

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

Helena, Montana
January 26, 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-eight members present, Senators Caferro and Jones excused . Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/26/2015
Correctly printed: **SB 34, SB 49, SB 56, SB 72, SB 82, SB 88, SB 94, SB 102, SR 2, SR 3, SJ 6, SJ 9**
Correctly engrossed: **SB 37, SB 43, SB 105, SB 124, SJ 5.**
Transmitted to the House: **SB 16, SB 31, SB 35, SB 59, SB 62, SB 67, SB 98.**

MESSAGES FROM THE GOVERNOR

January 23, 2015

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

By Hand and Electronic Delivery

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 Public Education
MCA 2-15-1508

Ms. Darlene Schottle, 33552 Cherry Lane, Bigfork, MT 59911, was appointed to serve a term starting February 1, 2015 and ending February 1, 2022. Ms. Schottle fulfills the qualifications of District 1, Independent for the Board.

Board of Housing
MCA 2-15-1814

Mr. Robert L. Gauthier, 36737 Bouchard Road, Ronan, MT 59864, was reappointed to serve a term ending January 1, 2019. Mr. Gauthier fulfills the qualifications of Public Representative for the Board.

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Ms. Jeanette McKee, 133 Creekside Drive, Hamilton, MT 59840, was reappointed to serve a term ending January 1, 2019. Ms. McKee fulfills the qualifications of Public Representative for the Board.

Ms. Sheila Marie Rice, Neighborhood Housing Services, 509 1st Avenue S., Great Falls, MT 59401, was reappointed to serve a term ending January 1, 2019. Ms. Rice fulfills the qualifications of Public Representative for the Board.

State Parks and Recreation Board

MCA 2-15-3406

Ms. Mary Sexton, PO Box 1303, Choteau, MT 59422, was reappointed to serve a term ending January 1, 2019. Ms. Sexton fulfills the qualifications of District 3 Representative for the Board.

Mr. Tom Towe, 2739 Gregory Drive South, Billings, MT 59102, was reappointed to serve a term ending January 1, 2019. Mr. Towe fulfills the qualifications of District 5 Representative for the Board.

Board of Public Assistance

MCA 2-15-2203

Ms. Helen Schmitt, 222 4th Avenue NE, Sidney, MT 59270, was reappointed to serve a term ending January 1, 2019. Ms. Schmitt fulfills the qualifications of Public Representative for the Board.

I have included the appointees' resumes, biographies, or application 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. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/24/2015

HB 16, introduced by Regier

HB 36, introduced by R. Lynch

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HB 80, introduced by R. Lynch
HB 83, introduced by D. Hayman
HB 98, introduced by E. McClafferty
HB 99, introduced by E. McClafferty
HB 102, introduced by R. Pinocci
HB 103, introduced by Z. Brown
HB 124, introduced by W. McKamey
HB 144, introduced by A. Redfield
HB 184, introduced by G. Hertz
HB 199, introduced by J. Ellis

MOTIONS

Senator Pomnichowski moved **SB 176** be moved from the Natural Resources committee to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered.

**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 Tutvedt in the chair.

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

SB 52 - Senator Cohenour moved consideration of **SB 52** be placed at the bottom of the second reading board. Without objection, Chair Tutvedt placed consideration of **SB 52** before the final bill on the board.

SB 76 - Senator Vuckovich moved **SB 76** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance.
Total 19

Absent or not voting: None.
Total 0

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Excused: Caferro, Jones.

Total 2

SB 77 - Senator Debby Barrett moved **SB 77** 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, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

SB 104 - Senator Arntzen moved **SB 104** do pass. Motion carried as follows:

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

Total 39

Nays: Blasdel, Brenden, Fielder, Howard, Keane, Ripley, Rosendale, Sesso, Vincent.

Total 9

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

SB 38 - Senator Whitford moved **SB 38** do pass. Motion **failed** as follows:

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

Total 23

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Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

SB 38 - Senator Rosendale moved **SB 38** be **indefinitely postponed**. Motion carried as follows:

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

Total 28

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.

Total 20

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

SB 52 - Senator Cohenour moved **SB 52** do pass. Motion **failed** as follows:

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

Total 24

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 24

Absent or not voting: None.

Total 0

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Excused: Caferro, Jones.

Total 2

SB 52 - Senator Rosendale moved **SB 52** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 23

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

Total 25

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

Senator Buttrey assumed the chair.

SB 117 - Senator Tutvedt moved **SB 117** do pass. Motion carried as follows:

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

Total 40

Nays: Brenden, Fielder, Howard, Moore, Ripley, Sales, Smith, Vincent.

Total 8

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.
Total 38

Nays: Kaufmann, Keane, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 10

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

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 82 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Barrett Dick, Brenden, D. Brown, Driscoll, Kaufmann, Keane, Rosendale, Sesso.
Total 8

Absent or not voting: None.
Total 0

Excused: Caferro, Jones.
Total 2

SB 88 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, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

SB 102 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, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

Total 2

SJ 1 passed as follows:

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

Total 42

Nays: Barrett Dick, Cohenour, Kaufmann, Larsen, Malek, Phillips.

Total 6

Absent or not voting: None.

Total 0

Excused: Caferro, Jones.

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Total 2

FIRST READING AND COMMITMENT OF BILLS

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

SB 206, introduced by F. Thomas, N. Ballance, T. Burnett, R. Ehli, D. Jones, C. Smith, R. Webb, A. Wittich, referred to Public Health, Welfare and Safety.

SB 207, introduced by B. Tutvedt, referred to Public Health, Welfare and Safety.

SB 208, introduced by J. Windy Boy, J. Keane, S. Malek, B. Smith, S. Stewart-Peregoy, G. Vuckovich, S. Webber, L. Whitford, referred to Business, Labor, and Economic Affairs.

SB 209, introduced by M. Rosendale, D. Zolnikov, referred to Judiciary.

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

HB 16, introduced by Regier (by request of the Public Service Commission), referred to Energy and Telecommunications.

HB 36, introduced by R. Lynch (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 41, introduced by C. Hunter (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

HB 52, introduced by M. Dunwell (by request of the Department of Revenue), referred to Taxation.

HB 60, introduced by W. Curdy (by request of the Department of Transportation), referred to Highways and Transportation.

HB 80, introduced by R. Lynch (by request of the Board of Plumbers and the State Electrical Board), referred to Business, Labor, and Economic Affairs.

HB 83, introduced by D. Hayman (by request of the Department of Commerce), referred to Highways and Transportation.

HB 97, introduced by E. McClafferty (by request of the Department of Transportation), referred to Highways and Transportation.

HB 98, introduced by E. McClafferty (by request of the Department of Transportation), referred to Highways and Transportation.

HB 99, introduced by E. McClafferty (by request of the Department of Transportation), referred to Highways and Transportation.

HB 103, introduced by Z. Brown (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 104, introduced by J. Eck (by request of the Department of Transportation), referred to Highways and Transportation.

HB 112, introduced by K. Regier, referred to Energy and Telecommunications.

HB 121, introduced by J. Karjala (by request of the Department of Administration), referred to Finance and Claims.

HB 124, introduced by W. McKamey (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 144, introduced by A. Redfield, referred to Fish and Game.

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HB 168, introduced by S. Fitzpatrick, Clark, Fiscus, Glimm, Hertz, D. Jones, Lang, Lavin, Pinocci, Regier, Schreiner, Schwaderer, and White, referred to Natural Resources.

HB 184, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.

HB 199, introduced by J. Ellis, referred to Fish and Game.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Cody Barnes from Wolf Creek, sponsored by Senator Ripley
Cyrine Boumediene from Billings, sponsored by Senator McNally
Kjersten Sandru from Twin Bridges, sponsored by Senator Debby Barrett
Chance Wessel from Bozeman, sponsored by Senator Sales

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, January 27, 2015, the eighteenth legislative day. Motion carried.

Senate adjourned at 1:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate