

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

Helena, Montana
January 23, 2015

Senate Chambers
State Capitol

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

Roll Call. Forty-seven members present, Senators Caferro, Phillips and Sands excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/23/2015

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

Correctly printed: **SB 8, SB 28, SB 36, SB 82, SB 102, SB 113, SB 201, SB 202, SJ 8.**

Correctly engrossed: **SB 16, SB 57, SB 61, SB 88, SB 96.**

Transmitted to the House: **SB 26, SB 29, SB 50, SB 60, SB 101, SB 109.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/23/2015

SB 52, introduced bill, be amended as follows:

1. Page 8, line 8.

Following: "\$300."

Insert: "Individual series of members as defined in 35-8-102 of a limited liability company formed as a special purpose captive insurance company, incorporated protected cells, and unincorporated protected cells are not required to pay the registration or renewal fee under this subsection (4)(b)."

2. Page 8, line 14 through line 18.

Strike: subsection (6) in its entirety

And, as amended, do pass. Report adopted.

SB 76, introduced bill, be amended as follows:

1. Page 1, line 5.

Following: "BY"

Insert: "A LICENSING BOARD OR"

2. Page 1, line 13.

Following: "(1)"

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Strike: "The department"

Insert: "A board, or the department if authorized by the board, or the department for programs without a board"

3. Page 1, line 27.

Following: "subsection (2),"

Strike: "the department"

Insert: "a board, or the department if authorized by the board, or the department for programs without a board"

4. Page 1, line 30.

Following: "(i)"

Strike: "the department"

Insert: "a board, or the department if authorized by the board, or the department for programs without a board"

5. Page 5, line 3.

Following: "education"

Insert: "or continued state, regional, or national certification for licensure"

6. Page 5, line 8.

Following: "37-1-141, the"

Insert: "board or"

7. Page 5, line 11.

Following: "(4) The"

Insert: "board or"

8. Page 5, line 13.

Following: "(5) The"

Insert: "board or"

And, as amended, do pass. Report adopted.

SB 77, introduced bill, be amended as follows:

1. Page 2.

Following: line 20

Insert: "(i) has as the individual's principal residence or place of medical practice the state of Montana or practices telemedicine as defined in 37-3-102;"

Renumber: subsequent subsections

2. Page 2, line 26.

Following: "~~37-3-342 and~~"

Insert: "had as the principal residence or place of medical practice the state of Montana or

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practiced telemedicine as defined in 37-3-102 and"

3. Page 4.

Following: line 21

Insert: "(13) (a) "Telemedicine" means the practice of medicine using interactive electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening health care provider. Telemedicine typically involves the application of secure videoconferencing or store-and-forward technology, as defined in 33-22-138.

(b) The term does not mean an audio-only telephone conversation, an e-mail or instant messaging conversation, or a message sent by facsimile transmission."

4. Page 5, line 15.

Following: "technician"

Strike: ", "

Insert: "or"

5. Page 5, line 16.

Strike: "or other" through "unlicensed health care worker"

6. Page 5, line 21.

Following: "arts,"

Strike: "and"

Insert: "including physical therapists and other licensees"

And, as amended, do pass. Report adopted.

SB 104, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

1/22/2015

SB 38, do pass. Report adopted.

SB 117, do pass. Report adopted.

JUDICIARY (Sales, Chair):

1/23/2015

SB 68, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "REMOVING"

Insert: "EXTENDING"

2. Title, line 6.

Strike: "REPEALING"

Insert: "AMENDING"

3. Page 1, line 11.

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Strike: section 1 in its entirety

Insert: "Section 1. Section 14, Chapter 374, Laws of 2009, is amended to read: "Section 14. Termination. [This act] terminates June 30, ~~2015~~ 2021."

And, as amended, do pass. Report adopted.

SB 90, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "61-5-212," on page 1, line 7

2. Page 4, line 1.

Following: "property"

Insert: "not exceeding \$1,500 in value"

3. Page 4, line 23.

Following: "subsection(3)"

Strike: "(b)"

Insert: "(c)"

4. Page 4.

Following: line 24

Insert: "(b) A person convicted of a second or subsequent offense of issuing a bad check shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a period not to exceed 6 months."

5. Page 4, line 25.

Strike: "(b)"

Insert: "(c)"

6. Page 5, line 16.

Strike: "1 day"

Insert: "3 days"

7. Page 6, line 12.

Following: "offense."

Insert: "A person convicted of a second or subsequent offense of maintaining a public nuisance after abatement of a public nuisance constituting the first offense shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a period not to exceed 6 months."

8. Page 6, line 21.

Following: "first"

Insert: "first"

9. Page 6, line 24.

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Following: "months."

Insert: "The penalty for second and subsequent violations of this section is a fine of not more than \$500 and imprisonment for not less than 2 days or more than 6 months."

10. Page 6, line 26.

Strike: "penalty"

Insert: "penalties"

11. Page 7, line 15 through page 8, line 26.

Strike: section 8 in its entirety

Renumber: subsequent sections

12. Page 9, line 29.

Following: "both"

Insert: "or by imprisonment in the county jail for not more than 10 days, or both"

13. Page 9, line 30.

Following: "both"

Insert: "or by imprisonment in the county jail for not more than 6 months, or both"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/22/2015

HB 65, introduced by M. Funk

HB 74, introduced by R. Lynch

HB 84, introduced by B. Bennett

HB 100, introduced by F. Garner

HB 125, introduced by K. Swanson

HB 141, introduced by M. Dunwell

MOTIONS

Senator Brenden moved **SB 44** be taken from second reading Monday, January 26, 2015, and placed on second reading Saturday, January 24, the sixteenth legislative day. Without objection so ordered.

Senator Connell moved to reconsider action on **SB 93** and that **SB 93** be placed on third reading this same day. Motion carried as follows:

Yeas: Ankney, Arntzen, T. Brown, Buttrey, Connell, Driscoll, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sesso,

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Swandal, Thomas, Tutvedt, Vuckovich, Wolken, Ms. President.

Total 27

Nays: Barrett Dick, Blasdel, Brenden, D. Brown, Cohenour, Facey, Fielder, Kary, Keenan, Malek, McNally, Sales, Smith, Stewart-Peregoy, Taylor, Vance, Vincent, Webb, Whitford, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

FIRST READING AND COMMITMENT OF BILLS

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

SB 203, introduced by B. Hamlett, referred to Natural Resources.

SB 204, introduced by S. Stewart-Peregoy, R. Driscoll, C. Kaufmann, G. Kipp, S. Malek, C. Pease-Lopez, R. Peppers, Z. Perry, B. Smith, S. Webber, L. Whitford, J. Windy Boy, referred to Local Government.

SB 205, introduced by R. Driscoll, referred to Business, Labor, and Economic Affairs.

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

HB 65, introduced by M. Funk (by request of the Department of Administration), referred to Local Government.

HB 74, introduced by R. Lynch (by request of the Department of Justice), referred to Judiciary.

HB 84, introduced by B. Bennett (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 100, introduced by F. Garner (by request of the Public Safety Officer Standards and Training Council), referred to Public Health, Welfare and Safety.

HB 125, introduced by K. Swanson (by request of the Department of Administration), referred to Finance and Claims.

HB 141, introduced by M. Dunwell (by request of the Department of Corrections), referred to Judiciary.

**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 Hamlett 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 31 - Senator Whitford moved **SB 31** do pass. Motion carried 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, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 62 - Senator T. Brown moved **SB 62** do pass. Motion carried 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, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 35 - Senator Facey moved **SB 35** do pass. Motion carried 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, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

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Nays: Taylor.

Total 1

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 98 - Senator Facey moved **SB 98** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 31

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Webb, Ms. President.

Total 16

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 67 - Senator Larsen moved **SB 67** do pass. Motion carried as follows:

Yeas: Barrett Dick, T. Brown, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.

Total 28

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Hansen, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 59 - Senator Driscoll moved **SB 59** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Hansen, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
Total 3

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Hamlett 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, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 45

Nays: Keenan, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Caferro, Phillips, Sands.
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 8 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,

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

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 28 passed as follows:

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

Total 35

Nays: Arntzen, Brenden, Hinkle, Keenan, Ripley, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.

Total 12

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 36 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, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 113 passed as follows:

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

Total 41

Nays: Hinkle, Rosendale, Sales, Smith, Vance, Ms. President.

Total 6

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

SB 93 passed as follows:

Yeas: Ankney, Arntzen, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, McNally, Moe, Moore, Ripley, Rosendale, Sesso, Swandal, Taylor, Tutvedt, Vuckovich, Wolken, Ms. President.

Total 28

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

Total 19

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands.

Total 3

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, January 24, 2015, the sixteenth legislative day. Motion carried.

Senate adjourned at 1:47 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate