
SB 63, do pass. Report adopted.
SB 80, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/14/2015
SB 6, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.

Following: line 6

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

And, as amended, do pass. Report adopted.

SB 51, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "15-30-2618"

Insert: ", 15-31-511,"

2. Page 3, line 29.

Following: line 28

Insert: "**Section 2.** Section 15-31-511, MCA, is amended to read:

"15-31-511. Confidentiality of tax records. (1) Except as provided in this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

SENATE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4);

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(f) the disclosure of information to the commissioner of insurance's office that is necessary for the administration of the small business health insurance tax credit provided for in Title 33, chapter 22, part 20.

(4) On written request to the director or a designee of the director, the department shall:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1); ~~and~~

(b) provide corporate income tax and alternative corporate income tax information, including any information that may be required under Title 15, chapter 30, part 33, to the legislative fiscal analyst, as provided in 5-12-303 or 15-1-106, and the office of budget and program planning, as provided in 15-1-106 or 17-7-111. The information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1); and

(c) provide to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(5) A person convicted of violating this section shall be fined not to exceed \$500. If a public officer or public employee is convicted of violating this section, the person is dismissed from office or employment and may not hold any public office or public employment in the state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction. ""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SENATE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

SB 95, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

January 9, 2015

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

By Hand-Delivery

Dear President Barrett:

In accordance with MCA 5-5-301 and 5-5-302, I submit to you the list of interim appointments made during the recess of the Legislature. The appointments include one cabinet appointment, three judicial appointments, and numerous appointments to Montana Boards, Councils, and Commissions.

For the cabinet appointment, I have included Mr. Livers' resume, an Executive Appointment Confirmation Review Form, and his D-1 Form.

- Department of Environmental Quality, Director, Mr. Tom Livers, appointed effective January 1, 2015.

For the judicial appointments, I have included their application packets as received by the Judicial Nominations Commission.

- 13th Judicial District, Judge Michael Moses, appointed April 18, 2014.
- Montana Supreme Court, Justice Jim Shea, appointed May 5, 2014.
- Workers' Compensation Court Judge, Judge David Sandler, appointed September 8, 2014.

For appointments to Boards, Councils and Commissions, I have included a list of all interim appointments, along with their contact information and a resume, biography or other application materials as submitted to my office for appointment.

The list of interim appointments, along with future appointments can also be sent by email to staff of your choosing. Please let me know who you would like us to coordinate with on your staff.

SENATE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at extension x4405 or by email at sotterstrom@mt.gov. Thank you.

Sincerely,

STEVE BULLOCK
Governor

CC: Senator Jon Sesso, Senate Minority Leader
Marilyn Miller, Secretary of the Senate
Susan Fox, Legislative Services
Kevin Hayes, Legislative Services

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/13/2015

HB 63, introduced by K. Swanson
HB 82, introduced by G. Hertz
HB 109, introduced by D. Salomon

MOTIONS

Senator Buttrey moved **SB 129** be moved from the Public Health, Welfare and Safety committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

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

SB 139, introduced by D. Sands, B. Bennett, referred to Judiciary.
SB 140, introduced by L. Jones, referred to Finance and Claims.
SB 141, introduced by L. Jones, referred to Education and Cultural Resources.
SB 142, introduced by C. Smith, N. Ballance, Debby Barrett, G. Bennett, S. Berglee, M. Blasdel, J. Brenden, B. Brown, D. Brown, T. Brown, C. Clark, J. Cohenour, R. Cook, A. Doane, R. Driscoll, R. Ehli, J. Fielder, S. Fitzpatrick, K. Flynn, F. Garner, C. Glimm, E. Greef, D. Hagstrom, B. Hamlett, K. Hansen, G. Hertz, S. Hess, J. Hinkle, D. Howard, D. Jones, L. Jones, D. Kary, J. Keane, B. Keenan, A. Knudsen, D. Lamm, M. Lang, S. Laszloffy, S. Lavin, F. Mandeville, T. Manzella, E. McClafferty, W. McKamey, M. McNally, M. Miller, M. Monforton, D. Moore, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, R. Pinocci, L. Randall, A. Redfield, K. Regier, V. Ricci, T. Richmond, R. Ripley, M. Rosendale, D. Sands, N. Schwaderer, S. Staffanson, N. Swandal, J. Taylor, F.

SENATE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

Thomas, B. Tschida, G. Vance, C. Vincent, R. Webb, D. Zolnikov, referred to Public Health, Welfare and Safety.

SB 143, introduced by C. Smith, N. Ballance, G. Bennett, S. Berglee, M. Blasdel, J. Brenden, R. Brodehl, B. Brown, A. Doane, C. Glimm, E. Greef, K. Hansen, G. Hertz, S. Hess, J. Hinkle, D. Howard, D. Jones, D. Kary, B. Keenan, A. Knudsen, D. Lamm, M. Lang, S. Laszloffy, S. Lavin, F. Mandeville, T. Manzella, W. McKamey, M. Miller, M. Monforton, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, R. Pinocci, L. Randall, A. Redfield, K. Regier, V. Ricci, T. Richmond, R. Ripley, M. Rosendale, N. Schwaderer, S. Staffanson, N. Swandal, J. Taylor, B. Tschida, G. Vance, C. Vincent, R. Webb, D. Zolnikov, referred to Judiciary.

SB 144, introduced by E. Buttrey, referred to State Administration.

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

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

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

SB 27 - Senator D. Brown moved **SB 27** 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 1 - Senator Kary moved **SB 1** do pass. Motion carried as follows:

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

SENATE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

Total 38

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Rosendale, Sales, Smith, Taylor, Thomas, Vincent, Webb.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Phillips 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, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: Thomas, Vincent.

Total 2

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:

SJ 1 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
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 11 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, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: Keenan, Sales.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 15 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
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2015

SB 46 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, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Sales, Vance, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Facey arose on a point of privilege and thanked Senator Webb for providing lapel pins to all members of the Senate.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, January 15, 2015, the ninth legislative day. Motion carried.

Senate adjourned at 1:19 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate