

**SENATE JOURNAL
64TH LEGISLATURE
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 21, 2015

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Driscoll excused. Quorum present.

BILLS AND JOURNALS

2/21/2015

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

Correctly printed: **SB 107, SB 148, SB 171, SB 195, SB 210, SB 216, SB 224, SB 232, SB 234, SB 245, SB 262, SB 284, SB 288, SB 314, SB 327, SB 333, SB 338, SB 344, SB 382, SB 383, SB 384, SB 385, SB 386, SB 387.**

Correctly engrossed: **SB 286, SR 11.**

Correctly enrolled: **SB 1, SB 51, SB 63, SB 64, SB 72, SB 76, SB 135.**

Examined by the sponsor and found to be correct: **SB 63, SB 64, SB 72, SB 135.**

Transmitted to the House: **SB 112, SB 220, SB 235, SB 248, SB 282.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair):

2/20/2015

SB 272, do pass. Report adopted.

HB 87, be concurred in. Report adopted.

JUDICIARY (Sales, Chair):

2/18/2015

SR 11, introduced resolution, be amended as follows:

1. Title, page 1, line 5.

Strike: "APPOINTMENTS"

Insert: "APPOINTMENT"

Strike: "AND ASSOCIATE WATER JUDGE"

2. Page 1, line 9.

Strike: "appointments"

Insert: "appointment"

3. Page 1, line 10.

Strike: "have"

Insert: "has"

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4. Page 1, line 12.

Strike: "(1)"

5. Page 1, line 14 through line 15.

Strike: line 14 through line 15 in their entirety

6. Page 1, line 19.

Strike: "appointments"

Insert: "appointment"

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair):

2/20/2015

SB 286, do pass. Report adopted.

SB 293, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 20, 2015

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

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Crime Control

MCA 2-15-2006

- ! Mrs. Laurie Barron, 1058 7th Street West, Whitefish, MT 59937, was appointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mrs. Barron fulfills the qualifications of Educator Representative for the Board.
- ! Director Mike Batista, Department of Corrections, PO Box 201301, Helena, MT 59620, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mr. Batista fulfills the qualifications of Law Enforcement Representative for the Board.
- ! Ms. Brenda Desmond, 1301 S 5th Street West, Missoula, MT 59801, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. Desmond fulfills the qualifications of Judiciary Representative for the Board.

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- ! Mr. William Hooks, 2514 Southridge Drive, Helena, MT 59601, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mr. Hooks fulfills the qualifications of Criminal Justice Agency Representative for the Board.
- ! Mr. Richard Kirn, PO Box 1267, Poplar, MT 59255, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Mr. Kirn fulfills the qualifications of Tribal Government Representative for the Board.
- ! Ms. Beth McLaughlin, 301 S. Park, Suite 328, Helena, MT 59620, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. McLaughlin fulfills the qualifications of Judiciary Representative for the Board.
- ! Ms. Roxanne Ross, 2787 Stacia Ave, Helena, MT 59601, was appointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. Ross fulfills the qualifications of Public Representative for the Board.
- ! Ms. Angela Russell, PO Box 333, Lodge Grass, MT 59050, was reappointed to serve a term starting February 20, 2015 and ending January 1, 2019. Ms. Russell fulfills the qualifications of Public Representative for the Board.

Board of Livestock

MCA 2-15-3102

- ! Mrs. Nina C. Baucus, 1600 Chevallier Drive, Wolf Creek, MT 59648, was appointed to serve a term starting February 20, 2015 and ending March 1, 2017. Mrs. Baucus fulfills the qualifications of Cattle Producer for the Board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/20/2015

HB 298, introduced by B. Harris

HB 375, introduced by S. Lavin

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HB 414, introduced by M. Lang

HB 466, introduced by M. Miller

HB 470, introduced by C. Clark

House joint resolutions passed and transmitted to the Senate for concurrence: 2/20/2015

HJ 12, introduced by G. Hertz

HJ 15, introduced by M. Tropila

MOTIONS

Senator Arntzen moved to reconsider Senate action on **SB 296**. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, Cohenour, Connell, Facey, Fielder, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Ripley, Sales, Sands, Swandal, Thomas, Vance, Vincent, Webb.

Total 24

Nays: Ankney, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Hamlett, Howard, Kaufmann, Larsen, Malek, Phillips, Pomnichowski, Rosendale, Sesso, Smith, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

FIRST READING AND COMMITMENT OF BILLS

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

SB 388, introduced by L. Whitford, G. Kipp, S. Webber, referred to State Administration.

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

SR 25, introduced by D. Sands, referred to Judiciary.

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

SJ 16, introduced by F. Thomas, Debby Barrett, J. Essmann, K. Hansen, L. Jones, B. Keenan, A. Knudsen, M. Phillips, referred to Rules.

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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 Kaufmann in the chair.

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

SB 195 - Senator Caferro moved **SB 195** do pass.

SB 195 - Senator D. Brown moved **SB 195**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "10-1-1005,"

Insert: "10-1-1007,"

2. Page 2, line 19.

Insert: "**Section 4.** Section 10-1-1007, MCA, is amended to read:

"10-1-1007. Right to return to employment without loss of benefits -- exceptions -- definition. (1) Subject to the provisions of this section, after a leave of absence for state active duty, a member is entitled to return to employment with the same seniority, status, pay, health insurance, pension, and other benefits as the member would have accrued if the member had not been absent for the state active duty.

(2) (a) If a member was a probationary employee when ordered to state active duty, the employer may require the member to resume the member's probationary period from the date when the member's leave of absence for state active duty began.

(b) An employer may decide whether or not to authorize the member to accrue sick leave, vacation leave, military leave, or other leave benefits during the member's leave of absence for state active duty. However, the member may not be provided with lesser leave accrual benefits than are provided to all other employees of the employer in a similar but nonmilitary leave status.

(c) (i) An employer's health plan must provide that:

(A) a member may elect to not remain covered under the employer's health plan while the member is on state active duty but that when the member returns, the member may resume coverage under the plan without the plan considering the employee to have incurred a break in service; and

(B) a member may elect to remain on the employer's health plan while the member is on state active duty without being required to pay more than the regular employee share of the premium, except as provided in subsection (2)(c)(ii).

(ii) If a member's state active duty qualifies the member for coverage under the state of Montana's health insurance plan as an employee of the department of military affairs, the employer's health plan may require the member to pay up to 102% of the full premium for continued coverage.

(iii) A health insurance plan covering an employee who is a member serving on state

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active duty is not required to cover any illness or injury caused or aggravated by state active duty.

(iv) If the member is a state employee prior to being ordered to state active duty, the member does not become qualified as an employee of the department of military affairs for the purposes of health plan coverage until the member's state active duty qualifies the member to be considered an employee of the department of military affairs pursuant to 2-18-701.

(d) An employer's pension plan must provide that when a member returns to employment from state active duty:

(i) the member's period of state active duty may constitute service with the employer or employers maintaining the plan for the purposes of determining the nonforfeitability of the member's accrued benefits and for the purposes of determining the accrual of benefits under the plan; and

(ii) if the member elects to receive credit and makes the contributions required to accrue the pension benefits that the member would have accrued if the member had not been absent for the state active duty, then the employer shall pay the amount of the employer contribution that would have been made for the member if the member had not been absent.

(e) An employer is not obligated to allow the member to return to employment after the member's absence for state active duty if:

(i) the member is no longer qualified to perform the duties of the position, subject to the provisions of 49-2-303 prohibiting employment discrimination because of a physical or mental disability;

(ii) the member's position was temporary and the temporary employment period has expired;

(iii) the member's request to return to employment was not done in a timely manner;

(iv) the employer's circumstances have changed so significantly that the member's continued employment with the employer cannot reasonably be expected; or

(v) the member's return to employment would cause the employer an undue hardship;

(vi) the member did not inform the employer at the time of hire that the member was a member of the state's organized militia or the national guard of another state; or

(vii) the member enlisted in the state's organized militia or another state's national guard during the course of employment with the employer and did not inform the employer of the enlistment.

(3) (a) For the purposes of this section and except as provided in subsection (3)(b), "timely manner" means:

(i) for state active duty of up to 30 days, the member returned to employment the next regular work shift following safe travel time plus 8 hours;

(ii) for state active duty of 30 days to 180 days, the member returned to employment within 14 days of termination of state active duty; and

(iii) for state active duty of more than 180 days, the member returned to employment within 90 days of termination of the state active duty.

(b) If there are extenuating circumstances that preclude the member from returning to employment within the time period provided in subsection (3)(a) through no fault of the member, then for the purposes of this section "timely manner" means within the time period specified by the adjutant general provided for in 2-15-1202."

Renumber: subsequent sections

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Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 195 - Senator Caferro moved **SB 195**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 12 - Senator Moe moved **SB 12** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore,

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Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 19

Paired: Driscoll, Aye; Rosendale, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 219 - Senator Taylor moved **SB 219** do pass. Motion carried as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 223 - Senator Vance moved **SB 223** do pass. Motion carried as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Driscoll.

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Total 1

SB 280 - Senator F. Moore moved **SB 280** do pass. Motion carried as follows:

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

Total 29

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

Total 21

Paired: Buttrey, Aye; Driscoll, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 253 - Senator McNally moved **SB 253** do pass. Motion carried as follows:

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

Total 35

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.

Total 14

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 266 - Senator McNally moved **SB 266** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 239 - Senator Kary moved **SB 239** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Blasdel, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb.
Total 23

Nays: Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken, Ms. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

SB 239 - Senator Rosendale moved **SB 239** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Cohenour, Facey, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 37

Nays: Ankney, Arntzen, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Kary, Taylor, Vuckovich.
Total 12

Absent or not voting: None.

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Total 0

Excused: Driscoll.

Total 1

SB 294 - Senator F. Moore moved **SB 294** do pass. Motion carried as follows:

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

Total 47

Nays: Sales, Vance.

Total 2

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 118 - Senator Hamlett moved **SB 118** do pass. Motion carried as follows:

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

Total 34

Nays: Arntzen, Blasdel, Brenden, Driscoll, Hansen, Hinkle, Howard, Kaufmann, Ripley, Rosendale, Sales, Sesso, Smith, Taylor, Vance, Vincent.

Total 16

Paired: Hamlett, Aye; Driscoll, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 281 - Senator F. Moore moved **SB 281** do pass. Motion carried as follows:

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

Total 29

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

Total 21

Paired: Buttrey, Aye; Driscoll, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 261 - Senator Hamlett moved **SB 261** do pass. Motion carried as follows:

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

Total 39

Nays: Arntzen, Brenden, Fielder, Hinkle, Howard, Keenan, Sales, Smith, Vance, Webb.

Total 10

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 9 - Senator Webb moved **SB 9** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Ripley, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.

Total 32

Nays: Barrett Dick, Caferro, Kaufmann, Malek, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Stewart-Peregoy, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

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Total 17

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 207 - Senator Tutvedt moved **SB 207** do pass. Motion carried as follows:

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

Total 29

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

Total 21

Paired: Tutvedt, Aye; Driscoll, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 269 - Senator Ankney moved **SB 269** do pass. Motion carried as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

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HB 166 - Senator Blasdel moved **HB 166** be concurred in. Motion carried as follows:

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

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Paired: Tutvedt, Aye; Driscoll, No.

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 Kaufmann 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, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Cohenour, Facey, Malek, Phillips, Stewart-Peregoy, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: Driscoll.
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:

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SB 224 passed as follows:

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

Total 47

Nays: Smith, Vincent.

Total 2

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 232 passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 245 passed as follows:

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

Total 35

Nays: Barrett Dick, Caferro, Facey, Jones, Kaufmann, McNally, Moe, Phillips, Pomnichowski,

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Sands, Stewart-Peregoy, Vuckovich, Whitford, Wolken.

Total 14

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 284 passed as follows:

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

Total 32

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

Total 17

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

SB 288 passed as follows:

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

Total 31

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

Total 18

Absent or not voting: None.

Total 0

Excused: Driscoll.

Total 1

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SB 327 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Driscoll.
Total 1

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair):
SB 328, introduced bill, be amended as follows:

2/20/2015

1. Title, page 1, line 10.

Strike: "AN"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

2. Page 1, line 14.

Strike: "4"

Insert: "5]"

3. Page 1, line 17.

Strike: "4"

Insert: "5"

4. Page 1, line 26.

Strike: "4"

Insert: "5"

5. Page 3, line 2.

Strike: "or"

6. Page 3, line 5.

Following: "account"

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Insert: "; or

(c) if the child has not utilized all funds in the account by the child's 25th birthday"

7. Page 3, line 7.

Strike: "Funds"

Insert: "The commissioner shall distribute funds"

Strike: "may be spent only on"

Insert: "only to the designated beneficiary or the designated beneficiary's parent for"

8. Page 3, line 17.

Insert: "NEW SECTION. Section 5. Education is the best bet savings account program -- administration. (1) There is an education is the best bet savings account program administered by the commissioner of higher education.

(2) (a) A resident child of Montana is eligible to have an account established on the child's behalf on the child's birth or adoption. An account must be established only:

(i) on a parent's request for the establishment indicated on the child's Montana birth registry form; or

(ii) under conditions established by the commissioner of higher education that allow for the establishment of an account for residents of Montana who become adoptive parents or give birth outside the state of Montana.

(b) The commissioner shall ensure that residents of Montana who become parents under subsection (2)(a)(ii) have the opportunity to learn about the program and request the establishment of an account.

(c) If an adopted child already has an established account, a second account may not be established; however, in this circumstance, the commissioner shall transfer an amount equal to the amount contributed to the child's family education savings account within 1 year of the child's adoption, with the total lifetime state contribution to the account not to exceed \$200.

(3) There is a higher education generation account within the state special revenue fund created in 17-2-102. The higher education generation account is administered by the commissioner of higher education.

(4) Upon the establishment of an education is the best bet account, the commissioner shall transfer \$25 from the higher education generation account to the child's education is the best bet account.

(5) For the first 2 years of a child's life, the commissioner shall transfer an amount equal to the amount contributed to the child's family education savings account from the higher education generation account to the child's education is the best bet account. The total state contribution to a child's account may not exceed \$100 per year, including the initial \$25.

(6) A child's education is the best bet account must remain separate from the child's family education savings account and must be invested as determined by the commissioner of higher education. The commissioner of higher education shall distribute interest earnings in proportion to the balances of individual accounts. Only the funds transferred under subsections (4) and (5) and interest earnings may be deposited in an education is the best bet account.

(7) A child's education is the best bet account must be closed and any funds in the account transferred to the higher education generation account under any of the following circumstances:

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(a) if, on the child's second birthday, a family education savings account has not been established on behalf of the child with a contribution of at least \$25; or

(b) if the child's family education savings account is closed, the designated beneficiary is changed, or funds are withdrawn for expenses other than qualified higher education expenses leaving a balance of less than the balance of the child's education is the best bet account.

(8) (a) The designated beneficiary of an education is the best bet account may not be changed.

(b) The commissioner shall distribute funds in an education is the best bet account only to the designated beneficiary or the designated beneficiary's parent for qualified higher education expenses, as defined in 15-62-103, that were incurred within a unit of the Montana university system.

(c) (i) The commissioner may accept donations from private sources for distribution to the designated beneficiary or the designated beneficiary's parent for qualified higher education expenses, as defined in 15-62-103, that were incurred at a higher education institution, as defined in 15-62-103, that is not within a unit of the Montana university system.

(ii) The distributions under subsection (8)(c)(i) may not exceed the balance of the designated beneficiary's education is the best bet account.

(iii) When a designated beneficiary of an education is the best bet account receives distributions under subsection (8)(c)(i) totaling the balance of the account, the designated beneficiary's account must be closed and any funds in the account must be transferred to the higher education generation account.

(iv) An individual receiving distributions under subsection (8)(b) is not eligible for distributions under this subsection (8)(c).

(9) The commissioner shall market the education is the best bet savings account program to ensure widespread awareness. The marketing effort must include program information distributed to a parent of a Montana resident child following the parent's request to establish an account and 60 days prior to the child's first and second birthdays. The commissioner shall inform parents of the account balance annually.

(10) The commissioner may spend no more than 5% of any funds transferred to the higher education generation account on administering and marketing the program.

(11) The commissioner shall adopt policies for the administration of the education is the best bet savings account program."

Renumber: subsequent sections

9. Page 3, line 30.

Strike: "2"

Insert: "4"

10. Page 4, line 1.

Strike: "\$675,000"

Insert: "\$625,000"

11. Page 4, line 2.

Strike: "\$675,000"

Insert: "\$625,000"

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12. Page 4, line 15.

Strike: "2"

Insert: "4"

13. Page 4, line 16.

Strike: "\$675,000"

Insert: "\$625,000"

14. Page 4, line 17.

Strike: "\$675,000"

Insert: "\$625,000"

15. Page 6, line 27.

Strike: "4"

Insert: "5"

16. Page 6, line 30.

Strike: "4"

Insert: "5"

17. Page 7, line 2.

Strike: "4"

Insert: "5"

18. Page 7, line 3.

Insert: "NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

19. Page 7, line 4.

Strike: section 8 in its entirety

Insert: "NEW SECTION. Section 10. Effective date -- contingent effective date -- contingent termination date. (1) Except as provided in subsections (2) and (3), [this act] is effective July 1, 2015.

(2) [Section 4] terminates if [section 4] is found to be invalid or unconstitutional as provided for in subsection (3).

(3) [Section 5] is effective contingent on a final court ruling that [section 4] is invalid or unconstitutional. If [section 4] is found to be invalid or unconstitutional, the department of justice shall notify the code commissioner when the contingency has been met.

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair):
SB 325, introduced bill, be amended as follows:

2/20/2015

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1. Title, page 1, line 6.

Strike: "REQUIRING"

Insert: "REVISING IMPLEMENTATION OF"

Strike: "BE NO"

Insert: "THAT ARE"

2. Title, page 1, line 9.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "75-5-203,"

Strike: "75-5-302, AND 75-5-310,"

3. Page 1, line 14 through line 21.

Strike: section 1 in its entirety

Insert: "NEW SECTION. **Section 1. State regulation for natural conditions.** (1) Unless necessary to protect downstream uses, the department may not apply a standard to a water body for water quality that is more stringent than the condition of the water body shown to exist as a result of nonanthropogenic sources. For the parameters, the standard is the nonanthropogenic concentration of the parameter in the water body.

(2)(a) For water bodies where the standard is more stringent than the condition of the water body but subsection (1) is not applicable, the board shall adopt rules consistent with comparable federal rules and guidelines providing criteria and procedures for the department to issue variances from standards if:

(i) the condition cannot reasonably be expected to be remediated during the permit term for which the application for variance has been received; and

(ii) the discharge to which the variance applies would not materially contribute to the condition.

(b) A variance issued pursuant to subsection (2)(a) must be reviewed every 5 years and may be modified or terminated as a result of the review."

4. Page 1, line 26.

Strike: "this chapter"

Insert: "75-5-301, 75-5-302, or 75-5-310"

5. Page 2, line 4.

Strike: "will definitively"

Insert: "can"

6. Page 2, line 15.

Strike: "3"

Insert: "8"

7. Page 2, line 25 through page 3, line 24.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

SB 329, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "land"

Insert: "on private land or when using"

Strike: ", including use of"

And, as amended, do pass. Report adopted.

SJ 13, do pass. Report adopted.

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

2/20/2015

SB 186, introduced bill, be amended as follows:

1. Page 8, line 19.

Strike: "or facility"

And, as amended, do pass. Report adopted.

SB 206, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "REQUIRING SUBMISSION" on line 6 through "FOOD ITEMS;" on line 7

2. Title, page 1, line 8.

Strike: "REQUIRING"

Insert: "ALLOWING A"

Following: "IDENTIFICATION"

Insert: "OPTION"

3. Title, page 1, line 10.

Following: "53-4-704,"

Insert: "AND"

Following: "53-4-717,"

Strike: "AND"

4. Title, page 1, line 11.

Strike: "61-12-504,"

5. Page 1, line 15 through line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

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6. Page 2, line 16 through line 19.

Strike: "Limitations"

Insert: "Limitation"

Strike: "(1) The" on line 16 through "(2)" on line 19

7. Page 2, line 22.

Following: "identification"

Insert: "option"

Following: "individual"

Strike: "using"

Insert: "applying for"

8. Page 2, line 23 through line 24.

Strike: "shall present" through "forms of"

Insert: "may request that the department include"

Strike: "at the time" on line 23 through "purchase:" on line 24

Insert: "on the individual's electronic benefit transfer card if the individual is determined to be eligible for benefits."

9. Page 2, line 25 through line 28.

Strike: subsection (a) through subsection (d) in their entirety

10. Page 2, line 29 through page 3, line 1.

Strike: "A person" on line 29 through "may obtain" on line 30

Insert: "The department may enter into memorandums of understanding to obtain photographs used for a Montana driver's license or "

Strike: "at no cost" on page 3, line 1

Insert: "issued pursuant to Title 61 or photographs issued for a postsecondary education or tribal identification card"

11. Page 15, line 30.

Strike: "3"

Insert: "2"

12. Page 16, line 5.

Strike: "3"

Insert: "1"

13. Page 16, line 8.

Strike: "and"

14. Page 16, line 10.

Following: "program"

Insert: "; and

(i) the inclusion of photo identification on electronic benefit transfer cards as allowed

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under [section 3]"

15. Page 20, line 19 through page 21, line 6.

Strike: section 24 in its entirety

Renumber: subsequent sections

16. Page 21, line 9.

Strike: "3"

Insert: "2"

17. Page 21, line 13.

Strike: "2"

Insert: "1"

18. Page 21, line 19.

Strike: "4"

Insert: "3"

19. Page 21, line 21.

Strike: "4"

Insert: "3"

20. Page 21, line 23.

Strike: "2"

Insert: "1"

21. Page 21, line 26.

Strike: "2"

Insert: "1"

And, as amended, do pass. Report adopted.

SB 263, introduced bill, be amended as follows:

1. Page 2, line 11.

Insert: "(7) Any cost incurred by the department in performing its responsibilities under this section must be absorbed into the department's existing budget."

And, as amended, do pass. Report adopted.

SB 349, do pass. Report adopted.

SB 350, do pass. Report adopted.

HB 100, be amended as follows:

1. Page 2, line 6.

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Strike: "an equivalency certificate"

Insert: "a high school equivalency diploma"

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

STATE ADMINISTRATION (D. Brown, Chair):
SB 283, introduced bill, be amended as follows:

2/20/2015

1. Title, page 1, line 5.

Strike: "A PERSON"

Insert: "AN INDIVIDUAL OR POLITICAL COMMITTEE"

2. Title, page 1, line 7.

Strike: "A PERSON"

Insert: "AN INDIVIDUAL OR POLITICAL COMMITTEE"

3. Page 1, line 17.

Strike: "any person"

Insert: "an individual or political committee"

4. Page 1, line 18.

Strike: "A person"

Insert: "An individual or political committee"

5. Page 1, line 20.

Strike: "persons"

Insert: "individuals or political committees"

6. Page 2, line 15.

Strike: "a person"

Insert: "an individual or political committee"

7. Page 2, line 17.

Strike: "a person"

Insert: "an individual or political committee"

8. Page 2, line 18.

Strike: "person"

Insert: "individual"

9. Page 3, line 20.

Following: "account."

Insert: "(4) The holder of a constituent services account may not make expenditures from the account between January 1 and election day of an even-numbered year."

Renumber: subsequent subsections

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And, as amended, do pass. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

MOTIONS

Senator L. Jones moved **SB 12**, **SB 261**, **SB 269**, and **HB 166** 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., Monday, February 23, 2015, the forty-first legislative day. Motion carried.

Senate adjourned at 10:10 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate