SENATE JOURNAL 64TH LEGISLATURE TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana February 6, 2015 Senate Chambers State Capitol

2/6/2015

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 Windy Boy excused. Quorum present.

 BILLS AND JOURNALS (Fielder, Chair):
 2/6/2015

 Correctly printed: SB 96, SB 97, SB 110, SB 126, SB 188, SB 211, SB 237, SB 269, SB 270,
 SB 271, SB 272, SB 273, SB 274, SR 12, SR 13, SR 14, SR 15, SR 16, HB 56, HB 64, HB 67,

 HB 84, HB 125, HB 139, HB 143.
 Correctly engrossed: SB 168, SB 233, HB 134.

 Transmitted to the House: SB 74, SB 143, SB 144, HB 65, HB 109, HB 121.

Delivered to the Governor at 8:45 a.m., February 6, 2015: SB 18, SB 33.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair):2/5/2015HB 91, be concurred in. Report adopted.2/5/2015HB 105, be concurred in. Report adopted.2/5/2015

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):

SB 22, introduced bill, be amended as follows:

1. Page 3, line 24. **Strike:** "<u>in training"</u>" **Insert:** "licensure candidate""

2. Page 4, line 24. Following: "worker" Strike: "in training" Insert: "licensure candidate" Following: "counselor" Strike: "in training" Insert: "licensure candidate"

3. Page 4, line 25. Strike: "in training" Insert: "licensure candidate"

4. Page 4, line 27.

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Strike: "in training" Insert: "licensure candidate"

5. Page 4, line 29. Strike: "in training" Insert: "licensure candidate"

6. Page 5, line 9 through line 10. **Strike:** "in training"" **Insert:** "licensure candidate""

7. Page 5, line 11. Strike: "in training" Insert: "licensure candidate"

8. Page 5, line 12. Strike: "in training" Insert: "licensure candidate"

9. Page 5, line 13. Strike: "in training" Insert: "licensure candidate"

10. Page 5, line 16. Strike: "in training" Insert: "licensure candidate"

11. Page 5, line 18. Strike: "in training" Insert: "licensure candidate"

12. Page 6, line 14. Strike: "in training"" Insert: "licensure candidate""

13. Page 7, line 24. Following: "worker" Strike: "in training" Insert: "licensure candidate" Following: "counselor" Strike: "in training" Insert: "licensure candidate"

14. Page 7, line 25. **Strike:** "in training"

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Insert: "licensure candidate"

15. Page 7, line 30. Strike: "in training" Insert: "licensure candidate"

16. Page 8, line 2. Strike: "in training" Insert: "licensure candidate"

17. Page 8, line 13. Strike: "in training"" Insert: "licensure candidate""

18. Page 8, line 14. Strike: "in training" Insert: "licensure candidate"

19. Page 8, line 15. Strike: "in training" Insert: "licensure candidate"

20. Page 8, line 16. Strike: "in training" Insert: "licensure candidate"

21. Page 8, line 20. Strike: "in training" Insert: "licensure candidate"

22. Page 8, line 22. Strike: "in training" Insert: "licensure candidate"

23. Page 8, line 30. Strike: "in training"" Insert: "licensure candidate""

24. Page 11, line 1. Following: "worker" Strike: "in training" Insert: "licensure candidate" Following: "counselor" Strike: "in training" Insert: "licensure candidate"

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25. Page 11, line 2. Strike: "in training" Insert: "licensure candidate"

26. Page 11, line 4. Strike: "in training" Insert: "licensure candidate"

27. Page 11, line 6. Strike: "in training" Insert: "licensure candidate"

28. Page 11, line 17. Strike: "in training" Insert: "licensure candidate"

29. Page 11, line 18. Strike: "in training" Insert: "licensure candidate"

30. Page 11, line 19. Strike: "in training" Insert: "licensure candidate"

31. Page 11, line 20. Strike: "in training" Insert: "licensure candidate"

32. Page 11, line 24. Strike: "in training" Insert: "licensure candidate"

33. Page 11, line 26. Strike: "in training" Insert: "licensure candidate"

And, as amended, do pass. Report adopted.

