

**SENATE JOURNAL
64TH LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 16, 2015

Senate Chambers
State Capitol

Senate convened at 1:05 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

BILLS AND JOURNALS

2/16/2015

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

Correctly printed: **SB 37, SB 145, SB 213, SB 226, SB 240, SB 241, SB 244, SB 249, SB 255, SB 276, SB 326, SB 327, SB 328, SB 329, SB 330, SB 331, SB 332, SB 333, SB 334, SB 335, SB 336, SB 337, SB 338, SB 339, HB 100.**

Correctly engrossed: **SB 48, SB 112, SB 136, SB 196, SB 216, HB 90.**

Correctly enrolled: **SB 58, SB 81, SB 104.**

Examined by the sponsor and found to be correct: **SB 104.**

Transmitted to the House: **SB 122, SB 176, SB 200, SB 209, SB 242, SB 247, HB 26, HB 74.**

Signed by the Secretary of the Senate at 10:50 a.m., February 16, 2015: **SB 16, SB 19, SB 27, SB 46, SB 78.**

Signed by the President at 11:10 a.m., February 16, 2015: **SB 16, SB 19, SB 27, SB 46, SB 78.**

Delivered to the Governor at 9:43 a.m., February 16, 2015: **SB 4, SB 5, SB 35, SB 36.**

Senate recessed and reconvened at 1:20 p.m.

Roll Call. All members present. Quorum present.

On this President's Day, President Abraham Lincoln, portrayed by Harry Fritz from Missoula, addressed the Senate.

REPORTS OF STANDING COMMITTEES

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

2/16/2015

SB 234, do pass. Report adopted.

HB 53, be concurred in. Report adopted.

HB 90, be amended as follows:

1. Page 8, line 29.

Following: "off leave"

Insert: ", other than sick leave,"

And, as amended, be concurred in. Report adopted.

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NATURAL RESOURCES (Vincent, Chair):
SB 112, introduced bill, be amended as follows:

2/13/2015

1. Title, page 1, line 7.

Strike: "AND PENALTIES FOR MISSING DEADLINES"

Insert: "; ALLOWING AN APPLICANT TO PROVIDE FUNDING FOR TMDL DEVELOPMENT UNDER CERTAIN CIRCUMSTANCES; ALLOWING FOR A HEARING BEFORE THE BOARD OF ENVIRONMENTAL REVIEW"

2. Page 3, line 15 through line 30.

Strike: subsection (9) in its entirety

Insert:

"(9)(a) When the department receives an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for that water body or segment, the department shall:

(i) within 30 days of the department's receipt of the application, initiate the development of a TMDL on the water body or segment; and

(ii) except as provided in subsection (9)(b), within 180 days of the department's receipt of the application, complete development of the TMDL pursuant to 75-5-703.

(b) If the department is not able to complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall, within 30 days of the department's receipt of the application, specify in writing to the applicant why the department is not able to complete development of a TMDL in accordance with subsection (9)(a)(ii). The department and the applicant shall make reasonable efforts to mutually agree in writing to a timeframe in which the department shall complete development of the TMDL. If the department specifies a lack of resources as a reason why the department cannot complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall clearly explain in its written specification what resources are not available, why those resources are not available, and when those resources will be available.

(c) If the department and the applicant cannot mutually agree to a timeframe in accordance with subsection (9)(b), the department shall, within 60 days of the department's receipt of the application, specify in writing to the applicant the timeframe in which the TMDL will be completed by the department and the reasons why that timeframe is appropriate. If the department specifies a lack of resources as a reason why the department's timeframe is appropriate, the department may request the applicant provide funding for the development of the TMDL in order to accelerate the completion of the TMDL.

(d) The applicant may, within 15 days of the department's written specification provided in accordance with subsection (9)(c), request in writing a hearing before the board for the purpose of petitioning the board to reverse or modify the department's decision. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection. If the parties to the contested case waive a formal proceeding pursuant to 2-4-603, the informal proceeding must be conducted within 30 days after

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the board's receipt of written request. After the hearing and in a reasonable time, the board shall affirm, modify, or reverse the action of the department, and the board shall make findings and conclusions that explain its decision. Pending the board's decision, the department shall develop the TMDL in accordance with the timeframe specified in subsection (9)(a)(ii).

(e) The department may not declare an application incomplete or deficient because a TMDL has not been prepared.

(f) If on [the effective date of this act], an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401 is pending, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for the water body or segment, the department shall, except as provided in subsection (9)(g), complete a TMDL for the water body or segment within 180 days of [the effective date of this act].

(g) If the department is not able to complete development of the TMDL within 180 days of [the effective date of this act] pursuant to subsection (9)(f), then the timeframes established in accordance with subsections (9)(b), (9)(c), and (9)(d) apply to the application, but the timeframes are measured from [the effective date of this act], not from the date the department receives an application."

And, as amended, do pass. Report adopted.

SB 136, introduced bill, be amended as follows:

1. Page 2, line 16.

Following: "means"

Insert: ", for the purposes of fee assessment only,"

Strike: "solid and"

2. Page 3, line 24.

Following: "\$25,000"

Insert: "annually"

And, as amended, do pass. Report adopted.

SB 256, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair):

2/13/2015

SB 48, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "SALES;"

Insert: "PROVIDING FOR THE ESTABLISHMENT OF AND PARTICIPATION IN AN ELECTRONIC RECORDKEEPING AND MONITORING SYSTEM; PROVIDING IMMUNITY;"

Strike: "SECTION"

Insert: "SECTIONS 50-32-501 AND"

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2. Page 1, line 9.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 50-32-501, MCA, is amended to read:

"50-32-501. Restricted possession, purchase, or other transfer of ephedrine or pseudoephedrine -- exceptions -- penalties. (1) Except as provided in subsection (2), a person may not purchase, receive, or otherwise acquire more than 9 grams within any 30-day period or more than 3 grams per day of any product, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine, any of their salts or optical isomers, or salts of their optical isomers ~~within any 30-day period~~.

(2) This section does not apply to any quantity of a product, mixture, or preparation dispensed pursuant to a valid prescription or as provided in 50-32-502.

(3) Possession of more than 9 grams of a drug product containing any detectable quantity of ephedrine, or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers constitutes a rebuttable presumption of the intent to use the product as a precursor to methamphetamine or another controlled substance.

(4) The rebuttable presumption in subsection (3) does not apply to:

(a) a retail distributor of drug products;

(b) a wholesale drug distributor, or its agents, licensed by the board of pharmacy;

(c) a manufacturer of drug products or its agents;

(d) a pharmacist licensed by the board of pharmacy; or

(e) a licensed health care professional possessing the drug products in the course of carrying out the profession.

(5) A person who knowingly or negligently violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 1 year."

Insert: "**Section 2.** Section 50-32-502, MCA, is amended to read:

"50-32-502. Restricted sale and access to ephedrine or pseudoephedrine products -- exceptions -- penalties. (1) The retail sale of a product that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers may be made only in a pharmacy licensed pursuant to Title 37, chapter 7, or a retail establishment that is certified by the department of justice pursuant to subsection (2).

(2) (a) If there is not a licensed community pharmacy within a county, then a retail establishment may apply to the department of justice for certification as an establishment that is allowed to sell products that contain any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers.

(b) The department of justice shall adopt rules to establish criteria for the certification of retail establishments with the intent to limit the available supply of ephedrine and pseudoephedrine to prevent the manufacture of methamphetamine.

(c) The department of justice may certify a retail establishment based on the criteria adopted by rule.

(3) Except as provided in subsection (5), a licensed pharmacy or certified retail establishment provided for in subsection (1) that dispenses, sells, or distributes products containing ephedrine or pseudoephedrine shall:

(a) display the products containing ephedrine or pseudoephedrine behind the store counter

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in an area that is not accessible to customers or in a locked case so that a customer is required to ask an employee of the licensed pharmacy or certified retail establishment for assistance in purchasing the product;

(b) limit sales to packages containing no more than a total of ~~9 grams~~ 3 grams base weight;

(c) require the person purchasing, receiving, or otherwise acquiring any product, mixture, or preparation containing ephedrine or pseudoephedrine to produce a valid driver's license or other form of valid government-issued photo identification and sign a record of sale or acquisition that includes the type of identification presented, including the identification number and issuing governmental entity, the time and date of the transaction, the name and address of the person purchasing or acquiring the ephedrine or pseudoephedrine, and the number of grams of the product, mixture, or preparation purchased or acquired name of the ephedrine or pseudoephedrine product sold, including the number of grams contained in the product;

(d) require the purchaser to sign the record of sale or acquisition, acknowledging:

(i) that the record may be kept in written or electronic form;

(ii) an understanding of the applicable sales limit; and

(iii) that providing false statements or misrepresentations may subject the purchaser to criminal penalties under 18 U.S.C. 1001; and

~~(d)~~(e) take action as necessary to ensure that a person does not purchase or acquire more than ~~9 grams~~ 3 grams per day of ephedrine or pseudoephedrine from the licensed pharmacy or certified retail establishment provided for in subsection (1) or more than 9 grams in any 30-day period. The limits apply to the total amount of base ephedrine or pseudoephedrine contained in the products and not to the overall weight of the products.

(4) A licensed pharmacy or certified retail establishment provided for in subsection (1) that dispenses, sells, or distributes products containing ephedrine or pseudoephedrine shall maintain all records made under subsection (3) ~~in a secure, centralized location and enter the records into the recordkeeping and monitoring system provided for in [section 3].~~ Each record must be maintained by the licensed pharmacy or certified retail establishment provided for in subsection (1) for 2 years. ~~The licensed pharmacy or certified retail establishment provided for in subsection (1) shall provide access to sales records by law enforcement officials.~~

(5) This section does not apply to:

(a) any quantity of a product, mixture, or preparation dispensed pursuant to a valid prescription;

(b) ~~products containing ephedrine or pseudoephedrine that are in liquid, liquid capsule, or gel capsule form if ephedrine or pseudoephedrine is not the only active ingredient~~ the sale of a single package containing no more than 60 milligrams of ephedrine or pseudoephedrine to an individual;

(c) a product that the board, upon application by a manufacturer, exempts from this section by rule because the product has been formulated in a manner as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; or

(d) any product or precursor dispensed pursuant to a prescription.

(6) ~~(a)~~ A person who negligently violates any provision of this section is punishable by a fine of not more than \$500.

~~(b)~~ A person who knowingly or negligently violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than ~~1 year~~ 10 days.

(7) This section supersedes and preempts any rule, regulation, code, or ordinance of any

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political subdivision or other unit of local government that attempts to regulate the sale or purchase of compounds, mixtures, or preparations containing any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of their optical isomers."

Insert: "NEW SECTION. Section 3. Electronic recordkeeping and monitoring system. (1)
The department of justice shall provide for the state's participation in a real-time electronic recordkeeping and monitoring system for the sale of ephedrine or pseudoephedrine. The system must:

(a) be approved by the department of justice and provided at no charge to the state, law enforcement, or participating pharmacies and certified retail establishments;

(b) provide at no charge to participating pharmacies and certified retail establishments appropriate training, 24-hour online support, and a toll-free telephone help line that is staffed 24 hours a day;

(c) be able to communicate in real time with similar systems operated in other states and the District of Columbia and similar systems containing information submitted by more than one state;

(d) comply with information exchange standards adopted by the national information exchange model;

(e) include a stop sales alert that:

(i) provides notification that completion of a sale would result in the purchaser violating the quantity limits set forth in this part;

(ii) includes an override function that may be used by a pharmacy or certified retail establishment under the circumstances set forth in subsection (2); and

(iii) records each instance in which the override function is utilized;

(f) record the following:

(i) the date and time of a transaction;

(ii) the name, address, date of birth, and photo identification number of the purchaser, the type of identification used, and the issuing governmental entity;

(iii) the number of packages purchased, the total number of grams of ephedrine or pseudoephedrine per package, and the name of the compound, mixture, or preparation containing ephedrine or pseudoephedrine; and

(iv) the signature of the purchaser or a unique number connecting the transaction to a paper signature retained at the retail premises;

(g) ensure that submitted data is retained within the system for at least 2 years from the date of submission; and

(h) be accessible by law enforcement.

(2) (a) A pharmacy or certified retail establishment may not complete a sale if the system generates a stop sales alert unless the individual dispensing the ephedrine, pseudoephedrine, or related compound has a reasonable fear of imminent bodily harm if the sale is not completed.

(b) In the event of a mechanical or electronic interruption of the system, the pharmacy or certified retail establishment shall maintain a written log of sales of ephedrine and pseudoephedrine until the system is restored. The information written in the log must be transmitted to the system as soon as practicable after the system is restored.

(3) The following entities may not be required to participate in the electronic system and may not be required to maintain a written log:

(a) licensed manufacturers that manufacture and lawfully distribute products in the channels

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of commerce;

- (b) wholesalers that lawfully distribute products in the channels of commerce;
- (c) inpatient pharmacies of health care facilities licensed in this state;
- (d) licensed long-term health care facilities;
- (e) government-operated health care clinics, departments, or centers;
- (f) physicians who dispense drugs pursuant to state law;
- (g) pharmacies located in correctional facilities; and
- (h) government-operated or industry-operated medical facilities serving the employees of

the state or local or federal government.

(4) The department of justice, a law enforcement agency of the state, or a federal agency conducting a criminal investigation involving the manufacture of methamphetamine consistent with state or federal law may access data, records, and reports regarding the sale of ephedrine or pseudoephedrine. In addition, the information may be accessed if relevant to proceedings in a court, investigatory grand jury, or special grand jury.

(5) All data, records, and reports related to the sale of ephedrine or pseudoephedrine to retail customers and any abstracts of the data, records, and reports that are in the possession of the department of justice pursuant to this section are confidential and exempt from disclosure under Title 2, chapter 6.

(6) An entity operating the system or a pharmacy or certified retail establishment that sells a product containing ephedrine or pseudoephedrine may not use or disclose information collected or contained in the system or a written log for any purpose other than to:

(a) ensure compliance with this section or the federal Combat Methamphetamine Epidemic Act of 2005, Public Law 109-177;

(b) comply with the United States government or its political subdivision for law enforcement purposes under state or federal law; or

(c) facilitate a product recall necessary to protect the public health and safety.

(7) (a) A pharmacy or certified retail establishment that releases in good faith confidential information to federal, state, or local law enforcement or to a person acting on the behalf of law enforcement or that utilizes the system in accordance with this section is immune from civil liability for the release of the information or for acts or omissions in utilizing the system under this section unless the release or the act or omission constitutes gross negligence or intentional, wanton, or willful misconduct.

(b) The civil immunity provisions of subsection (7)(a) do not apply to a person employed by or an entity operated by the state or a political subdivision of the state."

Insert: "NEW SECTION. **Section 4. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 50, chapter 32, part 5, and the provisions of Title 50, chapter 32, part 5, apply to [section 3]."

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective January 1, 2016."

And, as amended, do pass. Report adopted.

SB 216, introduced bill, be amended as follows:

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1. Page 2, line 2.

Following: "fraud"

Insert: ", including how to contact the medicaid fraud hotline"

2. Page 7, line 19.

Strike: "may"

Insert: "shall"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/14/2015

SB 50, introduced by J. Fielder

SB 65, introduced by R. Driscoll

SB 117, introduced by B. Tutvedt

SB 164, introduced by B. Hoven

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/14/2015

SB 51, introduced by Dick Barrett

House bills passed and transmitted to the Senate for concurrence: 2/14/2015

HB 167, introduced by J. Welborn

HB 262, introduced by K. White

HB 270, introduced by T. Richmond

HB 342, introduced by B. Bennett

House joint resolution passed and transmitted to the Senate for concurrence: 2/14/2015

HJ 8, introduced by F. Garner

MOTIONS

Senator Kaufmann moved that **SB 179** be taken from Judiciary and brought before the Committee of the Whole on Wednesday, February 18, 2015. Motion **failed** as follows:

Yeas: 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

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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: None.

Total 0

Senator T. Brown moved **SB 328** be re-referred from the Taxation Committee to the Education and Cultural Resources Committee. Without objection, so ordered.

Senator Sands moved that **SB 158** be taken from Business, Labor, and Economic Affairs and brought before the Committee of the Whole on Wednesday, February 18, 2015. Motion **failed** as follows:

Yeas: 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

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: None.

Total 0

Senator Windy Boy moved that **SB 2** be taken from Business, Labor, and Economic Affairs and brought before the Committee of the Whole on Wednesday, February 18, 2015. Motion **failed** as follows:

Yeas: 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

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,

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Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Webb moved **SB 316** be re-referred from the Judiciary Committee to the Public Health, Welfare and Safety Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

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

SB 340, introduced by J. Pomnichowski, referred to Local Government.

SB 341, introduced by J. Pomnichowski, referred to Local Government.

SB 342, introduced by M. Phillips, referred to Agriculture, Livestock and Irrigation.

SB 343, introduced by R. Webb, referred to Energy and Telecommunications.

SB 344, introduced by R. Webb, referred to Finance and Claims.

SB 345, introduced by E. Arntzen, referred to Education and Cultural Resources.

SB 346, introduced by E. Arntzen, referred to Business, Labor, and Economic Affairs.

SB 347, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.

SB 348, introduced by J. Fielder, referred to State Administration.

SB 349, introduced by C. Smith, referred to Public Health, Welfare and Safety.

SB 350, introduced by C. Smith, referred to Public Health, Welfare and Safety.

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

HB 167, introduced by J. Welborn, referred to Fish and Game.

HB 262, introduced by K. White, referred to Taxation.

HB 270, introduced by T. Richmond, C. Vincent, referred to Natural Resources.

HB 342, introduced by B. Bennett, G. Custer, W. McKamey, C. Schreiner, N. Schwaderer, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 8, introduced by F. Garner, B. Brown, S. Fitzpatrick, B. Harris, K. Holmlund, S. Lavin, D. Moore, D. Mortensen, M. Noland, A. Olszewski, V. Ricci, T. Richmond, D. Salomon, B. Tschida, referred to State Administration.

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**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 Malek 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 for the day. Without objection, so ordered.

SB 57 - Senator Vincent moved **SB 57** 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, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 170 - Senator Dick Barrett moved **SB 170** do pass. Motion carried 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, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 22

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

SB 171 - Senator Tutvedt moved **SB 171** do pass. Motion carried as follows:

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

Total 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 190 - Senator Phillips moved **SB 190** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 33

Nays: Arntzen, Blasdel, Brenden, Hansen, Hinkle, Howard, Kary, Malek, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 29 - House Amendments - Senator T. Brown moved House amendments to **SB 29** 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,

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Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 38 - Senator Blasdel moved **HB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Brenden, Fielder, Hansen, Hinkle, Howard, Smith, Vance.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 - Senator D. Brown moved **HB 103** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, 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, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Brenden, Fielder, Hinkle.
Total 3

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

HB 248 - Senator F. Moore moved **HB 248** be concurred in. Motion carried as follows:

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

Total 46

Nays: D. Brown, Caferro, Malek, Sales.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 195 - Senator Swandal moved **HB 195** 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, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 128 - Senator Moe moved **HB 128** 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,

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Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Malek 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, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.
Total 46

Nays: Cohenour, Ripley, Whitford, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 37 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, Windy Boy, Wolken, Ms. President.
Total 50

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 145 passed as follows:

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

Total 44

Nays: Fielder, Howard, Kaufmann, Keane, Keenan, Rosendale.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 213 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, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: D. Brown, Ripley, Sales.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 226 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, 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 46

Nays: Brenden, Caferro, Kaufmann, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 240 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, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 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,

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Whitford, Windy Boy, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 244 passed as follows:

Yeas: Ankney, Blasdel, Brenden, D. Brown, Buttrey, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Phillips, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.

Total 29

Nays: Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Kaufmann, Larsen, Malek, McNally, Moe, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 249 passed as follows:

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

Total 34

Nays: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Jones, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Vance, Webb, Ms. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 255 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, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator L. Jones moved **SB 171** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the coming week:

Beverly Sitton from Billings, sponsored by Senator Webb
Thresa Skeslien-Jenkins from Billings, sponsored by Senator Webb
Anna Melugin from Missoula, sponsored by Senator Facey
Moriah Inabnit from Bozeman, sponsored by Senator Hinkle
Quincey Frewin from Billings, sponsored by Senator Smith

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, February 17, 2015, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate