

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

Helena, Montana
February 18, 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 members present, Senator Whitford excused. Quorum present.

BILLS AND JOURNALS

2/18/2015

Correctly printed: **SB 34, SB 68, SB 92, SB 169, SB 225, SB 235, SB 248, SB 260, SB 276, SB 277, SB 282, SB 351, SB 352, SB 353, SB 354, SB 355, SB 356, SR 19, SR 20, SR 21, HB 27.**

Correctly engrossed: **SB 66, SB 79, SB 168, SB 224, SB 232, SB 245, SB 259, SB 280, SB 281, SJ 12, HB 12, HB 78, HB 206, HB 241.**

Correctly enrolled: **SB 6, SB 28, SB 29, SB 32, SB 67, SB 85, SB 95, SB 108, SB 113, SB 163, SR 4, SR 6.**

Examined by the sponsor and found to be correct: **SB 65.**

Transmitted to the House: **SB 29, SB 57, SB 170, SB 190, SB 196, HB 38, HB 103, HB 128, HB 195, HB 248.**

Signed by the Secretary of the Senate at 10:40 a.m., February 18, 2015: **SB 50, SB 59, SB 62, SB 81, SB 117, SB 164.**

Delivered to the Governor at 8:56 a.m., February 18, 2015: **SB 58, SB 104.**

MOTIONS

Majority Leader Rosendale moved the Senate recess and proceed to the House of Representatives for a joint session to receive an address from Senator Steve Daines and, upon adjournment of the joint session, the Senate reconvene. 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 an address from the Honorable Senator from the State of Montana, Steve Daines.

Majority Leader Rosendale moved the President be authorized to appoint a committee of four to notify Senator Daines that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Taylor and Vuckovich,

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and Representatives Burnett and Lynch and charged the committee to escort Senator Daines into the chambers.

President Barrett introduced Senator Daines who gave the following address:

President Barrett, Speaker Knudsen, Senator Sesso and Representative Hunter. Members of the Montana State Senate and State House. Governor Bullock and our other statewide elected officials here today.

I'm honored to be here today, and grateful for this opportunity to speak with all of you. I remember the last time I was standing in this spot as your newly elected Congressman. Well, it's been two years and here I am again speaking to you as a freshman.

It is an incredible honor to represent Montana in the United States Senate. And it continues to be a great privilege to work with all of you -- our legislators and statewide officials -- to serve the people of Montana. As a citizen legislature, you put your lives and your small businesses on hold, and come to Helena to serve. And not to serve yourselves -- to serve your neighbors, your communities. The people of Montana.

Now, I know that you won't all agree on everything 100% of the time. But we are united by a desire to serve the people of Montana and work for solutions that move our state forward.

Montanans don't want to see an "R" or a "D" behind their elected officials' names -- they want to see "MT." Because we weren't elected to serve a political party. We were elected to serve the people of Montana. That's something that as citizen legislators, you understand well. Unfortunately, Washington still doesn't get it.

Washington is more concerned with its own self-interest and self-gain than the well-being of the American people. That's why the first bill I introduced in the Senate, just last week, was the Balanced Budget Accountability Act, which mandates that Congress balance the budget or members won't get paid.

It's a charge I led in the House, and I'll continue fighting in the Senate. It's time that Washington is held accountable to the American people. Montana families, Montana small business, the Montana State Legislature, all have to balance their budgets. It's time that Washington D.C. takes a page out of Montana's playbook and balances its budget.

Our national debt crisis is a prime example of how broken Washington is. The non-partisan Congressional Budget Office recently reported that if the federal government remains on its current path, our national debt will rise from \$18 trillion to more than \$25 trillion in 10 years. Over the next ten years, we'll pay \$5.6 trillion in interest alone. That's enough to pay for Montana's current annual budget for the next 2500 years.

Our country is on an unsustainable fiscal path that is headed toward bankruptcy. That is why I urge you, as our state's leaders, to set forward a path for Montana that is founded upon Montana-driven

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solutions and Montana-driven success. We must be wary of increasing our dependence on Washington and a federal government that is accruing debt at an unprecedented rate.

That's why Montana's destiny must be determined by Montanans, not the federal government. After all, in Washington, D.C. we have but three Montana voices -- Jon, Ryan and me -- among 535. It's better when 100 Montana State Representatives and 50 Montana State Senators, a Montana Governor, and a Montana Attorney General take the lead on issues that directly impact the future of Montana versus the U.S. Senate, the House, President Obama and Eric Holder.

We all know that Montana is a great place to live, to recreate, to raise a family. So why isn't it a better place to work? Why is it that from year to year, Montana consistently ranks near the bottom in median income? Why is it that 4 out of 5 of our engineering graduates leave Montana to find work? We should be exporting our wheat and cattle, not our kids. Why is it that our once thriving timber industry has all but come to a halt?

Montana is the best state in the union. But better is possible. I'm convinced that the best solutions and the best policies for Montana aren't going to come from some bureaucrats or career politicians 2,000 miles away in Washington, D.C. They're going to come from Montanans, from local legislators like you, from Montana small business owners, and from Montana families.

Let me tell you -- Washington is the problem. Montana has the solutions. So why, when we look to solve the problems facing our state, would we look to DC for the answers?

To prove how out-of-touch Washington, D.C. is, Montanans need to look no further than to the EPA. From trying to regulate dry ditches and puddles, to writing yet another rule to cripple our coal industry, the EPA is doing everything it can to make life worse for hardworking Montana farmers and ranchers, our union members, our families, and our tribes.

The Crow Reservation is home to some of the richest coal deposits in Montana. The Crow people want to have control of their resources, control of their destiny. Yet a misguided Washington, D.C. agenda prevents them from doing so.

President Obama is waging a war on coal that is a direct threat to affordable energy, to good-paying jobs, and to the economic future of Montana's tribes. While serving in the House, I invited Crow Chairman Darrin Old Coyote to testify before the Natural Resources Committee. And what he said has stayed with me, and sadly proven time and time again to be true.

He said "A war on coal is a war on the Crow people."

Unemployment on the Crow Reservation is around 50%. As Chairman Old Coyote has told me, without those good-paying jobs in the Absaloka Mine or at Colstrip Power Plant, unemployment would be closer to 90%.

The EPA and its latest regulations are a direct threat to the Crow Tribe's economic future. It's a threat to the more than 4,000 good-paying jobs in our coal mines and Colstrip Power Plant. It's a threat to the tens of millions of dollars in tax revenue that you as legislators depend upon to fund

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government services.

But that's not the only place where we've seen Washington's war against hard-working Montanans. Last month, the House and Senate both passed legislation approving construction of the Keystone XL pipeline. All three of your federal representatives -- Senator Tester, Congressman Zinke, and I -- voted in support of the pipeline.

Next week, after six years of waiting on the President to make a decision, the Keystone bill will head to his desk, where he'll finally have to make a yes or no decision. All signs indicate he plans to veto it.

Last night, I was talking with Rion Miles, the business manager for Operating Engineers Local 400. The Keystone XL pipeline will create 300 good-paying jobs for his union members in Montana alone. And like most Montanans, Rion doesn't understand why the President is standing in the way of those good-paying union jobs.

Well, I have a message from the people of Montana. Mr. President, it's time to stop debating, and it's time to start building the Keystone Pipeline.

The Keystone pipeline isn't just a pipeline for oil. It's a lifeline for thousands of Montana families who are looking for something -- anything -- to bring back economic hope in their communities.

McCone County is one of six Montana counties that the Keystone XL pipeline will run through. Circle, the McCone county seat, has experienced the same economic and population declines that many northeastern Montana towns have faced in recent years. Families have moved away. Businesses have closed. Main Street isn't the same as it was even a decade or two ago. McCone County has significant infrastructure needs that have gone unresolved in the wake of a shrinking tax base.

For towns like Circle, the Keystone XL pipeline isn't just about energy. It represents economic opportunity and hope for the future. In just the first year of Keystone's operation, McCone County alone would see \$18 million in property tax revenues. That's money for schools and roads and teacher salaries. That's economic opportunity and hundreds of new jobs in the area.

And it's not just McCone County that will benefit. The Montana Department of Revenue estimates that another \$45 million per year would be distributed among Valley, Dawson, Phillips, Fallon and Prairie Counties which also lie along the pipeline's path. And more than \$16 million per year would go directly to Montana's schools and university systems.

But that's not all. Not too long ago, I was up in Glasgow visiting with the folks at NorVal Electric Co-op. NorVal, along with several other rural Montana electric cooperatives, will supply power for one of the Keystone XL pipeline's pump stations.

If the pipeline is built, NorVal estimates that they can keep their consumers' electric rates flat for the next ten years. For thousands of Montana families living paycheck-to-paycheck, stable energy rates for a decade would be one less thing they'd have to worry about. But if the pipeline is not

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approved, rates for those same hard-working families will increase by 40 percent over the same time period. That's a potential increase of about \$480 dollars per year for the average household in Montana.

Why then does Washington continue to put barrier after barrier up to prevent job creation? Why does the EPA continue to impose regulation after regulation that will prevent one of the few bright spots in our economy -- our energy industry -- from growing?

We need Montana-driven policies that empower our farmers and ranchers and encourage the growth of jobs in our coal mines and sawmills and on our oil fields. Washington is the problem - Montana has the solutions.

But the federal government's mismanagement of our resources isn't just isolated to our coal reserves. We see it in our National Forests and our public lands. Our public lands are a tremendous asset to our tourism economy and our way of life. It's one of the reasons that many people come to Montana in the first place.

At RightNow Technologies, where we created hundreds of Montana jobs with salaries averaging over \$70,000 per year our recruiting slogan was "work where you also like to play."

I grew up in Bozeman, hunting and fishing on our public lands. I backpacked all over the Spanish Peaks, the Beartooths, the Crazyes... and climbed Montana's highest point, Granite Peak. In fact, I proposed to my wife, Cindy, on Hyalite Peak south of Bozeman nearly 30 years ago

Our public lands are an important part of my way of life -- just like most Montanans. But the federal government's perpetual failure to properly manage our National Forests has led many of Montana's forested counties into economic despair.

Our state once boasted a robust timber industry. Our forests were healthy and maintained. Thousands of Montanans had good-paying jobs in our mills. But over the past few decades, things have dramatically changed.

Timber harvests in Montana's National Forests have declined 82%. We've lost more than 4,000 high-paying jobs in our once thriving timber industry. New federal laws made it easier for fringe groups to shut down resource development with lawsuit after lawsuit. And a flood of new regulations have made it too costly or too complicated to move forward with resource development even if the lawsuits were settled.

Look no further than Pyramid Lumber in Seeley Lake, which is running at just two-thirds capacity because they can't find logs. Or RY Lumber in Livingston and Tricon Timber in St. Regis -- these mills are surrounded by dense forests on all sides. Yet they both have to purchase logs 500 miles away in Wyoming. Or look at Stoltze Lumber in Columbia Falls. I was just up there yesterday, talking with mill workers. In recent months, the mill has cut back production by 20 hours a week and 10 employees have been laid off. All because persistent litigation has reduced log supply and tied up timber sales throughout Montana.

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A while back, I was visiting with a couple from Eureka and asked them how it was all going. They said: "Steve, what we have in Lincoln County is poverty with a view."

Lincoln and Sanders counties boast natural beauty that is hard to match. Dense forests, rugged peaks, pristine streams. These are the qualities that many think of when they look at western Montana. But as far too many families in Libby and Plains and Eureka and Thompson Falls know, a great view on its own can't pay the bills. These are communities that once had thriving resource industries. Mills were running at full capacity and miners were hard at work. The situation today is much different.

More than 81% of Sanders County and 78% of Lincoln County is made up of federally owned land. When your largest landowner in the county doesn't pay taxes and doesn't provide economic opportunities on its land, the revenue base is pretty limited. It's hardly a coincidence that these same counties with the highest percentage of federal lands have the lowest median incomes in Montana.

Last year, the New York Times did an assessment of the "health and wealth" of every county in the nation. You might expect folks in Silicon Valley to be doing fairly well. Or see New York City suburbs thriving. What shocked me was seeing that six of the nation's top ten wealthiest counties surround Washington, D.C. This sends a pretty clear message about where Washington's priorities really are.

During the recession, while millions of Americans were struggling to make ends meet amidst layoffs and economic instability, Washington, D.C. thrived. The federal government poured millions of dollars into new buildings. And salaries kept growing and growing. The average federal bureaucrat in the Department of Education in Washington, D.C. makes \$107,000 a year. It's time we stop building bureaucratic D.C. kingdoms, and return those dollars back to the classrooms.

We see a similar trend here in Montana. When looking at median income, two of the top three counties in Montana are Jefferson County and Lewis and Clark County -- in short, Helena. Our capitol. Now, I'm happy to see folks in all corners of our state succeeding and being able to provide for their families. But what kind of message does it send when the seat of Montana's government is thriving while families in northwestern Montana can't find work?

Our public lands and our National Forests are some of Montana's greatest treasures. But we have to implement meaningful forest management reform that gets our timber industry up and running again, improves the health of our forests, and ensures that places like Sanders and Lincoln counties aren't dependent on the whims of the federal government's annual budget.

These are serious challenges that I hear about every single day. Montanans are worried. I know that when we look at the big numbers, things seem to be okay in Montana. Our state unemployment rate is down. Our graduation rates are up. These are good things.

But when you leave Helena, and talk with folks in Libby, or Plains, or Thompson Falls, those numbers aren't all that encouraging. Sanders County ranks at the bottom in median income. Lincoln County has the highest unemployment in our state. We can't rely on Washington, D.C. to

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come up with the solution.

But here in Montana, we also see the opportunities when Montanans are empowered to develop our natural resources. You remember that Jefferson County ranked number one in median income, and Lewis and Clark County ranked number three. Number two is Richland County -- the heart of Montana's oil production.

Think of our opportunities if the federal government stepped back and allowed Montanans to develop their resources -- to responsibly manage their forests and mine their coal. Let Montanans have a greater say in the management of our public lands, not Washington D.C.

And yes, we must keep our public lands public. We must stand firm against any efforts to sell our public lands. But we also must remind folks back East that these lands belong to the public. They belong to the people not to federal bureaucrats in Washington, D.C. or trial lawyers in San Francisco. Washington is the problem. Montana has the solutions, and there are great opportunities for our state if Montanans are leading the way.

Look no further than our number one industry, agriculture. Montana feeds the world. Our cattle and wheat are two of our biggest exports. Our sugar beets in Sidney and along the Yellowstone River produce the sugar that keeps trick or treaters happy at Halloween. When you drink a Bud Light, or a local Montana microbrew, odds are that you're drinking Montana barley. We need to increase opportunities for our producers to succeed and create good-paying jobs, not allow more barriers from the EPA hold them back.

We need a free and fair trade system that opens markets for Montana farmers and ranchers. We need to support new export terminals so that our producers can get their grain and cattle to market.

We also have tremendous opportunities to develop our state's energy resources and create new jobs in our eastern-Montana communities. In recent months, we've seen the price of gas drop below \$2 a gallon, thanks to more made-in-America energy. That works out to be a \$750 per year savings for the average American household. That's a good thing. But rather than hitting pause on our energy production, we need to encourage it.

More made-in-Montana energy doesn't just mean more money in your pocket when you head to the gas pump or look at your electric bill. It also means more jobs. Our state is a true model of an "all-of-the-above" energy plan. We are blessed with abundant resources: coal, oil, natural gas, water, wind, solar. By responsibly developing all of our energy resources, Montana can help our nation achieve energy independence.

Our energy security, though, isn't just about jobs and low energy prices. It's directly tied to our national security. From the serious threat of ISIS in the Middle East, to Russian aggression in eastern Europe, we're reminded that many of these regions filled with turmoil also supply much of the world's oil and natural gas. The U.S. will become the world's largest oil producer this year surpassing Russia and Saudi Arabia. We need more made-in-America energy, not more made in the Middle East oil.

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These threats also affirm the importance of maintaining our strong nuclear deterrence -- a critical mission that is based in Montana's own Malmstrom Air Force Base. Not a day should go by when we aren't thanking the men and women at Malmstrom for their service and their important role in keeping our nation, and our world, safe.

On a daily basis, we are reminded of the growing threat of a nuclear Iran or North Korea. We see the mounting threats of radical Islamic terrorism with ISIS in Iraq and Syria, Boko Haram in Nigeria and the Houthis in Yemen. President Obama's efforts to undermine the strength of Malmstrom's mission are shortsighted and misguided, especially in today's increasingly dangerous world.

I have heard from detractors who've said we've never had to use our nuclear mission so maintaining its full strength isn't necessary. Well, I have a message for those who seek to weaken our ICBM mission: those missiles are used each and every day. We maintain peace through strength. We cannot underestimate the importance of maintaining that strength as we strive to secure our homeland from threats abroad.

Like you, I'm grateful I get to call Montana home. I've always said one of the best decisions I ever made is when I picked my great-great grandmother, who homesteaded east of Conrad, and got our family to Montana.

Montana offers an unmatched quality of life that no other state can compete with. Montana offers a workforce that is unmatched with a strong work ethic that is passed on from generation to generation.

And now with technology, we can grow more good-paying jobs that allow Montanans to stay in the state we love. That's because technology has removed geography as a constraint. We can build world-class businesses in Montana.

I saw this when I worked at RightNow Technologies in my hometown of Bozeman. And as I've traveled the state I've seen the impact that technology has had on dozens of small Montana businesses. From Blue Marble Biomaterials in Missoula, to Resodyn in Butte, to Proof Research in Columbia Falls -- Montana is becoming a hub of innovation and technological success.

A study released just yesterday by the University of Montana Bureau of Business and Economic Research showed that Montana's high-tech jobs are growing 8 to 10 times faster than Montana's statewide job growth rate. More, these jobs average wages of more than twice the median statewide income. And in fact last year, 40% of the wage growth in Montana occurred in Gallatin County alone -- a hub of high tech growth for Montana.

We must encourage the growth of high-tech jobs in Montana. These are good-paying jobs that will not only allow our state to grow economically, it will ensure that the kids we're training at our universities and colleges can stay in Montana.

That's why we must stand united against Washington, D.C.'s attempts to tax the Internet, limit innovation, and put more senseless regulations on Montana-based small businesses (like Blackfoot Communications) who are working to expand and improve Internet access. The Internet is a

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laboratory of innovation for Montana small businesses. Yet Washington, D.C. wants to tie our entrepreneurs' hands by forcing them to collect internet sales taxes for 9600 different tax jurisdictions rather than focusing their time and energy on growing their business and creating jobs.

Whether it's an Internet sales tax, or a tax on the Internet itself, one thing is clear -- Washington, D.C. is always looking for one more thing to tax. I think I can speak for all Montanans when I say "not on our watch."

We also cannot underestimate the importance of encouraging our students' interests in Science, Math, Engineering and Technology. Increasing educational opportunity in Montana, though, isn't going to happen through another federal mandate or a one-size-fits-all regulation. We need to empower our state, our local school boards, our teachers and parents to work together to develop solutions that best fit our kids' unique needs.

Working together, we can find solutions that work for Montana. We can grow our economy and create opportunities for more timber, energy and technology jobs. We can protect access to our public lands and ensure they remain healthy and open for future generations. Washington is the problem -- and we have the solutions here in Montana.

We really do live in the greatest state in the country. It truly is the last best place. We know it's the best place to live. Let's make it an even better place to work. Thank you, and God Bless.

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Majority Leader Rosendale moved the joint session be adjourned. Motion carried. The joint session adjourned at 1:52 p.m.

Senate reconvened at 1:55 p.m.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair):
SB 232, introduced bill, be amended as follows:

2/17/2015

1. Page 2, line 16.

Strike: "and that constitute recreational use"

And, as amended, do pass. Report adopted.

HB 206, be amended as follows:

1. Page 1, line 27.

Following: "Helena"

Insert: "in Montana"

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

HB 265, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):
SB 66, introduced bill, be amended as follows:

2/17/2015

1. Title, page 1, line 6.

Following: "CONTROL ACT;"

Strike: "DEFINING "ELECTRONIC SMOKING DEVICE";"

2. Title, page 1, line 7.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 16-11-122,"

3. Title, page 1, line 7.

Following: "16-11-302,"

Insert: "16-11-303, 16-11-304, 16-11-305, 16-11-306, 16-11-308, 16-11-309, 16-11-310, AND 45-5-637,"

4. Title, page 1, line 7.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

5. Page 1, line 10.

Following: line 9

Insert: "**Section 1.** Section 16-11-122, MCA, is amended to read:

"16-11-122. License fees -- renewal. (1) Each application for a wholesaler's license or a tobacco product vendor's license must be accompanied by a fee of \$50.

(2) Each application for a subjobber's license must be accompanied by a fee of \$50.

(3) Each application for a retailer's license must be accompanied by a fee of \$5.

(4) Each application for a license to sell either alternative nicotine products or vapor products must be accompanied by a fee of \$5.

~~(4)~~(5) The fees for the licenses in subsections (2) and (3) may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party.

~~(5)~~(6) These licenses must be renewed annually on or before the anniversary date established by rule by the board of review established in 30-16-302 and upon payment of the annual fee are effective for 1 year, without proration, and are not transferable.""

Renumber: subsequent sections

6. Page 1, line 14.

Following: line 13

Insert: "(1) "Alternative nicotine product" means any manufactured noncombustible product containing nicotine derived from tobacco that is intended for human consumption, whether

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chewed, absorbed, dissolved, or ingested by any other means. The term does not include a tobacco product, a vapor product, or a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

Renumber: subsequent subsections

7. Page 1, line 19 through line 25.

Strike: subsection (2) in its entirety

8. Page 2, line 4.

Strike: "or nicotine that can be ingested into the body by chewing, absorbing, dissolving, or any other means"

9. Page 2, line 5.

Following: "cigars,"

Strike: "an electronic smoking device,"

10. Page 2, line 5 through 7.

Following: "smokeless tobacco."

Strike: remainder of line 5 through "Act." line 7

Insert: "The term does not include an alternative nicotine product, a vapor product, or a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

11. Page 2, line 8.

Insert: "(7) "Vapor product" means a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include a product regulated as a drug or device by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act."

Insert: "**Section 3.** Section 16-11-303, MCA, is amended to read:

"16-11-303. License for retail sale of tobacco products -- alternative nicotine products -- vapor products. (1) A person may not sell tobacco products, alternative nicotine products, or vapor products at retail, whether over the counter, by vending machine, or otherwise, without a license obtained from the department of revenue.

(2) A license for the retail sale of tobacco products, alternative nicotine products, or vapor products may be obtained from the department of revenue.

(3) The fee collected by the department must be deposited in the general fund.""

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Insert: "Section 4. Section 16-11-304, MCA, is amended to read:

"16-11-304. Signs. A retail seller of tobacco products, alternative nicotine products, or vapor products shall conspicuously display, at each place on the premises at which tobacco products, alternative nicotine products, or vapor products are displayed and sold, a sign that is to be provided without charge by the department of revenue that states: "Montana law prohibits the sale of tobacco products, alternative nicotine products, and vapor products to persons under 18 years of age.""

Insert: "Section 5. Section 16-11-305, MCA, is amended to read:

"16-11-305. Sale or distribution of tobacco products, alternative nicotine products, or vapor products to persons under 18 years of age prohibited. (1) A person may not sell or distribute a tobacco product, alternative nicotine product, or vapor product to an individual under 18 years of age, whether over the counter, by vending machine, or otherwise.

(2) If there is a reasonable doubt as to the individual's age, the seller shall require presentation of a driver's license or other generally accepted identification that includes a picture of the individual."

Insert: "Section 6. Section 16-11-306, MCA, is amended to read:

"16-11-306. Sales of tobacco, alternative nicotine products, or vapor products through vending machines restricted. (1) Tobacco products, alternative nicotine products, and vapor products may be sold through a vending machine only in places where alcoholic beverages are sold and consumed on the premises and where the vending machine is under the direct line-of-sight supervision of the owner or an employee of the establishment. The tobacco products, alternative nicotine products, or vapor products must be in a vending machine that contains only tobacco products, alternative nicotine products, or vapor products.

(2) Tobacco products, alternative nicotine products, or vapor products may not be sold through a vending machine that is located in a restaurant unless the restaurant has a bar, the restaurant area shares seating with the bar area, and the vending machine meets the requirements of subsection (1).

(3) The sale of tobacco products, alternative nicotine products, or vapor products from a vending machine under the direct line-of-sight supervision of an owner or employee is considered a sale of tobacco products, alternative nicotine products, or vapor products by the owner or employee for the purposes of 16-11-305."

Insert: "Section 7. Section 16-11-308, MCA, is amended to read:

"16-11-308. Civil penalties -- license suspension -- tobacco education fee. (1) Failure to obtain a license, as required by 16-11-303, failure to post signs, as provided in 16-11-304, or the manufacture or sale of cigarettes or rolling tobacco in violation of the minimum package size requirements of 16-11-111 or 16-11-307 is punishable by a civil penalty of \$100. The department may collect the penalty in the manner provided for the collection of other debts.

(2) A person who violates 16-11-305(1) or 16-11-307(1) at any one location within a 3-year period shall be punished as follows:

(a) A first through third offense is punishable by a verbal notification of violation.

(b) A fourth offense is punishable by a written notice of violation to be sent by the department of public health and human services to the owner of the establishment.

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(c) A fifth offense is punishable by assessment against the owner of the establishment of a tobacco education fee of \$500. The employee or other person who sold the tobacco product, alternative nicotine product, or vapor product, the establishment manager, and the establishment owner, if the owner is a sole proprietor or partner, shall read and view the tobacco education material.

(d) A sixth offense under 16-11-305(1) or 16-11-307(1) or a third offense under 16-11-307(2) is punishable by suspension of the licenses required by 16-11-120 and 16-11-303 for 3 months.

(e) A seventh and subsequent offense under 16-11-305(1) or 16-11-307(1) or a fourth and subsequent offense under 16-11-307(2) is punishable by suspension of the licenses required by 16-11-120 and 16-11-303 for 1 year.

(3) After 2 years from the first violation, if a person has not received notice of any further violations, a second violation is considered a first violation for the purposes of subsection (2).

(4) A license may not be reissued after suspension under subsection (2)(d) or (2)(e) unless tobacco education fees or civil penalties are paid in full.

(5) Tobacco education fees must be assessed and collected by the department of public health and human services. Notice of an assessment pursuant to subsection (2) and this subsection must be made by the department of public health and human services within 30 days of the alleged violation by certified letter addressed to the establishment owner or manager. The notice of assessment against the owner of the establishment must provide an opportunity for a hearing. The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the owner or manager shall notify the department of public health and human services that the owner or manager objects to the assessment and request a hearing pursuant to this subsection.

(6) In addition to the penalty provided for in subsection (2), a first and subsequent violation of 16-11-305(1) or 16-11-307(1) is punishable by an assessment of a tobacco education fee of \$25 against the employee who sold the tobacco product, alternative nicotine product, or vapor product, if the employee is not the owner of the establishment. The tobacco education fee must be assessed and collected by the department of public health and human services. Within 30 days of the alleged violation, notice of assessment pursuant to this subsection must be made by the department of public health and human services by certified letter addressed to the employee. The notice of assessment must provide an opportunity for a hearing. The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the employee shall notify the department of public health and human services that the employee objects to the assessment and requests a hearing pursuant to this subsection.

(7) The tobacco education material referred to in this section must be provided by the department of public health and human services in the form of written and video self-teaching materials. The education materials may be used only for the purposes provided in this section. Upon completion of the self-teaching materials, the establishment owner or manager shall execute a written statement on a form provided by the department of public health and human services verifying that the employee, owner, or manager, as appropriate, has read and viewed the self-teaching material and shall return the statement and the self-teaching video to the department of public health and human services.

(8) Upon the sixth and subsequent violation of this section, the department of public health

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and human services shall notify the department of revenue in writing to initiate suspension of the licenses required by 16-11-120 and 16-11-303 and shall notify the licensee in writing of the alleged violation and of the referral of the licensee's record of violations to the department of revenue for suspension of the licenses pursuant to 16-11-144 and this section. The department of revenue shall review the record of violations and may initiate license suspension proceedings in accordance with 16-11-144. If, upon a review of the record of violations, the department of revenue declines to initiate suspension proceedings, the violation may not be charged against the licensee for the purposes of this section.

(9) Fees assessed pursuant to this section must be deposited in the state general fund."

Insert: "Section 8. Section 16-11-309, MCA, is amended to read:

"16-11-309. Inspection and notification of violation required. (1) The department of public health and human services shall conduct inspections of persons selling or distributing tobacco products, alternative nicotine products, or vapor products to determine compliance with 16-11-303, 16-11-304, 16-11-305(1), 16-11-306, and 16-11-307. Inspections may be conducted directly by the department of public health and human services or may be provided for by contract let by the department of public health and human services. Persons found to be in violation of the requirements of this part or the rules of the department of public health and human services a fourth and subsequent time must be notified in writing by the department of public health and human services of the facts of the violation and the penalties provided by this part.

(2) The department of public health and human services shall provide documentation of alleged violations of 16-11-303, 16-11-305, and 16-11-307 to the department of revenue."

Insert: "Section 9. Section 16-11-310, MCA, is amended to read:

"16-11-310. Minors not liable for possession or attempt to purchase. An individual under 18 years of age assisting in the enforcement of this part is not liable under a civil or criminal law for the possession of or the attempt to purchase a tobacco product, alternative nicotine product, or vapor product for the purposes of enforcing this part."

Insert: "Section 10. Section 45-5-637, MCA, is amended to read:

"45-5-637. ~~Tobacco possession~~ Possession or consumption of tobacco products, alternative nicotine products, or vapor products by persons under 18 years of age prohibited -- unlawful attempt to purchase -- penalties. (1) A person under 18 years of age who knowingly possesses or consumes a tobacco product, alternative nicotine product, or vapor product, as defined in 16-11-302, commits the offense of possession or consumption of a tobacco product, alternative nicotine product, or vapor product.

(2) A person convicted of possession or consumption of a tobacco product, alternative nicotine product, or vapor product:

(a) shall be fined \$50 for a first offense, no less than \$75 or more than \$100 for a second offense, and no less than \$100 or more than \$250 for a third or subsequent offense; or

(b) may be adjudicated on a petition alleging the person to be a youth in need of intervention under the provisions of the Montana Youth Court Act provided for in Title 41, chapter 5.

(3) A person convicted of possession or consumption of a tobacco product, alternative nicotine product, or vapor product may also be required to perform community service or to attend

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a tobacco cessation program.

(4) A person under 18 years of age commits the offense of attempt to purchase a tobacco product, alternative nicotine product, or vapor product if the person knowingly attempts to purchase a tobacco product, alternative nicotine product, or vapor product as defined in 16-11-302. A person convicted of attempt to purchase a tobacco product, alternative nicotine product, or vapor product:

(a) for a first offense, shall be fined \$50 and may be ordered to perform community service;

(b) for a second or subsequent offense, shall be fined an amount not to exceed \$100 and may be ordered to perform community service.

(5) The fines collected under subsections (2) and (4) must be deposited to the credit of the general fund of the local government that employs the arresting officer, or if the arresting officer is an officer of the highway patrol, the fines must be credited to the county general fund in the county in which the arrest was made."

Renumber: subsequent sections

12. Page 2, line 9.

Strike: "on passage and approval"

Insert: "January 1, 2016"

And, as amended, do pass. Report adopted.

SB 259, introduced bill, be amended as follows:

1. Page 2, line 17.

Strike: "5%"

Insert: "4%"

And, as amended, do pass. Report adopted.

SB 280, introduced bill, be amended as follows:

1. Page 1, line 24.

Insert: "(3) This section does not affect remedies available under Title 30, chapter 14."

And, as amended, do pass. Report adopted.

SB 281, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "EXEMPT A REGULATED LENDER AND"

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

Strike: "SECTIONS 30-14-102 AND"

Insert: "SECTION"

3. Page 1, line 10 through page 2, line 14.

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Strike: section 1 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 78, be amended as follows:

1. Page 3, line 6.
Following: "favorable rate tier,"
Strike: "deny a claim, or"

2. Page 3, line 7.
Following: "provide a benefit"
Insert: ", or deny a claim"

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

HB 126, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):
SB 79, introduced bill, be amended as follows:

2/18/2015

1. Title, page 1, lines 5 through 6.
Following: "CLARIFYING THE"
Strike: "MEANING" on line 5 through "COSTS" on line 6
Insert: "FUNDING REQUIREMENTS"

2. Title, page 1, line 6.
Following: "LICENSING"
Insert: "BOARDS"

3. Title, page 1, line 7.
Strike: "ALLOWING" on through "DEPARTMENT COSTS;" on line 7

4. Title, page 1, line 8.
Strike: ", 37-72-202" through "50-76-104,"

5. Page 1, line 13 through page 3, line 16.
Strike: section 1 through section 5 in their entirety
Insert: "**Section 1.** Section 37-1-134, MCA, is amended to read:

~~"37-1-134. Fees commensurate with costs **Boards -- costs.** Each board allocated to the department shall set board fees related to the respective program area that are commensurate with costs for licensing, including fees for initial licensing, reciprocity, renewals, applications, inspections, and audits. A board may set an examination fee that must be commensurate with costs. A board that issues endorsements and licenses specialties shall set respective fees~~

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~~commensurate with costs-~~ (1) Each board allocated to the department shall set board fees related to its program area that provide the amount of money usually needed for the operation of the board for services, including but not limited to licensing, reciprocity, renewals, applications, inspections, investigations, compliance, discipline, and audits. The amount needed for the operation of the board is based on the license renewal years as set by the board. In setting the fees, the board must consider the revenues and expenses incurred in the prior 5 licensing renewal years, but a board's cash balances must not exceed two times the board's annual appropriation level. Unless otherwise provided by law, the department may establish standardized administrative fees commensurate with costs, including These fees may include but are not limited to fees for administrative services such as license verification, duplicate licenses, late penalty renewals, licensee lists, and other administrative service fees determined by the department as applicable to all boards and department programs. The department shall collect administrative fees on behalf of each board or department program and deposit the fees in the state special revenue fund in the appropriate account for each board or department program. Administrative service costs not related to a specific board or program area may be equitably distributed to board or program areas as determined by the department. Each board and department program shall maintain records sufficient to support the fees charged for each program area.

(2) The department and the boards shall adopt rules regarding all fees."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 288, do pass. Report adopted.

HB 50, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Webb, Chair):

2/17/2015

SB 327, do pass. Report adopted.

SJ 12, introduced joint resolution, be amended as follows:

1. Page 1, line 10.

Strike: "whether" through "systems,"

2. Page 1, line 11.

Following: "customers"

Strike: ", "

3. Page 1, line 29.

Strike: "must"

Insert: "may"

And, as amended, be adopted. Report adopted.

FISH AND GAME (Brenden, Chair):

2/17/2015

SB 245, do pass. Report adopted.

SB 284, do pass. Report adopted.

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HB 212, be concurred in. Report adopted.

HB 250, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

2/17/2015

SB 296, do pass. Report adopted.

HB 61, be concurred in. Report adopted.

HB 83, be concurred in. Report adopted.

HB 98, be concurred in. Report adopted.

HB 132, be concurred in. Report adopted.

HB 241, be amended as follows:

1. Page 2, line 29.

Following: "call"

Insert: "or operated in another official capacity"

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

HB 246, be concurred in. Report adopted.

JUDICIARY (Sales, Chair):

2/17/2015

SB 224, introduced bill, be amended as follows:

1. Page 1, line 19.

Strike: "two"

Insert: "one"

Strike: "judges"

Insert: "judge"

2. Page 1, line 24.

Strike: subsection (iii) in its entirety

Renumber: subsequent subsections

3. Page 1, line 25.

Following: "sheriff"

Insert: "or chief of police"

4. Page 1, line 26 through line 27.

Strike: subsection (v) through subsection (vi) in their entirety

Renumber: subsequent subsections

5. Page 1, line 30.

Strike: "seven"

Insert: "two"

Strike: "including"

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Insert: "to be selected from the following list"

6. Page 2, line 11.

Following: line 11

Insert: "(6) Decisions of the commission must be made by majority vote of the commission members."

And, as amended, do pass. Report adopted.

HB 12, be amended as follows:

1. Page 1, line 10 through page 3, line 12.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 40-4-108, MCA, is amended to read:

"40-4-108. Decree. (1) A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree that dissolves the marriage beyond the time for appealing from that provision, and either of the parties may remarry pending appeal.

(2) No earlier than 6 months after entry of a decree of legal separation, the court on motion of either party shall convert the decree to a decree of dissolution of marriage.

(3) The clerk of the court shall give notice of the entry of a decree of dissolution:

(a) if the marriage is registered in this state, to the clerk of the district court of the county where the marriage is registered, who shall enter the fact of dissolution in the book in which the marriage license and certificate are recorded; or

(b) if the marriage is registered in another jurisdiction, to the appropriate official of that jurisdiction, with the request that the official enter the fact of dissolution in the appropriate record.

(4) (a) The parties to a dissolution or legal separation may request entry of a decree of dissolution or legal separation without a hearing by filing joint or individual affidavits with the court.

(b) The court may enter a decree of dissolution or legal separation without a hearing when:

(i) the affidavit sets forth a prima facie case that the parties have reached a voluntary resolution of all matters related to the dissolution or legal separation and consent to entry of the decree by affidavit in lieu of a hearing; and

(ii) it appears to the court that:

(A) the jurisdictional requirements of 40-4-104 exist;

(B) the parties have complied with the financial disclosure provisions of 40-4-252 through 40-4-254 or 40-4-257;

(C) a separation agreement, as provided for in 40-4-201(1), containing provisions for disposition of any property owned by either or both parties, distribution of any debts owed by either or both parties, maintenance of either party, and support, parenting, and parental contact with any minor children of the parties has been filed with the court prior to or concurrently with the affidavit;

(D) the affidavit includes a proposed decree; and

(E) the party filing the affidavit waives the right to appear personally in court to present testimony as to any matters and requests the court to enter a decree without a hearing.

(c) Regardless of compliance with the affidavit requirements of subsection (4)(b), the court

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may require a hearing for any reason the court considers necessary.

(d) If all parties in the action have submitted affidavits for dissolution of marriage or legal separation without a hearing and the court determines that entry of a decree is appropriate, the court may enter the decree without a hearing.

~~(4)~~(5) Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order the wife's maiden name or a former name restored."

Insert: "NEW SECTION. Section 2. Applicability. [This act] applies to dissolution cases filed on or after October 1, 2015."

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

HB 19, be concurred in. Report adopted.

HB 43, be concurred in. Report adopted.

HB 88, be concurred in. Report adopted.

HB 133, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

2/17/2015

SB 6, introduced by F. Thomas

SB 28, introduced by J. Cohenour

SB 32, introduced by J. Sesso

SB 67, introduced by C. Larsen

SB 85, introduced by E. Buttrey

SB 95, introduced by C. Kaufmann

SB 108, introduced by F. Moore

SB 113, introduced by J. Sesso

SB 163, introduced by E. Buttrey

House bills passed and transmitted to the Senate for concurrence:

2/17/2015

HB 289, introduced by E. Greef

HB 373, introduced by S. Staffanson

House joint resolution passed and transmitted to the Senate for concurrence:

2/17/2015

HJ 10, introduced by E. Hill

FIRST READING AND COMMITMENT OF BILLS

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

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SB 357, introduced by C. Wolken, C. Larsen, referred to Judiciary.
SB 358, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 359, introduced by C. Kaufmann, referred to Judiciary.
SB 360, introduced by D. Kary, E. Arntzen, T. Brown, N. Swandal, R. Webb, referred to Judiciary.
SB 361, introduced by B. Hamlett, P. Connell, referred to Natural Resources.
SB 362, introduced by B. Hamlett, P. Connell, referred to Judiciary.
SB 363, introduced by F. Thomas, J. Essmann, referred to Taxation.
SB 364, introduced by J. Cohenour, Debby Barrett, B. Hamlett, referred to State Administration.
SB 365, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 366, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 367, introduced by J. Taylor, M. Blasdel, referred to Finance and Claims.
SB 368, introduced by M. Rosendale, referred to Natural Resources.
SB 369, introduced by D. Brown, referred to Highways and Transportation.
SB 370, introduced by G. Vuckovich, referred to State Administration.
SB 371, introduced by M. Blasdel, referred to Judiciary.
SB 372, introduced by M. Blasdel, referred to Judiciary.
SB 373, introduced by C. Kaufmann, referred to Judiciary.
SB 374, introduced by C. Kaufmann, referred to Taxation.

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

SR 22, introduced by F. Thomas, B. Hamlett, B. Keenan, J. Sesso, referred to Taxation.

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

SJ 14, introduced by F. Thomas, A. Olszewski, referred to Public Health, Welfare and Safety.

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

HB 289, introduced by E. Greef, referred to Local Government.

HB 373, introduced by S. Staffanson, C. Clark, A. Doane, A. Knudsen, W. McKamey, D. Mortensen, K. Regier, referred to Education and Cultural Resources.

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

HJ 10, introduced by E. Hill, C. Larsen, M. Moe, C. Schreiner, 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 Sands in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on

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second reading, recommend as follows:

SB 234 - Senator Thomas moved **SB 234** 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, Wolken, Ms. President.

Total 48

Nays: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 185 - Senator Kary moved **SB 185** do **not** pass. Motion carried as follows:

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

Total 46

Nays: Hamlett, Swandal, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 185 - Senator Rosendale moved **SB 185** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, 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, Wolken, Ms. President.

Total 47

Nays: Hamlett, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 112 - Senator Ankney moved **SB 112** do pass.

SB 112 - Senator Ankney moved **SB 112**, second reading copy, be amended as follows:

1. Page 2, line 13.

Strike: "(9)"

Insert: "(10)"

Amendment 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, 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, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 112 - Senator Ankney moved **SB 112**, as amended, do pass. Motion carried as follows:

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

Total 38

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Nays: Barrett Dick, Cohenour, Facey, Kaufmann, Malek, McNally, Moe, Pomnichowski, Sands, Stewart-Peregoy, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 136 - Senator Hamlett moved **SB 136** 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, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 256 - Senator Hamlett moved **SB 256** 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, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

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SB 48 - Senator Vincent moved **SB 48** 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, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 216 - Senator Webb moved **SB 216** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Rosendale, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Webb, Wolken, Ms. President.

Total 32

Nays: Ankney, Brenden, D. Brown, T. Brown, Jones, Kaufmann, Malek, McNally, Pomnichowski, Ripley, Sales, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Windy Boy.

Total 17

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 51 - House Amendments - Senator Dick Barrett moved House amendments to **SB 51** 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, Windy Boy, Wolken, Ms. President.

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding.

Senator Ankney arose on a point of personal privilege and stated he had made an error in his testimony and that MEIC did not testify in favor of **SB 112**.

Chair Sands 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, Wolken, Ms. President.

Total 47

Nays: Kaufmann, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: Whitford.

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:

HB 27 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, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski,

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Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent,
Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Howard, Sales, Smith, Swandal, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 34 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,
Cohenour, Connell, Driscoll, Facey, 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, Windy Boy, Wolken, Ms. President.
Total 48

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 68 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, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Whitford.

Total 1

SB 92 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, Windy Boy, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 169 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, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 47

Nays: Sales, Vance.

Total 2

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 276 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, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance,

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Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 45

Nays: Malek, Moore, Tutvedt, Windy Boy.

Total 4

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

SB 277 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 37

Nays: D. Brown, Cohenour, Driscoll, Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Vuckovich, Windy Boy, Wolken.

Total 12

Absent or not voting: None.

Total 0

Excused: Whitford.

Total 1

MOTIONS

Senator L. Jones moved **SB 234** and **SB 216** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Thursday, February 19, 2015, the thirty-eighth legislative day. Motion carried.

Senate adjourned at 2:57 p.m.

MARILYN MILLER

DEBBY BARRETT

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Secretary of the Senate

President of the Senate