

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

Helena, Montana  
February 9, 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-nine present, Pomnichowski excused. Quorum present.

**BILLS AND JOURNALS** (Fielder, Chair):

2/9/2015

Correctly printed: **SB 126, SB 175, SB 180, SB 211, SB 217, SB 233, SB 279, SB 280, SB 281, SB 282, SB 283, SB 284, SJ 2, SJ 10, HB 56, HB 67, HB 75, HB 81, HB 84, HB 110, HB 122, HB 134, HB 139, HB 143, HB 157.**

Correctly engrossed: **SB 107, SB 122.**

Correctly enrolled: **SB 15, SB 70, SB 71, SB 75, SB 98.**

Transmitted to the House: **SB 151, HB 31, HB 41, HB 52, HB 57, HB 66, HB 79.**

**MOTIONS**

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives to receive the State of Tribal Nations address and reconvene upon adjournment of the joint session. Motion carried.

Senate in recess.

**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 a State of Tribal Nations address from Gerald Gray, Chairman of the Little Shell Chippewa Tribe. Motion carried.

Majority Leader Rosendale moved the President be authorized to appoint a committee of four to notify Chairman Gray that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Thomas and Whitford, and Representatives Hess and Schreiner and charged the committee to escort Chairman Gray into the chambers.

President Barrett introduced Chairman Gerald Gray who gave the following address:

President Barrett, Speaker Knudsen, Governor, Lt. Governor, Senators, Representatives, Elders, Tribal Leaders, Distinguished Guests, State Officials and My Fellow Citizens:

Aanii, Boozhoo. Hello, Greetings. My name is Gerald Gray. I am the Chairman of the Little Shell

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Tribe of Montana. As Chairman of the Little Shell Chippewa Indians of Montana, one of the eight Tribal Nations that call Montana home, it is an honor and a privilege to be here today to deliver the State of the Tribal Nations address.

The continued growth of the Indian Nations in Montana has been steady, but we all in this room know it can be much, much stronger. With more collaboration and open dialogue, we can come up with solutions to strengthen our Indian reservations and urban Indian communities, which in turn will only strengthen all of Montana.

As our sovereign Indian Nations continue to preserve and protect our traditional ways, our languages, and our cultures that have enabled our peoples to thrive for thousands of years, we also look toward the future. We are seeking more jobs, more economic opportunities, a thriving economy where no one is left in need and our children and adults have access to the best opportunities that are available to all.

Little Shell Tribe

As some of you may know the Little Shell Tribe is a State recognized tribe, which has been fighting for Federal recognition for 130 years. As past Chairman John Gilbert articulated many times "We have been waiting for the day that never comes." Well let me now say that day is coming, this will be our year!! We will persevere.

While our tribe's headquarters are located in Great Falls, we have members in many of your communities throughout the entire State of Montana. The Little Shell have the federal support for recognition from Senators Jon Tester and Steve Daines, as well as Congressman Ryan Zinke, and we have bills in both the Senate and House. Also we are eagerly waiting for the Part 83 rules, which are the amended rules required to be federally recognized. We will then resubmit our petition for federal recognition. We are asking this body to support and pass House Joint Resolution 15 supporting our recognition. Thank you to Representative Mitch Tropila and Senator Ed Buttrey for taking up that torch for the Little Shell.

So we ask "Why do we continue this fight? Why is this so important to the Little Shell?" Federal recognition is not a receiving line for federal handouts--for the Little Shell it's the opportunity for the right to self-govern, the right to Tribal sovereignty, and the right for us to work with all of you government to government.

There are many things that impact Montana's Indian Country, however I would like to address some of the more pressing ones; Economics, Education, and Health.

Indian Country Economics

Many Montanans, including some of our Tribal people, as most of you know, live in poverty and we must continue to work hard everyday to improve those conditions. While Montana's unemployment rate is around 4.5%, the unemployment rate averages between 60-80% on our reservations. Montana has the 3rd highest rate of poverty among American Indian/Alaska Natives, behind only North and South Dakota. We can and must do better. As a legislative body, you play a significant role in helping us get to a better place.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

However, today in Montana there are great things happening throughout Indian Country.

This spring the Blackfeet nation will begin construction of a new and expanded dialysis treatment facility that will contain state-of-art technology. They also hope to build a new nursing care facility to replace their aging 45-year-old facility.

Fort Belknap is developing its tourism on the Hi-line, with tours of Snake Butte, Mission Canyon and the Yellowstone Buffalo.

Fort Peck Tribes are finalizing funding for a new multi-million dollar wellness center for its members.

The Crow Nation has broken ground on a veterans' housing complex for their warriors, and is in the process of organizing the Apsaalooke Cattle Company, the Blacklodge District C-Store.

West of the divide, the Confederated Salish and Kootenai Tribes have been strategically planning for the last three decades the purchase of Kerr Dam where its tribal enterprise, Energy Keepers, Inc., will be providing electricity to the grid for the Pacific Northwest. They are the only tribe to purchase a hydroelectric dam.

The Northern Cheyenne Development Corporation has been working since 2013 to re-establish the Cheyenne Depot I (Lame Deer) and Cheyenne Depot II (Ashland), which will provide essential goods and services in those two locations.

The Chippewa Cree Tribe is in the final stages of cell tower siting for the Rocky Boy Reservation. This is a public-private partnership with Triangle Telephone Cooperative.

Allow me to share with you what the Little Shell Tribe has accomplished as of today. In the past 3 years, our tribe has progressed by leaps and bounds. We now have a cultural center where we can educate people about the Little Shell history and culture. We have an event center for meetings, weddings and funerals and our celebrations, and in 2014 we purchased a 35,000 sq. foot office complex in Great Falls from which we derive income to support other business ventures. This past week we purchased a 72-acre Travertine quarry by Gardiner, which is only one of 3 active quarries in the entire United States. This will employ anywhere from 40 to 60 Little Shell members, and has the potential to produce an income for the Little Shell Tribe of approximately 16 million dollars per year. We are currently looking at other business ventures, such as a tire-recycling center and a meat-processing plant, all of which will benefit our Little Shell Tribal members and the state of Montana. Income made will be spent right here in Montana.

Indian Country Education

Education has and still is the stepping-stone for progress and success throughout Indian Country. The historical tide has turned in that success in education was dependent upon how well cultures matched the dominate society. Well, Indian Country has figured that out and now have made great strides in education.

I would like to give credit to school district #2 in Billings, Montana's largest city, where they recently

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

chose to name the newest middle school, Medicine Crow Middle School, after the distinguished American Indian war veteran, the last War Chief of the Crow nation and an author and historian, Joseph Medicine Crow.

This is a great example of being open minded and accepting of this state's changing diversity. It's actions like this that will help teach the younger generations that showing respect for people of other races and cultures fosters a deep respect and understanding of others. In turn it has an effect on how all people can work together in a productive and civic manner giving everyone a chance to participate in our society. This is what makes Montana great and will make Montana better!

Our Tribal Nations continue to collaborate with the Office of Public Instruction regarding the important work of both implementing Indian Education for All and improving American Indian student achievement across the state.

One mechanism that supports this government-to-government relationship is the Montana Advisory Council on Indian Education (MACIE), which serves to advise the Office of Public Instruction and the Montana Board of Education. Efforts to improve American Indian student achievement, lower dropout rates and increase college and career readiness are necessary goals as we look to ensure a strong future for Montana. American Indian students from Great Falls to Culbertson to Heart Butte must receive the same high quality of educational opportunity as all other kids. Tribal Nations must be partners with public schools in order for this to happen. The real promise of Indian Education for All is that our Nations' histories, cultures and contemporary issues be shared with all students.

Let's continue the success we're seeing throughout Montana and fund the Governor's pre-school plan. We all know that the earlier children start school the better the chance to ensure they develop socially and emotionally. Early childhood education also can significantly impact a child's cognitive development and language development. It's an investment in the state of Montana's future that we must have. As the Great Chief Sitting Bull once said "Let us put our minds together and see what life we can make for our children."

Bills Important to Indian Country

While there are many active pieces of legislation, there are a few that I want to mention in particular, so I stand here in front of you today and ask for your support. In working together through collaboration these bills will not only benefit Indian Country but all of Montana.

- ! HB 196, sponsored by Representative Susan Webber. The Tribal College Non-Beneficiary Assistance program provides funding to tribal colleges to support a portion of the costs of educating non-tribal members attending the seven tribal colleges on the reservations in Montana.
  
- ! Access to capital is an obstacle that impedes the launch or growth of individual tribal businesses as well as paralyzes the larger reservation economies. HB 301, sponsored by Representative Rae Peppers, The Native American Gap Financing Program, will provide support for tribal member-owned businesses that do not have

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

sufficient collateral to access a commercial business loan. This innovative pilot program will partner with traditional and tribal lending institutions and help provide those needed loans.

- ! HB 331, sponsored by Representative Nicholas Schwaderer, removes the term "Half breed" from signage and geological features in Montana. Let's do the right thing--we DO NOT need derogatory signage as it only sends the wrong message to the next generation.
- ! SB 262, sponsored by Senator C. Vincent is the CSKT Water compact. This is the final tribe seeking quantification of their water rights through the Montana state system. Let's get this passed and avoid unnecessary court battles that only hurt and drag down businesses.
- ! Preserving native languages in the form of spoken, written, or sign for each tribe in the state of Montana is of utmost importance to our tribal nations. This bill, which is sponsored by Senator Jonathan WindyBoy, will continue to develop, improve, and distribute language curriculum, language classes, publication of literature, and language-teaching products. It will also assist in preserving and carrying on our native languages.

For the Little Shell and other tribes, as well, passage of this language bill has and will:

Bring focus and clarity to the mission of the tribe to reinforce, identify, document, protect, and encourage the Little Shell language and culture.

Coalesce pride around a reaffirmed language and cultural identity for the tribe.

Projects a positive, accountable, transparent, and confident public image of the tribe.

Involved the tribe in nation-to-nation relationships throughout the traditional historic homeland.

Help the tribe to recognize its significant role within Montana society.

Please support this Language effort again and not let it become a "one and done."

The Indian Country Economic Development Program, otherwise known as the ICED program, has proven year and year again to be nothing but a success to the Tribes and to the towns in which the program awards were utilized. This program assists in creating jobs and providing income for families, which is the right thing to do.

ICED focuses on 1) workforce development and business development projects through tribal governments; 2) training for budding Native entrepreneurs; 3) access to capital through grant support for small business development of company collateral (also known as the Indian Equity

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Fund); and 4) technical assistance on credit, commercial lending and financial management.

This particular funding has helped the Little Shell build our business infrastructure, which in turn also benefits the city of Great Falls, as the income derived from these ventures is spent throughout Cascade county. Please continue to fund this important job-creating program.

Before I end, I want to talk about one more really important topic. A topic that impacts every single Montanan--our friends, our neighbors, our family, our communities . That is our health.

Health

It is clear from the State of Montana's 2013 "State of the State Health Report" that health disparities exist between the Indian and non-Indian population in Montana. The most troubling statistic is the one that states that "white men in Montana live 19 years longer than American Indian men, and white women live 20 years longer than American Indian women." These statistics can simply no longer be ignored. This is an entire generation of people who are leaving our families and our communities too soon -- children are growing up without grandparents, families are losing children, and children are losing parents.

Now that we know this information, we must act--collectively and in partnership. A great opportunity exists for the Tribes and the State to work together to address health disparities in Indian Country. We need your support of any and all efforts made toward seizing this opportunity if we are to begin to make a difference.

Access to Health Care

The federal government, through the Indian Health Service, is responsible for delivering health care to Indians--a promise made by the federal government when they negotiated the treaties with Indian Tribes many, many years ago. Unfortunately, the health care services currently being provided are limited and inadequate, are subject to complex federal regulations, policies and requirements and, in the end, leaves individuals without access to basic services, preventative care and many times without choices in their own health care decisions.

The revenue received from third parties, such as Medicaid, is absolutely critical to building tribal health programs and delivering quality health care to Indians. These 100% federal pass-through dollars, which have no impact on the state general fund, are important to facilities as they continue to build their local health infrastructure. Ensuring that Indians have access to the health insurance marketplace to purchase health insurance at an affordable price is important to helping individuals have choice and ultimately better access to health care coverage.

Medicaid Expansion

Montana has the highest percentage of uninsured adult American Indians in the nation, with over half of our state's American Indian population uninsured. Indian Health Service is not a health insurance plan nor is it portable outside its own system. In fact, the services IHS does provide do not even meet the 10 essential benefits required under the Affordable Care Act.

One way to begin to make a difference in outcomes and in access to quality health care for Indians would be to expand Medicaid eligibility to those most in need. House Bill 249, sponsored by

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Representative Pat Noonan, will do just that.

In our culture, we hold in high regard the expectation that we have a responsibility to care for others. Medicaid expansion would go a long way towards putting a serious dent in Montana's health disparity statistics and in giving individuals access to basic health care. I urge your support for Medicaid expansion in Montana. People's lives literally depend on it.

Accepting available federal funding will bring \$5.4 billion into Montana over the next six years. It will also create high-paying jobs in the healthcare sector and among small businesses and it will keep those critical hospitals in our small towns and Indian reservation open and operating. Who doesn't want that?

These United States are truly the melting pot of the world. Montana demographics are also changing, therefore we need to work even harder together as a community to dispel the stereotypes that have plagued this state. That starts with all of us as leaders of this great state.

Since the direction of the party line clearly doesn't agree with all involved, perhaps politicians should start treating government as it was meant to be--addressing the problems at hand for the good of the people with sincere negotiation and compromise instead of party line attacks and misrepresentation. This whole concept of party wars and party agenda and being expected to go against what you know to be right (like not discriminating) just to satisfy some mystical presence at the heart of a party has not worked for centuries. Why would they expect it to work now? This thinking only holds the state of Montana back, so let's all change things and make Great Things Happen!

We, as politicians -- Republican, Democrat, Independents, Montana Legislators, State, County, Federal, and Tribal officials -- have the opportunity to work in an honest and true PARTNERSHIP to create a better life for all citizens of Montana, including all races and nationalities living in this great state.

We do not need to provoke and create hardships for one another. Instead, with our abundant range of abilities that we all possess, no matter what position we hold as individuals, we must commit ourselves to ensuring that we are all working together to create a quality life for all Montanans! We have the opportunity now to change how we can and should work in PARTNERSHIP for the betterment of all people. Let us begin this journey today! Migwech.

<<< >>>

Majority Leader Rosendale moved the joint session be adjourned. Motion carried. Joint session adjourned at 1:45 p.m.

Senate reconvened at 1:48 p.m.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES** (Vincent, Chair):

2/6/2015

**SB 160**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "REQUIRING" on line 5 through "CAPRICIOUS;" on line 6

2. Page 1, line 15 through line 19.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

3. Page 1, line 20.

**Strike:** "conditions"

4. Page 1, line 21.

**Following:** "conditions"

**Insert:** "conditions"

5. Page 1, line 22.

**Following:** "(b)"

**Insert:** "conditions"

6. Page 1, line 24.

**Following:** "(c)"

**Insert:** "conditions"

**Strike:** "or under pre-Columbian era conditions"

7. Page 1, line 26.

**Following:** "(d)"

**Insert:** "conditions"

And, as amended, do pass. Report adopted.

**SB 221**, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

February 6, 2015

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



SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 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 Aeronautics**

*MCA 2-15-2506*

- ! Mr. A. Christopher Edwards, 1648 Poly Drive, Billings, MT 59102, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Edwards fulfills the qualifications of Active Fixed Base Operator for the Board.
- ! Mr. Fred Lark, 620 NE Main Street, Lewistown, MT 59457, was reappointed to serve a term starting February 2, 2015 and ending January 1, 2019. Mr. Lark fulfills the qualifications of Representative of the general public for the Board.

**Board of Architects and Landscape Architects**

*MCA 2-15-1761*

- ! Mr. Dale Nelson, Nelson Architects, 621 2nd Ave North, Great Falls, MT 59401, was reappointed to serve a term starting March 27, 2015 and ending April 1, 2018. Mr. Nelson fulfills the qualifications of Licensed Architect for the Board.

**Montana Arts Council**

*MCA 22-2-102*

- ! Mr. Mark Kuipers, 4770 Duncan Drive, Missoula, MT 59802, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Mr. Kuipers fulfills the qualifications of Public Representative for the Council.
- ! Ms. Lynne Montague, 3000 James Street, Billings, MT 59102, was appointed to serve a term starting February 6, 2015 and ending February 1, 2020. Ms. Montague fulfills the qualifications of Public Representative for the Council.
- ! Mr. Rob Quist, PO Box 1711, Kalispell, MT 59901, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Mr. Quist fulfills the qualifications of Public Representative for the Council.
- ! Ms. Jean Steele, 435 Jorgy Way, Hamilton, MT 59840, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Ms. Steele fulfills the qualifications of Public Representative for the Council.
- ! Ms. Youpa Stein, PO Box 17307, Missoula, MT 59805, was reappointed to serve a term starting February 6, 2015 and ending February 1, 2020. Ms. Stein fulfills the

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

qualifications of Public Representative for the Council.

**Board of Personnel Appeals**

*MCA 2-15-1705*

- ! Mr. Steven R. Johnson, City of Missoula, 435 Ryman Street, Missoula, MT 59802, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Johnson fulfills the qualifications of Management Employee in organization with collective bargaining or who represent management in collective bargaining activities for the board.
  
- ! Mr. LeRoy Schramm, 1900 Dry Gulch Road, Helena, MT 59601, was appointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Schramm fulfills the qualifications of Substitute having general labor-management experience for the board.
  
- ! Mr. James D. Soumas, PO Box 50969, Billings, MT 59105, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Mr. Soumas fulfills the qualifications of Employee or Elected official of a Labor Union or Association recognized by the Board for the board.
  
- ! Ms. Amy Verlanic, 600 W 4th, Anaconda, MT 59711, was reappointed to serve a term starting February 6, 2015 and ending January 1, 2019. Ms. Verlanic fulfills the qualifications of Substitute Management Employee in organization with collective bargaining or who represent management in collective bargaining activities 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**

**Senate bill** concurred in and returned to the Senate:

2/7/2015

**SB 26**, introduced by N. Swandal

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**House bills** passed and transmitted to the Senate for concurrence:

2/7/2015

**HB 101**, introduced by T. Steenberg  
**HB 194**, introduced by A. Redfield  
**HB 251**, introduced by J. Essmann  
**HB 258**, introduced by K. Williams  
**HB 260**, introduced by R. Lynch  
**HB 288**, introduced by T. Richmond  
**HB 295**, introduced by C. Pease-Lopez

**MOTIONS**

Senator Kaufmann moved to reconsider action on **SB 217** and that **SB 217** be placed on second reading on Wednesday, February 11, 2015. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.  
Total 20

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

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 285**, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.  
**SB 286**, introduced by C. Smith, Debby Barrett, G. Bennett, S. Berglee, D. Brown, C. Fiscus, F. Garner, B. Harris, G. Hertz, J. Hinkle, A. Knudsen, F. Mandeville, T. Manzella, M. Miller, D. Moore, F. Moore, D. Mortensen, R. Osmundson, L. Randall, A. Redfield, K. Regier, M. Rosendale, N. Schwaderer, N. Swandal, J. Taylor, G. Vance, D. Zolnikov, referred to State Administration.  
**SB 287**, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.  
**SB 288**, introduced by B. Tutvedt, referred to Business, Labor, and Economic Affairs.  
**SB 289**, introduced by D. Ankney, referred to State Administration.  
**SB 290**, introduced by J. Keane, referred to Highways and Transportation.  
**SB 291**, introduced by B. Hamlett, F. Garner, C. Larsen, S. Lavin, K. White, referred to Judiciary.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**SB 292**, introduced by M. Rosendale, referred to Business, Labor, and Economic Affairs.

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

**HB 101**, introduced by T. Steenberg (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 194**, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.

**HB 251**, introduced by J. Essmann, J. Sesso, referred to State Administration.

**HB 260**, introduced by R. Lynch, referred to Agriculture, Livestock and Irrigation.

**HB 288**, introduced by T. Richmond, referred to State Administration.

**HB 295**, introduced by C. Pease-Lopez, L. Whitford, referred to Highways and Transportation.

**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 Vincent in the chair.

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

**SB 168** - Senator Buttrey moved consideration of **SB 168** be passed to the 35th legislative day. Without objection, so ordered.

**SB 123** - Senator Tutvedt moved **SB 123** do pass.

**SB 123** - Senator Keane moved **SB 123**, second reading copy, be amended as follows:

1. Title, page 1, line 20.

**Following:** "EFFECTIVE DATE"

**Insert:** ", "

**Strike:** "AND"

**Following:** "APPLICABILITY DATE"

**Insert:** ", AND A TERMINATION DATE"

2. Page 21, line 9.

**Following:** "the state fund"

**Insert:** "["

3. Page 21, line 10.

**Following:** "to [section 1],"

**Insert:** "]"

4. Page 23, line 7.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**Following:** line 7

**Insert:** "NEW SECTION. Section 26. Termination. [Sections 1, 6, 13(5) and (6), and 14(2) and the bracketed language in section 19] terminate June 30, 2016."

Amendment **not** adopted as follows:

Yeas: D. Brown, Caferro, Hamlett, Kaufmann, Keane, Sales, Sesso, Smith, Stewart-Peregoy, Vance, Vuckovich, Windy Boy, Wolken, Ms. President.  
Total 14

Nays: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Whitford.  
Total 36

Paired: Keane, Aye; Pomnichowski, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 123** - Thereupon, the Senate reverted to the original motion of Senator Tutvedt which 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, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Whitford, Wolken, Ms. President.  
Total 43

Nays: Caferro, Keane, Sands, Sesso, Stewart-Peregoy, Vuckovich, Windy Boy.  
Total 7

Paired: Pomnichowski, Aye; Keane, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**SB 149** - Senator Rosendale moved **SB 149** do pass.

**SB 149** - Senator Facey moved **SB 149**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "PROTECTION LAWS;"

**Insert:** "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 12.

**Strike:** "4"

**Insert:** "5"

3. Page 2.

**Following:** line 30

**Insert:** "NEW SECTION. Section 5. Rulemaking. The department may adopt rules to implement the provisions of [sections 1 through 5]."

4. Page 6, line 2.

**Strike:** "4"

**Insert:** "5"

5. Page 7, line 28.

**Strike:** "4"

**Insert:** "5"

6. Page 17, line 11.

**Strike:** "4"

**Insert:** "5"

7. Page 17, line 13.

**Strike:** "4"

**Insert:** "5"

Amendment **not** adopted as follows:

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

Total 22

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

Total 28

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Paired: Pomnichowski, Aye; Buttrey, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 149** - Thereupon, the Senate reverted to the original motion of Senator Rosendale which passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, 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, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 21

Paired: Buttrey, Aye; Pomnichowski, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 237** - Senator Blasdel moved **SB 237** 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, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Total 1

Majority Leader 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, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.  
Total 38

Nays: Caferro, Kaufmann, Keane, Malek, McNally, Phillips, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
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 126** passed 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, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.  
Total 47

Nays: Hinkle, Vincent.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1



SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**SB 175** passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.  
Total 40

Nays: D. Brown, Fielder, Hinkle, Keenan, Rosendale, Sales, Smith, Vance, Vincent.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

**SB 211** 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, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

**SB 217** passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.  
Total 34

Nays: Barrett Dick, Caferro, Cohenour, Facey, Kaufmann, Larsen, Malek, McNally, Moe,

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Phillips, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy.

Total 15

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

**SB 233** 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, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

**SJ 2** 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, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: Kary, Sales.

Total 2

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**HB 56** 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, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

**HB 67** concurred in 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, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 44

Nays: Hinkle, Sales, Smith, Vance, Vincent.

Total 5

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

**HB 75** concurred in as follows:

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

Total 40

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Nays: Blasdel, Brenden, D. Brown, Keenan, Ripley, Rosendale, Sales, Vance, Vincent.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

**HB 81** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.  
Total 42

Nays: Brenden, Fielder, Jones, Keenan, Rosendale, Webb, Ms. President.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

**HB 84** concurred in as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.  
Total 38

Nays: Arntzen, Blasdel, Brenden, Fielder, Keenan, Ripley, Sales, Smith, Swandal, Vance, Vincent.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**HB 110** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken.  
Total 40

Nays: Blasdel, Brenden, Fielder, Hinkle, Rosendale, Sales, Tutvedt, Vincent, Ms. President.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

**HB 122** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Howard, Kaufmann, Larsen, McNally, Moe, Phillips, Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Wolken.  
Total 32

Nays: Brenden, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Malek, Moore, Ripley, Sesso, Stewart-Peregoy, Webb, Whitford, Windy Boy, Ms. President.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Pomnichowski.  
Total 1

**HB 134** 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, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.  
Total 49

Nays: None.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

Total 0

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

**HB 139** concurred in 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, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Ripley, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

Nays: Hinkle, Keenan, Rosendale.

Total 3

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

**HB 143** concurred in as follows:

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

Total 34

Nays: Brenden, D. Brown, Fielder, Hinkle, Keenan, Moore, Ripley, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 15

Absent or not voting: None.

Total 0

Excused: Pomnichowski.

Total 1

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 9, 2015

**SPECIAL ORDERS OF THE DAY**

Senator Smith introduced the Pages for the week:

Hunter Danz from Kalispell, sponsored by Senator Tutvedt  
Grady Hayden from Kila, sponsored by Senator Blasdel  
Daniel Sawdey from Scobey, sponsored by Senator Brenden  
Samantha Sprott from Billings, sponsored by Senator Webb  
Jewel Fox from East Helena, sponsored by Senator Brenden

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, February 10, 2015, the thirtieth legislative day. Motion carried.

Senate adjourned at 2:55 p.m.

MARILYN MILLER  
Secretary of the Senate

DEBBY BARRETT  
President of the Senate