

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

Helena, Montana
January 19, 2015

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Fielder, Chair):

1/19/2015

Correctly printed: **SB 6, SB 10, SB 19, SB 51, SB 63, SB 78, SB 80, SB 95, SB 100, SB 108, SB 111, SB 151, SB 152, SB 153, SB 154, SB 155, SB 156, SB 157, SB 158, SB 159, SB 160, SB 161, SB 162, SB 163, SB 164, SB 165, SB 166, SB 167, SB 168, HB 1.**

Correctly engrossed: **SB 21, SB 29, SB 32, SB 50, SB 60, SB 93, SB 101, SB 109, SB 114.**

MOTIONS

Senator Rosendale moved that the Senate recess, beg leave to sit again at the conclusion of Senator Tester's speech, and that the Senate proceed to the House of Representatives to meet in joint session. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate was introduced in the House Chambers; President Barrett assumed the chair.

Victoria Valentine, Miss Montana 2014, sang the National Anthem.

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of hearing an address from Jon Tester, the Honorable Senator from the State of Montana. Motion carried.

President Barrett appointed a committee comprised of Senators Ankney and Malek, and Representatives Lavin and McCarthy and charged the committee to accompany Senator Tester into the chambers.

President Barrett introduced Senator Tester to the joint session, and the Senator gave the following speech:

"Thank you guys, thank you all. It is indeed great to be here today. I want to thank Madam President Debby Barrett, Speaker of the House Austin Knudsen, Minority Leaders Jon Sesso and Chuck Hunter, the entire delegation from the Montana Senate, the entire delegation from the Montana House, statewide officials--thank you all for being here. My family, especially my wife Sharla, thank you for being here.

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I will tell you one thing. I would introduce my kids but grandkids are much more fun. If we'd have known that they'd be this much fun we'd have skipped the kids. So I want to introduce Kilikina and Brayden and Tucker and Dallin and Abbey. Thank you all for being here today.

It is great to be back home, back home in the Montana Legislature. The last time I was in this body as a State Senator was ten years ago. And during my time in the State Legislature during those eight years I learned a lot like caring for folks with disabilities and mental illness from a chap by the name of Senator John Cobb. I learned about educational funding and the intricacies of it from my seat mate then, Spook Stang. I learned about election reform from a fellow by the name of Fred Thomas. I learned about the challenges of the poor and the elderly from Senator Eve Franklin. And I remember sitting in a joint session, just like this, listening to Montana's Congressional delegation speak one by one. I remember wanting to hear ideas about how the state and the federal government could work in concert to move Montana forward. And that is why I'm here today: to talk about where we've been, where we're at today and how we can work together at the state and federal levels.

I want to step back in time just for a moment--back to September of 2008 when I was in the U.S. Senate and the Secretary of Treasury called and told us in a conference call that we were then, in September of 2008, on the cusp of an economic meltdown. Now this was a big surprise, because nobody saw it coming. A few months later, in January of 2009, this country was losing more than 800,000 jobs a month. During that year of 2009 there were more than one million foreclosures. Yes, we were indeed on the verge of an economic meltdown.

So in February of 2009 Congress acted, and they acted by passing a very controversial bill. Many of you remember it was called the American Recovery and Reinvestment Act. We invested in highways, water systems, public lands. We passed tax incentives for education, energy and housing. We strengthened the social safety net like unemployment insurance. And as of last month, December of 2014, some five years later, the economy is now adding more than 250,000 jobs a month. Unemployment rate in this state is at 4.3%, much less than the national average. Gas prices--depending if you're buying or selling on whether it's a good deal--are less than two bucks a gallon. Housing mortgage rates around the country are 3.8% and you can buy a new car in some places with an interest rate of less than 2%. And in 2014 foreclosures were down nearly 70% from those in 2009. Yes, our economy is growing, growing like we've not seen it for years, but there is more work to do to increase the prosperity for working families and for small businesses.

With all the good signs in this robust economy, there are some troubling signs. As a group, individuals with less than a college degree are losing net worth. Manufacturing jobs are 7% below the median wage for all other occupations. And that is why at a federal and state level we need to focus on the policies that empower the middle class and create good-paying jobs. Because during my lifetime the middle class of this great country has been the envy of the world.

So how do we do it? I think we do it by investing in three basic areas: Infrastructure, Research and Development, and Public Education.

Our investment in infrastructure is less than 2% of this nation's GDP. Less than 2%. In fact, some figures suggest that we spent less than six-tenths of 1% on infrastructure during this last year. To

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put that in perspective, China is spending nearly 10% of their GDP on infrastructure.

But it's not about who spends the most money or who spends the most of their GDP. It's about who's going to be able to compete in this global economy we all live in. It's about who is going to enable future generations to have a 21st century economy.

Report after report after report has told us about our roads and our bridges being in disrepair. It should be a sign for the folks in Washington DC as our Highway Bill expires in May of this year. At the federal level we need to pass a long-term highway bill. A bill that's viable for 6 years in duration, and that is paid for. Why? Well, the answer's obvious in a state like Montana, a rural state, where we have few people per square mile but yet thousands of miles of roads. We have a state where agriculture is still our number one industry. We have a state where a functional highway bill and a functional highway system will allow businesses to be able to market their goods inside and outside the state, and keep Montana families connected.

I think back some 20 years ago when I took a little trip up into southern Saskatchewan to get some seed. I jumped in my truck, we hauled up there, we crossed the border, we got on the highways and I was literally bouncing off the cab of my truck. The roads, the paved roads, were that rough. They were so rough that I moved a section line over and went to my destination on the gravel roads. Now I'm sure Saskatchewan has invested in their infrastructure, at least I hope they did. But it is time for this country, both at the state level and, quite frankly, you at the legislative level to invest in our highways and our roads and our bridges once again.

As far as Federal Aviation Administration Reauthorization, it also expires this year in September. It is time to bring our air system into the 21st century.

We need to invest in airports around this country, especially in Montana's airports. We need to develop next generation radar basically utilizing GPS so that our planes can fly more efficiently and more effectively. We need to have some help for more of the smaller airports to be able to attract airfares. That can all be done in the Reauthorization of the FAA. Why is this important to a state like Montana? Because affordable air traffic in and out of Montana would be an incredible boost to our economy. If we make these investments into our air system, it will make our air travel more efficient and hopefully in the end much more affordable so that we can get those travelers into this state.

As far as broadband goes in the infrastructure realm I would say this. There was a report released last week on broadband access in the United States. Montana ranked 43rd. Here's the real bad news: as a country, this country ranks behind Barbados. It's 24th in the world as far as broadband access. Expanding broadband helps folks that live in rural America. That's Montana. It increases educational opportunities for students to get that 21st century education. It helps businesses do business in places around the country even though they might be located here.

Now I bring these issues up because the legislature's going to be considering a bonding bill. The Governor's put it forth; I commend Representative Jeff Welborn for carrying it. I would just say this: as I look at interest rates as they are today compared to where they were when I was serving in the State Senate, interest rates are low and the return on investments is relatively healthy. I think

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it makes sense to bond for these projects. Investing in infrastructure will help us remain competitive in the global economy as we move the country forward by investing in research and development.

Now research and development--who thinks about that kind of stuff? Well, as a nation we lead the world in research and development, but without serious public investment it will put our economy at a tremendous disadvantage. Make no mistake about it, R & D gives us incredible returns. Finding the next medical cure or innovation won't happen without public investments in R & D. Finding ways to burn the energy we have in a cleaner way or finding the next source of affordable energy won't happen without public investments in R & D. And maybe most importantly, returning the manufacturing base back to this country that was outsourced so many decades ago will not take place without public investments in R & D.

Public education. It is well documented that I, at one point of time in my life, was a teacher. I know there are many former teachers in this body. My mom was a teacher. I've had aunts that were teachers, my kid's a teacher, my son-in-law's a teacher. Education is the key to prosperity--it is the key to our democracy. Our democracy would not exist without an educated society. Public education brings all folks together of all ilks, together to learn. Whether they're rich, whether they're poor, regardless of their heritage, regardless of their business. All these kids come to school and learn together. Now the parents might not have gotten along too well and, knowing Big Sandy, south of town were the ranchers and west of town were the farmers. They didn't care much for what the other was doing but their kids all went to the same school. And they learned, they learned to get along.

Now some in this body think that Charter schools are the answer. And I would ask you this, with charter schools how many kids will you influence positively? How many kids will you influence negatively? Because the fact is, you pull those charter students out of the student body of those public schools, some that are small already, and the school would become even smaller. It will impact classes inside the school and all classes of schools. So the question I have to ask is if charter schools are implemented, what impact will it have on a place like Culbertson School District? What impact will it have on a place like Beaverhead High in Dillon? One small school, one reasonably big school. If you really want to help the next generation of leaders to be competitive in this global economy, we need to value the work that our teachers do and we need to hold them accountable. You cannot expect the best of the best to go to college and get a degree in education as long as our society is paying them less than a starting manager at a Kentucky Fried Chicken.

Which leads me to higher ed. The state's investment in higher education has declined an average of 20% since 1987. I was in this body for a part of that time so it's not all your fault, and it's not any fault of the folks that are new here.

But I think it is time to think about what we're doing. Remember when I opened this talk up? I talked about the folks who weren't doing well in this robust economy: the folks that didn't have a higher education degree. Well, college affordability is a part of that problem. And I would say if you compared my generation, and I graduated from college in 1978, to today's generation graduating from college, one of the biggest differences is the amount of debt load that our kids are carrying. Thirty, forty, fifty thousand dollars is not uncommon. We need to make an investment in higher ed. It was said by a Montana regent some fifteen years ago that "If you don't make the investment in

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education, how can you expect to ever receive the dividend?" That was true then, it is true today.

So what can you do? The Governor has a plan called Early Edge for early childhood education. I think you need to take a look at that bill. Put your fingerprints on it, but in the end I would hope that you would invest in early childhood education. It will help today's youth compete in tomorrow's economy. The dividends are undeniable.

As two-year and four-year colleges go, we cannot afford as an economy or as a society to have kids coming out of school with thirty, forty, fifty thousand dollars in debt. If it isn't paid for by us the taxpayer, it will be paid for by tuition expenses. We need a better-trained workforce, we need more entrepreneurs. And I say that in a state that has the most entrepreneurs per capita than any other state in the union. But we need more if we're going to continue to propel our economy forward.

The federal solutions are there too and we need to act at the federal level. So it doesn't go without some fingers pointing back at us. Expand Pell Grants, work to keep student loan interest rates low and fix or, my preference, repeal No Child Left Behind.

Our public education system is the key to higher wages. It is the key to bringing people out of poverty, it is the key to our democracy, it is the key to that vibrant middle class and that stronger economy that we all want.

It was about a year ago, maybe two, a fellow that ran the Federal Reserve, a guy of the name of Chairman Ben Bernanke retired. He came in front of a group of people which I was a part of. I asked him what his biggest concern about our economy was assuming he would talk about our national debt which is a big concern. Here's what he said. "My biggest concern is the economy of this country. We cannot leave a third world economy to our kids." And that is why we must invest in infrastructure, R & D and education. And I would hope that you would step up on these very difficult issues and do the right thing to keep our economy going in the right direction.

Now, I want to address two other issues that I think are important to Montanans and will be dealt with in this legislative session.

One is public lands. Just the facts: Montana's public lands generate 64,000 jobs and contribute six billion, with a B, six billion dollars towards our state's economy. There are some that want to turn federal lands over to the state. And I would tell you this. There are 30 million acres of federal lands in this state. The federal government spends an average of \$8 an acre to manage that. You can do the math but it's \$240 million. We have a balanced budget in this state, and thank God for that. Where is the state going to come up with \$240 million? Where is the state going to come up with firefighting costs, money for Secure Rural Schools and Payment In Lieu of Taxes? Are we going to be able to allow grazing fees on federal lands to remain at less than \$2 an animal unit per month?

It will leave only one option and that is to sell the lands that belong to the whole country, not just to Montana. And when these lands are sold, the \$6 billion economy will be gone, those 64,000 jobs will be gone, along with our favorite fishing holes, our favorite hunting drainages, our favorite hiking spots.

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Look, I have my frustrations with how the federal government is managing those lands but there are solutions. There are solutions to maintaining those fishing holes and those hunting drainages and those hiking and biking spots. And it's called collaboration. True, on-the-ground collaboration. Where folks of all persuasions come together and compromise and determine ways to manage our federal forests better.

Now I would be remiss if I didn't talk a little bit about the Affordable Care Act. I could talk about the good points of the Affordable Care Act: covering pre-existing conditions, lifetime caps eliminated, 30,000 more Montanans newly insured, seniors saving millions of dollars through the prescription drug donut hole. Some of you opposed to that bill could talk about how it's too complex, which would be correct, or how premiums and deductible have gone up way too much.

And by the way, I want to say thanks to Monica Lindeen and the Insurance Commissioner's office. Because of her good work and that office's good work Montanans have received millions of dollars back from insurance companies for unjustified premium increases.

But the fact is that everyone in this room are Montanans who have worked together before and can work together again. We need to agree whether we want to work together to improve this Act. We need to work together to see if we can make this work. Now there are things at the federal level we need to do too like simplifying tax reporting, improving the SHOP Marketplace for small businesses, and fixing the "family glitch." And there's more.

But at the state level, what the press has been reporting on with some regularity is a thing called Medicaid Expansion. It is a proven fact that expanding Medicaid will ensure more families have access to health care. The Medicaid Gap in this state is 70,000 people. And it isn't about people who don't work, it's about people who do work but don't make a livable wage and don't hit that \$12,000 level.

While staying in a hotel in Anaconda not long ago, the lady who cleaned the rooms came out and said "I can't get healthcare." I said, "Why not?" and she said, "I don't make enough money." I said, "How much money do you make?" She says "I make just over \$11,000." If we had Medicaid expansion that hardworking woman, and she is truly a hardworking woman, would be able to have healthcare. Even more importantly--even more importantly-- in states that have expanded Medicaid, charity care dropped 30% saving millions of dollars for hospitals and stopping the cost shifting that goes on under the old system.

We cannot go back to the broken system of the past where uninsured folks didn't have access to health care. Where a neighbor who got cancer through no fault of his own, he was just born into the wrong gene pool, hit a lifetime cap and was faced with having to sell the farm. Where my best friend from high school with childhood diabetes had to stay with the same job for the last 37 years because if he moved jobs before the Affordable Healthcare Act he couldn't keep his insurance. For those that say we cannot depend on the Federal Government to live up to this promise of Medicaid expansion, I would say: with a budget that is 45%-plus federal dollars, why did you pick this one?

In closing, we have important work to do. We have the greatest, the absolute greatest of governmental systems in the state of Montana where you all come together as hardworking

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Montanans to a place to make policy. A place where you're not paid enough to make a living so you're doing it for public service for all the right reasons. We call that a Citizen Legislature. You make the laws in this body and then you have to go back home and operate under the laws that you've made in this body. There's no better system, no state has a better system than we do in Montana. We have a Citizen Legislature that is transparent. It is accessible by both the press and the public. We have a Citizen Legislature that encourages participation by our constituents and we need to keep it that way.

If we make our best decisions today, tomorrow we will have moved our state and nation forward in a way that will make our children proud. And that's why we're here.

God bless Montana, God bless this country, and thank you all very much."

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The committee of four escorted Senator Tester from the chamber.

Majority Leader Rosendale moved the joint session be adjourned. The motion carried.

Senate reconvened at 1:45 p.m.

COMMUNICATIONS AND PETITIONS

January 13, 2015

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

Dear President Barrett:

I am submitting the names of the Chief Water Judge and Associate Water Judge for Senate confirmation. I appoint both judges following recommendations from the Judicial Nomination Commission. In accordance with Section 3-1-1013, MCA, the appointments are subject to confirmation.

The two appointees are:

Chief Water Court Judge Russell McElyea, appointed as Chief Water Judge on August 1, 2013, for a term ending July 31, 2017

Associate Water Court Judge Douglas Ritter, appointed as Associate Water Judge on September 16, 2013, to fill a term ending on June 30, 2016

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The application packet from the Judicial Nomination Commission for both judges is attached.

Senator Nels Swandal has expressed an interest in carrying both confirmations although I would, of course, defer to you. Thank you in advance for your attention to this matter.

Sincerely,

MIKE MCGRATH
Chief Justice

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair): 1/16/2015
SB 29, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "waive"
Insert: "or discount"

And, as amended, do pass. Report adopted.

JUDICIARY (Sales, Chair): 1/16/2015
SB 26, do pass. Report adopted.
SB 50, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "loiters"
Insert: "in person or by means of a remote electronic device"

2. Page 1, line 16.
Following: "
manner"
Insert: "in a surreptitious manner"

3. Page 1, line 18.
Following: "electronic"
Strike: "or mechanical recording"
Following: "surreptitiously"
Insert: "surreptitiously observing or"

4. Page 2, line 2 through line 3.
Strike: "(a)"
Following: "convicted of"
Strike: remainder of line 2 through "residence" on page 2, line 3

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Insert: "an offense under subsection (1) or (2)"

5. Page 2, line 7 through line 11.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

SB 60, introduced bill, be amended as follows:

1. Page 1, line 24 through line 26.

Following: "be" on line 24

Strike: "punished" on line 24 through "imprisonment" on line 25

Insert: "fined an amount not to exceed \$10,000 or be imprisoned"

Following: "5 years"

Strike: "or more" on line 25 through "\$10,000" on line 26

Insert: ", or both"

2. Page 1, line 29.

Strike: "18 years of age or older"

Insert: "more than 3 years older than the victim"

3. Page 2, line 1.

Following: "exceed"

Strike: "\$10,000"

Insert: "\$50,000"

Following: "not"

Strike: "more"

Insert: "less"

Following: "than"

Strike: "10 years"

Insert: "4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years"

4. Page 2, line 29 through line 30.

Strike: "45-5-504(2)(a) or (2)(b)" on line 29 through "older)," on line 30

5. Page 2, line 30.

Following: "45-5-504(2)(c)"

Insert: ", 45-5-504(3) (if the victim is less than 16 years of age and the offender is 3 or more years older than the victim),"

Strike: "or (3),"

And, as amended, do pass. Report adopted.

SB 67, do pass. Report adopted.

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SB 93, introduced bill, be amended as follows:

1. Page 2, line 5.

Following: "purpose" on line 5

Insert: "as defined by the department"

2. Page 2, line 7 through line 18.

Strike: subsection (3)(a) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 101, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "MINIMUM AMOUNT"

Insert: "PERCENTAGE"

2. Page 2, line 5.

Strike: "may"

Insert: "shall"

Following: "set a"

Strike: "minimum amount"

Insert: "percentage"

3. Page 2, line 7.

Strike: "worker"

4. Page 2, line 8.

Strike: "may"

Insert: "shall"

Following: "former"

Strike: "inmate worker's"

Insert: "inmate, the inmate's"

Following: "landlord"

Insert: ", "

5. Page 3, line 13.

Strike: "may"

Insert: "shall"

Following: "set a"

Strike: "minimum amount"

Insert: "percentage"

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6. Page 3, line 15.

Strike: "worker"

7. Page 3, line 16.

Strike: "may"

Insert: "shall"

Strike: "inmate worker's"

Insert: "inmate, the inmate's"

Following: "landlord"

Insert: ", "

And, as amended, do pass. Report adopted.

SB 109, introduced bill, be amended as follows:

1. Page 1, line 11.

Strike: "may"

Insert: "shall"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

January 16, 2015

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

Dear President Barrett:

In accordance with Section 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Alternative Health Care

MCA 2-15-1730

Ms. Ingrid Lovitt-Abramson, PO Box 8343, Missoula, MT 59807 was appointed to serve a term starting January 16, 2015 and ending September 1, 2018. Ms. Lovitt-Abramson fulfills the qualifications of Public Representative for the board.

Board of Pardons and Parole

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MCA 2-15-2302

Mr. William "Bill" Lee McChesney, 316 Missouri, Miles City, MT 59301 was appointed to serve a term starting January 16, 2015 and ending January 1, 2019. Mr. McChesney fulfills the qualifications of Public Representative.

I have included the appointees' resumes, biographies, or applications materials for your consideration.

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 sotterstrom@mt.gov or by phone at extension x4405. Thank you.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

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

SB 169, introduced by B. Hamlett, referred to State Administration.

SB 170, introduced by Dick Barrett, referred to Taxation.

SB 171, introduced by B. Tutvedt, B. Hoven, referred to Taxation.

SB 172, introduced by S. Stewart-Peregoy, J. Windy Boy, referred to Natural Resources.

SB 173, introduced by C. Kaufmann, referred to Natural Resources.

SB 174, introduced by M. Moe, E. Buttrey, referred to Business, Labor, and Economic Affairs.

SB 175, introduced by C. Wolken, referred to Taxation.

SB 176, introduced by J. Pomnichowski, Dick Barrett, J. Brenden, Z. Brown, E. Buttrey, C. Clark, J. Cohenour, R. Cook, J. Ellis, T. Facey, M. Funk, K. Hansen, D. Hayman, S. Hess, E. Hill, J. Karjala, E. Lieser, S. Malek, E. McClafferty, M. McNally, M. Moe, P. Noonan, A. Olsen, M. Phillips, C. Pope, J. Price, R. Shaw, B. Smith, T. Steenberg, J. Welborn, L. Whitford, K. Williams, N. Wilson, J. Windy Boy, T. Woods, referred to Natural Resources.

SB 177, introduced by M. McNally, T. Facey, referred to Natural Resources.

**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 Malek in the chair.

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

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SB 4 - Senator Facey moved **SB 4** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, 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, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 45

Nays: Brenden, Rosendale, Sales, Thomas, Webb.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 70 - Senator Keane moved **SB 70** 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 71 - Senator Keane moved **SB 71** do pass. Motion carried as follows:

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

Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent,

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Webb, Ms. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 75 - Senator Vuckovich moved **SB 75** do pass.

SB 75 - Senator Facey moved **SB 75**, second reading copy, be amended as follows:

1. Page 1, line 23.

Following: "has"

Strike: "reason"

Insert: "probable cause"

2. Page 1, line 27.

Following: "notice"

Strike: "alleging the"

Insert: "stating the alleged"

3. Page 3, line 11.

Following: "there is"

Strike: "a reason"

Insert: "probable cause"

4. Page 4, line 20.

Following: "has"

Strike: "reason"

Insert: "probable cause"

5. Page 4, line 29.

Following: "notice"

Strike: "alleging the"

Insert: "stating the alleged"

Amendment 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, 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

Senator Windy Boy disclosed a conflict of interest with **SB 75**.

SB 75 - Senator Vuckovich moved **SB 75**, as amended, 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, Wolken, Ms. President.

Total 49

Nays: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 58 - Senator Connell moved **SB 58** 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, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: Rosendale, Tutvedt.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 1 - Senator Taylor moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Ankney, 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 49

Nays: Arntzen.

Total 1

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 Malek 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, 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

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:

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SB 6 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 51 passed as follows:

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

Nays: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Rosendale, Sales, Smith, Taylor, Vance, Vincent.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 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

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 78 passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 80 passed as follows:

Yeas: 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 49

Nays: Ankney.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 95 passed as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, 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 47

Nays: Arntzen, Brenden, Fielder.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 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

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Westhenry loerger from White Sulphur Springs, sponsored by Senator Hamlett
Tristen Belgarde from Box Elder, sponsored by Senator Windy Boy
Ben Sheldahl from Helena, sponsored by Senator Driscoll
Emily Morley from Anaconda, sponsored by Senator Vuckovich

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, January 20, 2015, the twelfth legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate