

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

Helena, Montana  
January 21, 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. Forty-nine members present, Senator Keane excused. Quorum present.

**BILLS AND JOURNALS** (Fielder, Chair): 1/21/2015  
Correctly printed: **SB 8, SB 10, SB 19, SB 21, SB 28, SB 32, SB 36, SB 45, SB 108, SB 111, SB 113, SB 114, SB 178, SB 179, SB 180, SB 181, SB 182, SB 183, SB 184, SB 185, SJ 7.**  
Correctly engrossed: **SB 44.**  
Transmitted to the House: **SB 4, SB 58, SB 70, SB 71.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (T. Brown, Chair): 1/20/2015  
**SB 31**, introduced bill, be amended as follows:

1. Page 3, line 22.  
**Strike:** "or without"

And, as amended, do pass. Report adopted.

**SB 62**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.  
**Strike:** "81-6-104" on line 6 through "81-7-303,"

2. Page 1, line 20.  
**Strike:** "February 1"  
**Insert:** "the assessment date"

3. Page 2, line 19 through page 4, line 4.  
**Strike:** section 5 through section 8 in their entirety  
**Renumber:** subsequent sections

4. Page 4, line 9.  
**Strike:** "February 1"  
**Insert:** "the regular assessment date"

5. Page 4, line 12.

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**Strike:** "February 1 of each year"

**Insert:** "the regular assessment date"

And, as amended, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair):  
**SB 98**, introduced bill, be amended as follows:

1/20/2015

1. Title, page 1, line 8, through page 1, line 10.

**Strike:** "GIVING" on page 1, line 8 through "RULE;" on page 1, line 10

2. Title, page 1, line 16.

**Strike:** "32-9-120,"

3. Page 6, line 5.

**Strike:** "[Section 13]"

**Insert:** "[section 12]"

4. Page 8, line 16.

**Strike:** "individual"

**Insert:** "entity"

5. Page 8, line 17.

**Strike:** "individual"

**Insert:** "entity"

6. Page 12, line 14 through page 13, line 22.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

7. Page 24, line 4.

**Strike:** "13"

**Insert:** "12"

8. Page 24, line 5.

**Strike:** "13"

**Insert:** "12"

And, as amended, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair):  
**SB 35**, do pass. Report adopted.

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**JUDICIARY** (Sales, Chair):

1/21/2015

**SB 59**, do pass. Report adopted.

**SB 139**, do pass. Report adopted.

Senator Keane present at this time.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/20/2015

**HB 32**, introduced by K. Wagoner

**HB 38**, introduced by C. Schreiner

**HB 46**, introduced by M. Tropila

**HB 49**, introduced by Z. Perry

**HB 75**, introduced by S. Hess

**HB 81**, introduced by R. Lynch

**HB 110**, introduced by K. Holmlund

**HB 134**, introduced by J. Eck

**HB 147**, introduced by A. Wittich

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 186**, introduced by R. Webb, referred to Judiciary.

**SB 187**, introduced by J. Fielder, N. Swandal, referred to Judiciary.

**SB 188**, introduced by C. Vincent, referred to Natural Resources.

**SB 189**, introduced by M. Phillips, referred to Fish and Game.

**SB 190**, introduced by M. Phillips, B. Keenan, J. Sesso, referred to Taxation.

**SB 191**, introduced by R. Driscoll, referred to State Administration.

**SB 192**, introduced by R. Driscoll, referred to Business, Labor, and Economic Affairs.

**SB 193**, introduced by B. Tutvedt, referred to Business, Labor, and Economic Affairs.

**SB 194**, introduced by M. Caferro, referred to Taxation.

**SB 195**, introduced by M. Caferro, C. Larsen, referred to State Administration.

**SB 196**, introduced by M. Caferro, C. Larsen, referred to Business, Labor, and Economic Affairs.

**SB 197**, introduced by M. Caferro, referred to Business, Labor, and Economic Affairs.

**SB 198**, introduced by M. Caferro, referred to State Administration.

**SB 199**, introduced by J. Taylor, D. Ankney, N. Ballance, Debby Barrett, G. Bennett, M. Blasdel, J. Brenden, R. Brodehl, B. Brown, D. Brown, C. Clark, M. Cuffe, A. Doane, J. Fielder, F. Garner, C. Glimm, K. Hansen, B. Harris, S. Hess, J. Hinkle, D. Kary, D. Lamm, S. Laszloffy, S. Lavin, G. Meyers, D. Moore, F. Moore, M. Noland, A. Olszewski, R. Pinocci, K. Regier, T. Richmond, R. Ripley, M. Rosendale, N. Schwaderer, N. Swandal, B. Tschida, G. Vance, C. Vincent, R. Webb,

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K. White, A. Wittich, D. Zolnikov, referred to Judiciary.  
**SB 200**, introduced by D. Ankney, referred to Taxation.

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

**HB 32**, introduced by K. Wagoner (by request of the Department of Justice), referred to Judiciary.  
**HB 38**, introduced by C. Schreiner (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.  
**HB 39**, introduced by J. Price (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.  
**HB 40**, introduced by T. Berry (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Natural Resources.  
**HB 46**, introduced by M. Tropila (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.  
**HB 49**, introduced by Z. Perry (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.  
**HB 61**, introduced by M. Lang (by request of the Public Service Commission), referred to Natural Resources.  
**HB 63**, introduced by K. Swanson (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.  
**HB 64**, introduced by S. Webber (by request of the Department of Military Affairs), referred to State Administration.  
**HB 75**, introduced by S. Hess (by request of the Department of Justice), referred to Judiciary.  
**HB 81**, introduced by R. Lynch (by request of the Board of Barbers and Cosmetologists), referred to Business, Labor, and Economic Affairs.  
**HB 82**, introduced by G. Hertz (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.  
**HB 90**, introduced by A. Olsen (by request of the Department of Labor and Industry), referred to Natural Resources.  
**HB 91**, introduced by C. Clark (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.  
**HB 105**, introduced by T. Woods (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.  
**HB 108**, introduced by D. Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.  
**HB 109**, introduced by D. Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.  
**HB 110**, introduced by K. Holmlund (by request of the Board of Funeral Service), referred to Business, Labor, and Economic Affairs.  
**HB 122**, introduced by L. Randall (by request of the Department of Revenue), referred to Taxation.  
**HB 134**, introduced by J. Eck (by request of the Department of Corrections), referred to Judiciary.  
**HB 136**, introduced by J. Eck (by request of the Department of Corrections), referred to Judiciary.  
**HB 143**, introduced by N. McConnell (by request of the Public Defender Commission), referred to Judiciary.  
**HB 147**, introduced by A. Wittich, referred to Business, Labor, and Economic Affairs.

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**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 Windy Boy in the chair.

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

**SB 29** - Senator T. Brown moved **SB 29** 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 26** - Senator Swandal moved **SB 26** 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

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**SB 50** - Senator Fielder moved **SB 50** 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 60** - Senator Driscoll moved **SB 60** 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, 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: Malek.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 93** - Senator Connell moved **SB 93** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.  
Total 36

Nays: Arntzen, Blasdel, Facey, Hinkle, Kary, Malek, Sales, Sands, Smith, Taylor, Thomas,

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Vance, Vincent, Webb.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 101** - Senator Driscoll moved **SB 101** do pass. Motion carried as follows:

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

Total 35

Nays: Arntzen, Blasdel, Brenden, D. Brown, Caferro, Fielder, Hansen, Hinkle, Kary, Keenan, Ripley, Rosendale, Taylor, Thomas, Webb.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 109** - Senator Swandal moved **SB 109** 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, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: Tutvedt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Windy Boy 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:

**SB 10** passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, 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: Connell.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 19** passed as follows:



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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

**SB 21** passed as follows:

Yeas: Barrett Dick, T. Brown, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.  
Total 27

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Fielder, Hansen, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Ms. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 32** 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, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.  
Total 49

Nays: Sales.  
Total 1

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 45** passed as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Larsen, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Ms. President.

Total 32

Nays: Arntzen, Barrett Dick, T. Brown, Cohenour, Driscoll, Facey, Howard, Kaufmann, Keenan, Malek, Moe, Phillips, Sands, Tutvedt, Vincent, Whitford, Windy Boy, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 75** 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 108** passed as follows:

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

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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 111** 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 114** passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.  
Total 34

Nays: Barrett Dick, Buttrey, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Wolken.  
Total 16

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, January 22, 2015, the fourteenth legislative day. Motion carried.

Senate adjourned at 1:47 p.m.

MARILYN MILLER  
Secretary of the Senate

DEBBY BARRETT  
President of the Senate