SB 174, introduced bill, be amended as follows:

1. Title, page 1, line 6. Strike: "REQUIRING" Insert: "ALLOWING"

2. Title, page 1, line 8.

Strike: "REPEALING SECTIONS 35-20-311 AND 35-20-313, MCA;" Insert: "AMENDING SECTION 35-20-313, MCA;"

3. Page 1, line 16. Following: "trustees" Strike: "must" Insert: "may"

4. Page 1, line 21 through line 24. **Strike:** section 2 in its entirety

Insert: "Section 2. Section 35-20-313, MCA, is amended to read:

"35-20-313. Investment of fund. The principal of such the fund may be invested in the way in which public employees' retirement funds are permitted to be invested in the state of Montana as prescribed by 17-6-211 and not otherwise. Each investment made by the trustee or by the board of trustees shall be is subject to the approval of the board of trustees of the cemetery association.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 181, introduced bill, be amended as follows:

1. Title, page 1, line 6. Following: "EFFECTIVE DATE" Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 29. Insert: "<u>NEW SECTION.</u> Section 3. Applicability. [This act] applies to board appointments and vacancy appointments made on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 192, do pass. Report adopted.HB 94, be concurred in. Report adopted.HB 184, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair): **SB 229**, introduced bill, be amended as follows:

2/5/2015

1. Title, line 6. Following: "DEED" Insert: "AND EXTENDING THE TERMINATION DATE" Following: "MCA;" Insert: "AMENDING SECTIONS 2, 3, 4, 5, 6, AND 7, CHAPTER 325, LAWS OF 2011;"

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2. Page 2, line 29. Strike: "2025" through "2011" Insert: "2031"

3. Page 2.

Following: line 29

Insert:	"Section 2. Section 2, Chapter 325, Laws of 2011, is amended to read:
	"Section 2. Section 5, Chapter 461, Laws of 1997, is amended to read:
	"Section 5. Termination. [This act] terminates October 1, 2003 2025 2031."""
Insert:	"Section 3. Section 3, Chapter 325, Laws of 2011, is amended to read:
	"Section 3. Section 6, Chapter 270, Laws of 2001, is amended to read:
	"Section 6. Section 5, Chapter 461, Laws of 1997, is amended to read:
	"Section 5. Termination. [This act] terminates October 1, 2003 2011 2025 2031.""""
Insert:	"Section 4. Section 4, Chapter 325, Laws of 2011, is amended to read:
	"Section 4. Section 2, Chapter 57, Laws of 2005, is amended to read:
	"Section 2. Section 5, Chapter 461, Laws of 1997, is amended to read:
	"Section 5. Termination. [This act] terminates October 1, 2003 2016 2025 2031.""""
Insert:	"Section 5. Section 5, Chapter 325, Laws of 2011, is amended to read:
	"Section 5. Section 3, Chapter 57, Laws of 2005, is amended to read:
	"Section 3. Section 6, Chapter 270, Laws of 2001, is amended to read:
	"Section 6. Section 5, Chapter 461, Laws of 1997, is amended to read:
	"Section 5. Termination. [This act] terminates October 1, 2003 2011 2016 2025 2031."""""
Insert:	"Section 6. Section 6, Chapter 325, Laws of 2011, is amended to read:
	"Section 6. Section 4, Chapter 57, Laws of 2005, is amended to read:
	Section 4. Termination. [Section 1] terminates October 1, 2016 2025 2031.""
Insert:	"Section 7. Section 7, Chapter 325, Laws of 2011, is amended to read:
	"Section 7. Termination. [Section 1] terminates October 1, 2025 2031.""
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Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 16, be concurred in. Report adopted. **HB 112**, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): SB 230, do pass. Report adopted. HB 144, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/5/2015

276

HB 85, introduced by T. Woods

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2/5/2015

HB 118, introduced by B. Bennett
HB 162, introduced by N. Schwaderer
HB 186, introduced by C. Pease-Lopez
HB 204, introduced by G. Hertz
HB 208, introduced by D. Moore
HB 217, introduced by T. Richmond
HB 224, introduced by Z. Perry
HB 225, introduced by V. Ricci
HB 256, introduced by M. Monforton
HB 265, introduced by S. Staffanson

FIRST READING AND COMMITMENT OF BILLS

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

SB 275, introduced by R. Webb, M. Blasdel, K. Hansen, J. Hinkle, D. Howard, D. Kary, S. Sales, C. Smith, N. Swandal, J. Taylor, G. Vance, referred to State Administration.

SB 276, introduced by R. Webb, B. Harris, D. Howard, D. Kary, N. Swandal, referred to Public Health, Welfare and Safety.

SB 277, introduced by R. Webb, J. Hinkle, D. Howard, D. Kary, C. Smith, N. Swandal, referred to Public Health, Welfare and Safety.

SB 278, introduced by C. Kaufmann, referred to Highways and Transportation.

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

HB 85, introduced by T. Woods (by request of the Teachers' Retirement Board), referred to State Administration.

HB 118, introduced by B. Bennett (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 162, introduced by N. Schwaderer, referred to Education and Cultural Resources.

HB 186, introduced by C. Pease-Lopez, J. Eck, S. Laszloffy, S. Lavin, A. Person, N. Schwaderer, K. Wagoner, referred to Judiciary.

HB 204, introduced by G. Hertz, J. Brenden, D. Brown, B. Hamlett, J. Keane, S. Malek, R. Ripley, S. Sales, F. Thomas, J. Windy Boy, G. Bennett, M. Blasdel, R. Brodehl, S. Fitzpatrick, K. Flynn, F. Garner, S. Hess, D. Jones, L. Jones, R. Lynch, A. Olszewski, L. Randall, M. Rosendale, K. Wagoner, R. Webb, K. White, T. Woods, D. Ankney, C. Smith, referred to Business, Labor, and Economic Affairs.

HB 208, introduced by D. Moore, referred to Business, Labor, and Economic Affairs.

HB 217, introduced by T. Richmond, P. Connell, F. Garner, D. Kary, M. Noland, referred to Taxation.

HB 224, introduced by Z. Perry, referred to Local Government.

HB 225, introduced by V. Ricci, referred to Business, Labor, and Economic Affairs.

HB 256, introduced by M. Monforton, referred to Public Health, Welfare and Safety.

HB 265, introduced by S. Staffanson, referred to Agriculture, Livestock and Irrigation.

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 Buttrey in the chair.

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

SB 151 - Senator Kary moved SB 151 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

President Debby Barrett introduced the Dillon Little Fiddlers who played and sang "Montana" for the Senate.

HB 57 - Senator Vuckovich moved HB 57 be concurred in. 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

HB 66 - Senator Arntzen moved HB 66 be concurred in. 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

HB 79 - Senator Whitford moved HB 79 be concurred in. 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, 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, Wolken, Ms. President. Total 48

Nays: Howard. Total 1

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

HB 31 - Senator Cohenour moved HB 31 be concurred in. 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

HB 136 - Senator Kary moved HB 136 be concurred in. 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

HB 41 - Senator Thomas moved HB 41 be concurred in. 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

HB 52 - Senator Cohenour moved HB 52 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, 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, Wolken, Ms. President. Total 47

Nays: Brenden, Sales. Total 2

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Buttrey 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, 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, Wolken, Ms. President. Total 48

Nays: Kaufmann. Total 1

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

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 54 passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Whitford, Wolken. Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Vance, Vincent, Webb, Ms. President. Total 21

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

SB 96 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

SB 97 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, 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, Wolken, Ms. President. Total 48

Nays: D. Brown. Total 1

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

SB 110 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, 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, Wolken, Ms. President. Total 48

Nays: D. Brown. Total 1

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

SB 188 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President. Total 38

Nays: Barrett Dick, Kaufmann, Keane, Malek, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Taylor, Whitford. Total 11

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

HB 125 concurred in 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, Wolken, Ms. President. Total 49

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: Windy Boy. Total 1

SPECIAL ORDERS OF THE DAY

Senator Driscoll arose on a point of procedure and requested Senate members include a bill's short title when re-referring bills. President Barrett noted the request.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, February 7, 2015, the twenty-eighth legislative day. Motion carried.

Senate adjourned at 1:50 p.m.

MARILYN MILLER Secretary of the Senate DEBBY BARRETT President of the Senate