

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

Helena, Montana
January 22, 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-seven members present, Senators Phillips, Ripley and Wolken, excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/22/2015
Correctly printed: **SB 26, SB 29, SB 35, SB 50, SB 59, SB 60, SB 93, SB 101, SB 109, SB 139, SB 186, SB 187, SB 188, SB 189, SB 190, SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SB 197, SB 198, SB 199, SB 200.**
Correctly engrossed: **SB 31, SB 62, SB 98.**
Transmitted to the House: **SB 10, SB 19, SB 21, SB 32, SB 45, SB 75, SB 108, SB 111, SB 114.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair): 1/21/2015
SB 61, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Following: "AMOUNTS;" on line 6

Strike: remainder of line 6 through "NONPAYMENT;" on line 7

2. Page 1, line 13 through page 2, line 2.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 20 through line 21.

Following: "defendant cited"

Strike: remainder of line 20 through "1]" on line 21

Insert: "with civil contempt pursuant to Title 3, chapter 1, part 5, 3-10-401, or 3-11-303"

4. Page 3, line 29.

Strike: "and [section 1]"

Insert: "or cited with civil contempt pursuant to Title 3, chapter 1, part 5, 3-10-401, or 3-11-303"

5. Page 4, line 27 through line 28.

Strike: section 4 in its entirety

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair):
SB 57, introduced bill, be amended as follows:

1/21/2015

1. Page 11, line 2.

Following: "the amount"

Insert: "necessary when combined with available and unencumbered fund balance, to fund the amount"

And, as amended, do pass. Report adopted.

SB 82, do pass. Report adopted.
SB 88, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "GRANTING RULEMAKING AUTHORITY;"

2. Page 3, line 5 through line 6.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

3. Page 4, line 1 through line 10.

Strike: section 8 in its entirety

Renumber: subsequent sections

4. Page 4, line 16 through line 18.

Strike: section 10 in its entirety

Renumber: subsequent sections

5. Page 4, line 24.

Strike: "10"

Insert: "8"

6. Page 4, line 26.

Strike: "10"

Insert: "8"

And, as amended, do pass. Report adopted.

SB 96, introduced bill, be amended as follows:

1. Page 6, line 24.

Following: "environment"

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Strike: ".²"

Insert: "and there is no readily apparent person who is financially viable and potentially liable under 75-10-715 to conduct the remedial action; or"

2. Page 6, line 25.

Following: "collection"

Insert: ", the monitoring of the performance of remedial action,"

3. Page 6, line 26 through line 27.

Strike: "; or" on line 26 through "actions" on line 27

4. Page 6, line 28.

Strike: "During a biennium, the"

Insert: "The"

5. Page 6, line 29.

Strike: "subsections (12)(b) and (12)(c)"

Insert: "subsection (12)(b)"

Strike: "25%"

Insert: "20%"

Strike: "available"

Insert: "appropriated"

6. Page 6, line 30.

Strike: "at the beginning of the biennium"

Insert: "for the bienniums beginning July 1, 2015, and ending June 30, 2025. For the bienniums beginning July 1, 2025, no more than 15% of the funds appropriated from the orphan share account may be used for data collection, initial assessments, or monitoring pursuant to subsection (12)(b)"

And, as amended, do pass. Report adopted.

SB 102, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/21/2015

HB 31, introduced by K. Kelker

HB 50, introduced by T. Steenberg

HB 57, introduced by M. Funk

HB 66, introduced by G. Hertz

HB 79, introduced by R. Lynch

HB 95, introduced by K. McCarthy

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HB 163, introduced by N. Schwaderer

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

1/21/2015

SJ 1, introduced by M. Rosendale

MOTIONS

Senator Brenden moved **SB 44** be removed from the second reading agenda this date and placed on second reading Monday, January 26, the seventeenth legislative day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

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

SB 201, introduced by D. Ankney, referred to Natural Resources.

SB 202, introduced by Dick Barrett, referred to Judiciary.

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

SJ 8, introduced by R. Webb, referred to Judiciary.

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

HB 31, introduced by K. Kelker (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

HB 50, introduced by T. Steenberg (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

HB 57, introduced by M. Funk (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 66, introduced by G. Hertz (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

HB 79, introduced by R. Lynch (by request of the Board of Plumbers and the State Electrical Board), referred to Business, Labor, and Economic Affairs.

HB 95, introduced by K. McCarthy (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 163, introduced by N. Schwaderer, referred to Education and Cultural Resources.

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

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for

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consideration of business on second reading. Motion carried. Senator Vincent in the chair.

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

SB 36 - Senator Facey moved **SB 36** 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, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 28 - Senator Cohenour moved **SB 28** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy.

Total 34

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.

Total 13

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 113 - Senator Sesso moved **SB 113** 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, Hoven, Howard, Jones, Kary,

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Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Ms. President.

Total 41

Nays: Hinkle, Rosendale, Sales, Smith, Vance, Webb.

Total 6

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 8 - Senator Webb moved **SB 8** 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, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 16 - Senator D. Brown moved **SB 16** do pass.

SB 16 - Senator F. Moore moved **SB 16**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Following: "MCA"

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 27.

Strike: section 4 in its entirety

Amendment adopted as follows:

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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, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips, Ripley, Wolken.
Total 3

SB 16 - Senator D. Brown moved **SB 16**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 19

Paired: Ripley, Aye; Sands, No.

Absent or not voting: None.
Total 0

Excused: Phillips, Wolken.
Total 2

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Vincent 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, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.
Total 47

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

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 26 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, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 29 passed as follows:

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

Total 46

Nays: Caferro.

Total 1

Absent or not voting: None.

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Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 50 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, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 60 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, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 46

Nays: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 93 failed as follows:

Yeas: Ankney, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Keane, Larsen, Moe, Moore, Rosendale, Sesso, Swandal,

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Tutvedt, Vuckovich, Ms. President.

Total 23

Nays: Arntzen, Barrett Dick, Blasdel, Brenden, Cohenour, Facey, Hinkle, Kary, Kaufmann, Keenan, Malek, McNally, Pomnichowski, Sales, Sands, Smith, Stewart-Peregoy, Taylor, Thomas, Vance, Vincent, Webb, Whitford, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 101 passed as follows:

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

Total 37

Nays: Arntzen, Brenden, D. Brown, Caferro, Fielder, Hinkle, Kary, Rosendale, Taylor, Webb.

Total 10

Absent or not voting: None.

Total 0

Excused: Phillips, Ripley, Wolken.

Total 3

SB 109 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, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Phillips, Ripley, Wolken.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, January 23, 2015, the fifteenth legislative day. Motion carried.

Senate adjourned at 1:42 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate