

**SENATE JOURNAL
64TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 30, 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 Driscoll excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 1/30/2015
Correctly printed: **SB 64, SB 72, SB 74, SB 89, SB 94, SB 105, SB 124, SB 131, SB 141, SB 144, SB 151, SB 236, SB 237, SB 238, SB 239, SR 5, SR 6, HB 32, HB 65.**
Correctly engrossed: **SB 42, SB 143.**
Transmitted to the House: **SB 49, SB 56, SJ 5.**

MOTIONS

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives to receive an address from the Honorable Ryan Zinke, Congressman from the State of Montana, and reconvene upon adjournment of the joint session. Motion carried.

SPECIAL ORDERS OF THE DAY

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

Majority Leader Rosendale moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving an address from the Honorable Ryan Zinke, Congressman from the State of Montana. Motion carried.

Majority Leader Rosendale moved the President be authorized to appoint a committee of four to notify Congressman Zinke that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Buttrey and Stewart-Peregoy and Representatives Olzewski and Smith and charged the committee to escort Congressman Zinke into the chambers.

President Barrett introduced Congressman Ryan Zinke. The Congressman addressed the joint session and President Barrett thanked him for his remarks. Following the speech, President Barrett requested the committee of four to escort Congressman Zinke from the chamber.

Majority Leader Rosendale moved the joint session be adjourned. Motion carried. The joint session adjourned at 1:33 p.m.

The Senate reconvened at:1:35 p.m.

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REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 1/29/2015
SB 183, do pass. Report adopted.
HB 108, be concurred in. Report adopted.
HB 109, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/30/2015
SB 41, do pass. Report adopted.
SB 53, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "having, or"

Strike: "promptly"

Following: "achieving"

Insert: "within 6 months"

2. Page 1, line 27.

Following: "shares"

Strike: ", share certificates and share draft accounts"

3. Page 2, line 7.

Following: "employment of"

Strike: "persons necessary to conduct the business of the credit union"

4. Page 2, line 8.

Following: "manager"

Strike: "and the treasurer"

5. Page 2, line 23.

Following: "reasonable"

Strike: ", under the provisions of 35-2-520, as applied to a nonprofit credit union corporation"

6. Page 3, line 7.

Following: "adopt"

Strike: "detailed"

And, as amended, do pass. Report adopted.

SB 81, do pass. Report adopted.

SB 119, introduced bill, be amended as follows:

1. Page 1, line 14.

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Following: "vice president,"

Insert: "authorized agent,"

2. Page 1, line 19.

Following: "vice president,"

Insert: "authorized agent,"

And, as amended, do pass. Report adopted.

SB 163, do pass. Report adopted

HB 63, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair):

1/29/2015

SB 150, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair):

1/29/2015

SB 140, do pass. Report adopted.

HB 121, be concurred in. Report adopted.

HB 125, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

1/29/2015

SB 110, introduced bill, be amended as follows:

1. Page 17, line 11.

Following: "registers"

Insert: "for temporary use in this state"

Following: "quadricycle"

Strike: "for temporary use in this state"

Insert: "or motorcycle designed for off-road recreational use"

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair):

1/30/2015

SB 54, introduced bill, be amended as follows:

1. Title, page 1, line 5 through 7.

Strike: "MAKING CERTAIN" on line 5 through "REALTY TRANSFER ACT" on line 7

Insert: "PROVIDING TAXPAYERS WITH ADDITIONAL ACCESS TO CONFIDENTIAL SALES
PRICE INFORMATION"

2. Title, page 1, line 8.

Strike: "REPEALING SECTION 15-7-310, MCA;"

3. Page 3, line 2.

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Strike: line 2

Renumber: subsequent subsections

4. Page 3, line 6.

Following: line 5

Insert: "(c) At the request of the objector, and only if the objector signs a written or electronic confidentiality agreement, the department shall provide in written or electronic form:

(i) comparable sales data used by the department to value the property; and

(ii) sales data used by the department to value residential property in the property taxpayer's market model area."

Renumber: subsequent subsections

5. Page 4, line 11.

Strike: "The"

Insert: "(1) Except as provided in subsection (2), the"

6. Page 4, line 11.

Following: "~~contained in the certificate~~"

Insert: "and the information contained in the certificate"

7. Page 4, line 12.

Following: "~~and the department~~"

Insert: "and must be held confidential by the county clerk and recorder and the department"

8. Page 4, line 15.

Following: "~~upon the compilations.~~"

Insert: "This is because the legislature finds that the demands of individual privacy outweigh the merits of public disclosure. The confidentiality provisions do not apply to compilations from the certificates, to summaries, analyses, and evaluations based upon the compilations, or to sales used by the department to value residential property in a property taxpayer's market model area after the property taxpayer signs a written or electronic confidentiality agreement."

9. Page 4, line 23.

Following: "~~requirements of 85-2-112(3).~~"

Insert: "(2) The confidentiality provisions of this section do not apply to the information contained in the water right ownership update form or any other form prepared and filed with the department of natural resources and conservation pursuant to 85-2-424 for purposes of maintaining a system of centralized water right records as mandated by Article IX, section 3(4), of the Montana constitution. A person may access water right transfer information through the department of natural resources and conservation pursuant to the department's implementation of the requirements of 85-2-112(3). "

10. Page 4, line 25 through 27.

Strike: section 3 in its entirety

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Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/29/2015

HB 37, introduced by M. Monforton

HB 56, introduced by K. White

HB 67, introduced by B. Smith

HB 88, introduced by S. Laszloffy

HB 117, introduced by R. Lynch

FIRST READING AND COMMITMENT OF BILLS

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

SB 240, introduced by E. Buttrey, referred to Education and Cultural Resources.

SB 241, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.

SB 242, introduced by R. Webb, referred to Judiciary.

SB 243, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.

SB 244, introduced by D. Brown, M. Blasdel, J. Brenden, M. Cuffe, F. Garner, L. Jones, D. Kary, D. Lamm, S. Lavin, E. Lieser, D. Moore, M. Noland, A. Olszewski, K. Regier, R. Ripley, N. Schwaderer, C. Smith, G. Vance, R. Webb, J. Windy Boy, referred to Business, Labor, and Economic Affairs.

SB 245, introduced by D. Kary, D. Ankney, M. Blasdel, J. Brenden, B. Brown, K. Flynn, F. Garner, B. Hamlett, B. Harris, S. Hess, D. Howard, J. Keane, B. Keenan, S. Laszloffy, S. Lavin, F. Mandeville, K. McCarthy, G. Meyers, M. Noland, A. Olszewski, Z. Perry, K. Regier, R. Ripley, N. Schwaderer, C. Smith, J. Taylor, F. Thomas, G. Vance, R. Webb, J. Welborn, J. Windy Boy, D. Zolnikov, referred to Fish and Game.

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

SR 7, introduced by J. Brenden, referred to Fish and Game.

SR 8, introduced by J. Brenden, referred to Fish and Game.

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

HB 37, introduced by M. Monforton, Swandal, referred to Judiciary.

HB 56, introduced by K. White (by request of the Department of Revenue), referred to Taxation.

HB 67, introduced by B. Smith (by request of the Department of Revenue), referred to Taxation.

HB 88, introduced by S. Laszloffy (by request of the Department of Justice), referred to Judiciary.

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HB 94, introduced by K. Flynn (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 117, introduced by R. Lynch (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

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

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

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

SB 92 - Senator Thomas moved consideration of **SB 92** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 37 - Senator Fielder moved **SB 37** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 152 - Senator C. Smith moved **SB 152** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 164 - Senator Hoven moved **SB 164** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

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

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

Total 42

Nays: D. Brown, Fielder, Keenan, Moore, Rosendale, Webb.

Total 6

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

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SB 92 - Senator Thomas moved **SB 92** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Kary 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, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
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 72 passed as follows:

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

Total 39

Nays: D. Brown, Facey, Kaufmann, Malek, McNally, Phillips, Pomnichowski, Sands, Whitford.

Total 9

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 94 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 105 passed as follows:

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

Total 42

Nays: D. Brown, Fielder, Keenan, Rosendale, Sales, Vincent.

Total 6

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Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 124 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

SB 131 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Driscoll.

Total 2

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MOTIONS

Senator Jones moved **SB 37** and **SB 92** be re-referred to the Finance and Claims committee.
Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Caferro, Driscoll.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:30 a.m., Saturday, January 31, 2015, the twenty-second legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate