

**SENATE JOURNAL
64TH LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 24, 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. All members present. Quorum present.

BILLS AND JOURNALS

2/24/2015

Correctly printed: **SB 83, SB 107, SB 148, SB 180, SB 210, SB 216, SB 251, SB 252, SB 254, SB 261, SB 269, SB 295, SB 306, SB 318, SB 321, SB 332, SB 344, SB 347, SB 351, SB 356, SB 367, SB 372, SB 389, SB 390, SR 22, HB 166.**

Correctly engrossed: **SB 258, SB 270, SB 292, SB 330, SB 336, SB 346.**

Transmitted to the House: **SB 118, SB 207, SB 219, SB 223, SB 253, SB 266, SB 280, SB 281, SB 294.**

Signed by the Speaker at 10:25 a.m., February 24, 2015: **SB 63, SB 64, SB 72, SB 135.**

Signed by the Speaker at 10:30 a.m., February 24, 2015: **SB 1, SB 51, SB 76.**

Delivered to the Governor at 2:50 p.m., February 24, 2015: **SB 1, SB 51, SB 63, SB 64, SB 72, SB 76, SB 135.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):
SR 12, preliminary report.

2/23/2015

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):
SB 307, do pass. Report adopted.
SB 365, do pass. Report adopted.

2/24/2015

SB 377, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: "(b) pay"

Strike: "an"

Insert: "a nominal"

And, as amended, do pass. Report adopted.

SB 379, do pass. Report adopted.

SB 390, do pass. Report adopted.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair):
SB 331, introduced bill, be amended as follows:

2/23/2015

1. Title, page 1, line 4.

Following: "TO"

Insert: "TEMPORARILY"

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

Strike: "A" on line 5 through "LICENSE" on line 6

Insert: "SATISFYING A TRADITIONAL PATHWAY TO LICENSURE; ALIGNING STATE LAW WITH FLEXIBLE LICENSING RULES OF THE BOARD OF PUBLIC EDUCATION; PROVIDING ALTERNATIVE PATHWAYS TO LICENSURE CONSISTENT WITH FLEXIBILITY UNDER RULES OF THE BOARD OF PUBLIC EDUCATION"

3. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "20-4-101"

Insert: ", 20-4-104, 20-4-106, AND 20-4-108"

4. Page 1, line 13.

Strike: "(a)"

5. Page 1, line 17.

Strike: "(1)(b)"

Insert: "(2)"

6. Page 1, line 19.

Following: "state"

Insert: "pursuant to 20-4-111"

7. Page 1, line 20 through line 29.

Strike: subsections (b) and (c) in their entirety

8. Page 1, line 30.

Following: "(2)"

Insert: "(a)"

9. Page 2, line 2.

Strike: "(3)"

Insert: "(b)"

10. Page 2, line 7.

Strike: "(4)"

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

11. Page 2.

Following: line 10

Insert: "(c) The traditional pathways to certification represented by the class 1, class 2, and class 3 designations under 20-4-106 do not apply to:

(i) a class 5 alternative certificate, which is valid for a term not to exceed 5 years, provided that the applicant satisfies the requirements of 20-4-106(1)(e);

(ii) a class 7 specialist certificate, provided that the applicant satisfies the requirements of 20-4-101(1)(g);

(iii) a class 8 certificate, provided that the applicant satisfies the requirements of 20-4-101(1)(h); or

(iv) an internship incorporating on-the-job training and a program design under which:

(A) the intern will complete the requirements for the appropriate endorsement within 3 years;

(B) the school district will provide local supervision and support of the intern; and

(C) the accredited educator preparation program will approve the coursework and provide support and periodic supervision."

12. Page 2, line 11.

Insert: "**Section 2.** Section 20-4-104, MCA, is amended to read:

"**20-4-104. Qualifications.** (1) A person may be certified as a teacher when the person satisfies the following qualifications. The person:

(a) is 18 years of age or older;

(b) is of good moral and professional character;

(c) has completed the teacher education program of a unit of the Montana university system or an essentially equivalent program at an accredited institution of equal rank and standing as that of any unit of the Montana university system, and the training is evidenced by at least a bachelor's degree and a certification of the completion of the teacher education program, except as provided for in 20-4-106~~(1)(d)~~; and

(d) has subscribed to the following oath or affirmation before an officer authorized by law to administer oaths:

"I solemnly swear (or affirm) that I will support The Constitution of the United States of America and The Constitution of the State of Montana."

(2) Any person may be certified as a specialist when the person satisfies the requirements of subsections (1)(a) and (1)(b) and the requirement for a specialist certificate provided in 20-4-106(2)."

Insert: "**Section 3.** Section 20-4-106, MCA, is amended to read:

"**20-4-106. Classifications of teacher and specialist certificates.** (1) The superintendent of public instruction shall issue teacher certificates and the board of public education shall adopt teacher certification policies on the basis of the following classifications of teacher certificates:

(a) The class 1 professional certificate may be issued to an otherwise qualified applicant who has completed a teacher education program that includes a bachelor's degree and a minimum of 1 year of study beyond the degree in a unit of the Montana university system or an equivalent institution. The professional certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for specified subject fields on the basis of the applicant's academic and

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

professional training and according to the board of public education policy for teacher certification endorsement.

(b) The class 2 standard certificate may be issued to an otherwise qualified applicant who has completed a 4-year teacher education program and who has been awarded a bachelor's degree by a unit of the Montana university system or an equivalent institution. The standard certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for specified subject fields on the basis of the applicant's academic and professional training and according to the board of public education policy for teacher certification endorsement.

(c) The class 3 administrative and supervisory certificate may be issued to an otherwise qualified applicant who is eligible for a teacher certificate endorsed for teaching in the school or schools in which the applicant would be an administrator or would supervise. The applicant must also possess the training and experience required by the policies of the board of public education for an endorsement as superintendent, principal, or supervisor.

(d) The class 4 vocational, recreational, or adult education certificate may be issued to an otherwise qualified applicant who has the qualifications of training and experience required by the United States office of education or the qualifications required by the special needs of the several vocational, recreational, or adult education fields and who can qualify under the policy of the board of public education for the issuance of this classification of teacher certification.

(e) The class 5 ~~provisional~~ alternative certificate may be issued to an otherwise qualified applicant who can provide satisfactory evidence of the intent to qualify in the future for a class 1 or a class 2 certificate and who has completed a 4-year college program or its equivalent and holds a bachelor's degree from a unit of the Montana university system or its equivalent. The ~~provisional~~ alternative certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for special subject fields on the basis of the applicant's academic and professional training and according to the board of public education policy for teacher or specialist certification endorsement.

(f) The class 6 specialist certificate may be issued to an otherwise qualified applicant meeting the requirements of the board of public education for a school psychologist or school counselor.

(g) The class 7 specialist certificate may be issued to an otherwise qualified applicant based upon the verification by the American Indian tribe for which the language and culture certification is desired that the individual has met tribal standards for competency and fluency as a requisite for teaching that language and culture.

(h) The class 8 certificate may be issued to an otherwise qualified applicant who is a faculty member of a regionally accredited postsecondary institution for the exclusive purpose of delivery of dual credit courses that fall within an endorsable major or minor, or the equivalent, held by the faculty member when teaching dual credit courses within the role and scope of their duties assigned by the employing postsecondary institution.

(2) The superintendent of public instruction shall issue specialist certificates, and the board of public education shall adopt specialist certification policies. The specialist certificate may be issued to an otherwise qualified applicant who has the training, experience, and license required under the standards of the board of public education for the certification of a profession other than the teaching profession.

(3) For purposes of evaluating the qualifications of applicants for either teacher or specialist certificates, a year means the instructional period consisting of three quarters or two semesters or other terms that are recognized as an academic year by any unit of the Montana university system

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

or equivalent institution.""

Insert: "Section 4. Section 20-4-108, MCA, is amended to read:

"20-4-108. Term of teacher and specialist certificates -- renewal. (1) A teacher or specialist certificate issued by the superintendent of public instruction must bear the dates of issue and validity and is valid for a term of 5 school fiscal years, except that a class 5 provisional alternative certificate is valid for the number of years, up to a maximum of 5 years, provided by the policies of the board of public education. The period of validity for any certificate begins on July 1 immediately preceding the date of issue, except that a teacher or specialist who applies for certification after January 1 may, upon request, have the period of validity of the certificate begin on July 1 following the date of application.

(2) Teacher and specialist certificates must be renewed for similar periods of time on the basis of the board of public education policies for teacher and specialist certification renewal.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 345, do pass. Report adopted.

FINANCE AND CLAIMS (Jones, Chair):

2/24/2015

SB 260, do pass. Report adopted.

SB 298, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "FEASIBLE"

Insert: "using available state resources"

And, as amended, do pass. Report adopted.

SB 376, introduced bill, be amended as follows:

1. Page 2, line 7.

Strike: "An agency"

Insert: "Except for a unit of the university system or as provided in applicable regulations, guidelines, or grant rules governing the funds, an agency:
(a)"

2. Page 2, line 8.

Following: "maintenance"

Strike: ". An agency"

Insert: " ;
(b)"

And, as amended, do pass. Report adopted.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

JUDICIARY (Sales, Chair): 2/18/2015
SR 9, be adopted. Report adopted.
SR 10, be adopted. Report adopted.

JUDICIARY (Sales, Chair): 2/24/2015
SB 360, do pass. Report adopted.
SB 371, introduced bill, be amended as follows:

1. Page 2, line 1.
Strike: "and all contractual fees and charges"
Insert: ", late fees, and unpaid utility bills"

2. Page 5, line 14.
Strike: "and all contractual fees and charges"
Insert: ", late fees, and unpaid utility bills"

And, as amended, do pass. Report adopted.

SB 384, introduced bill, be amended as follows:

1. Page 1, line 10.
Following: "tenant"
Insert: "or to a tenant for the benefit of a landlord"

2. Page 1, line 11.
Following: "jurisdiction"
Strike: remainder of line 11 through "landlord" on line 16
Insert: "if the person receiving the notice of no contact"
Renumber: subsequent subsections

3. Page 1, line 18.
Following: "tenant"
Insert: "or to a tenant for the benefit of a landlord"

And, as amended, do pass. Report adopted.

SB 385, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/23/2015
SB 47, do pass. Report adopted.
SB 323, do pass. Report adopted.
SB 353, do pass. Report adopted.
SB 354, do pass. Report adopted.
SB 355, do pass. Report adopted.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

SB 361, do pass. Report adopted.

SB 368, do pass. Report adopted.

SB 389, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "STREAM";"

Insert: "AMENDING THE DEFINITION OF "PERENNIAL FLOWING STREAM";"

2. Page 4, line 3.

Strike: "this part"

Insert: "85-2-306"

3. Page 4, line 6.

Following: "water"

Insert: "typically from late fall through spring"

4. Page 4, line 7.

Strike: "a" through "for"

5. Page 4, line 8.

Strike: "historically has flowed"

Insert: "flows"

6. Page 4, line 9.

Strike: "dry as well as wet"

Insert: "most"

And, as amended, do pass. Report adopted.

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

2/23/2015

SB 316, do pass. Report adopted.

SB 366, do pass. Report adopted.

SJ 14, do pass. Report adopted.

RULES (Rosendale, Chair):

2/24/2015

SB 363, do pass. Report adopted.

SJ 15, introduced joint resolution, be amended as follows:

1. Page 1, line 7.

Strike: "RULE"

Insert: "RULES"

Following: "30-60"

Insert: "AND 40-200"

2. Page 1, line 11.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Following: line 10

Insert: "(1)"

3. Page 1, line 18.

Following: "introduced"

Insert: ", or as amended on transmittal to the receiving house,"

4. Page 1, line 19 through line 20.

Strike: ", until final adoption by both houses"

Following: "."

Insert: "Once the estimate or amendments to the estimate are received by the receiving house, it is considered amended for the purposes of this subsection (3)(a), regardless of whether it is held in pending status as provided in joint rule 40-200."

5. Page 1, line 21.

Strike: "or the Senate, or both,"

Strike: "subsequent"

6. Page 1, line 30.

Strike: "(5-5-227, MCA)"

Following: line 30

Insert: "(2) That Joint Rule 40-200 be amended to read:

"40-200. Transmittal deadlines -- two-thirds vote requirement. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, a bill proposing a referendum, an interim study resolution, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills, committee bills implementing the general appropriations bill, ~~the revenue estimating resolution resolutions~~, interim study resolutions, bills proposing referenda, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills and bills proposing referenda must be transmitted to the other house on or before the 67th legislative day.

(ii) Amendments to revenue bills and bills proposing referenda, received from the other house, must be transmitted to the house of origin on or before the 80th legislative day.

(iii) A revenue bill is one that either increases or decreases revenue by enacting, eliminating, increasing, or decreasing taxes, fees, or fines.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day. A fund transfer within the state treasury is not an appropriation for purposes of this section.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

(2) (a) A joint resolution introduced pursuant to ~~5-5-227, MCA~~, for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.

(b) Amendments to ~~the revenue estimating resolution~~ resolutions must be transmitted to the body in which the resolution was introduced no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day."

And, as amended, do pass. Report adopted.

SJ 16, do pass. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair):

2/23/2015

SB 191, introduced bill, be amended as follows:

1. Page 1, line 30.

Strike: "20"

Insert: "14"

2. Page 2, line 18.

Strike: "20"

Insert: "14"

And, as amended, do pass. Report adopted.

SB 238, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "AUTHORITY;"

Insert: "AMENDING SECTION 19-6-710, MCA;"

2. Page 2, line 2 through line 4.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

3. Page 2, line 25.

Strike: "including"

Insert: "excluding"

4. Page 3, line 26.

Insert: "(3) At the end of the DROP period, a member is immediately eligible for any postretirement benefit adjustments under part 7 of this chapter."

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

5. Page 4, line 5.

Insert: "Section 9. Section 19-6-710, MCA, is amended to read:

"19-6-710. Guaranteed annual benefit adjustment. (1) Subject to subsection (2), for members hired before July 1, 2013, on January 1 of each year, the permanent monthly benefit payable during the preceding January to each recipient who is eligible under subsection (3) must be increased by 3%.

(2) (a) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the adjustments amount to less than a 3% annualized increase, then the recipient's benefit must be adjusted by an amount that will provide a total annualized increase of 3% in the benefit paid since the preceding January.

(b) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the increases amount to more than a 3% annualized increase, then the benefit increase provided under this section must be 0%.

(3) Except as provided in subsection (2)(b) and [section 7(3)], a benefit recipient is eligible for and must receive the minimum annual benefit adjustment provided for in this section if:

(a) the benefit's commencement date is at least 12 months prior to January 1 of the year in which the adjustment is to be made; and

(b) the member either:

(i) first became an active member on or after July 1, 1997; or

(ii) filed a voluntary, irrevocable election to be covered under this section. The election must be filed with the board prior to January 1, 1998, and requires an active member to pay an increased contribution rate from July 1, 1997, forward. A retired member or the member's survivor who is receiving a monthly benefit before July 1, 1997, shall also file the voluntary, irrevocable election no later than January 1, 1998, to be covered under this section.

(4) The board shall adopt rules to administer the provisions of this section."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 289, do pass. Report adopted.

SB 319, do pass. Report adopted.

SB 348, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/23/2015

HB 290, introduced by K. White

HB 374, introduced by E. McClafferty

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

MOTIONS

SB 272, SB 328 - Majority Leader Rosendale moved **SB 272** and **SB 328** be taken from second reading today and re-referred to the Finance and Claims Committee. Without objection, so ordered.

SJ 13 - Majority Leader Rosendale moved that consideration of **SJ 13** be passed to Thursday, February 26, 2015, the 44th legislative day. Without objection, so ordered.

SB 254, SB 316, SB 323, SB 354, SB 355 - Majority Leader Rosendale moved to re-refer **SB 254, SB 316, SB 323, SB 354,** and **SB 366** from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

SB 262 - Senator Vincent moved that **SB 262** be taken from the Finance and Claims Committee and brought before the Committee of the Whole on Wednesday, February 25, 2015, the 43rd legislative day. Motion carried as follows:

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

Total 33

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Keenan, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 12 - Senator Moe moved that **SB 12** be taken from the Finance and Claims Committee and brought before the Committee of the Whole on Wednesday, February 25, 2015, the 43rd legislative day. Motion carried as follows:

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

Total 28

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

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SR 26, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

SR 27, introduced by S. Sales, referred to Judiciary.

**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 Thomas in the chair.

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

SJ 11 - Senator Phillips moved **SJ 11** do pass.

SJ 11 - Senator Phillips moved **SJ 11**, second reading copy, be amended as follows:

1. Page 1, line 18 through line 19.

Strike: "in order" on line 18 through "AREA," on line 19

Amendment **not** adopted as follows:

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

Total 20

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

Total 30

Absent or not voting: None.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Total 0

Excused: None.

Total 0

SJ 11 - Thereupon, the Senate reverted to the original motion of Senator Phillips which passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 333 - Senator Hinkle moved **SB 333** do pass. Motion carried as follows:

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

Total 33

Nays: Ankney, Barrett Dick, Buttrey, Cohenour, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vincent, Vuckovich, Whitford.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 334 - Senator Fielder moved **SB 334** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder,

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - Senator Keane moved **SB 325** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, 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: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329 - Senator Connell moved **SB 329** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 186 - Senator Webb moved **SB 186** do pass. Motion **failed** as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 186 - Senator Rosendale moved **SB 186** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 36

Nays: Arntzen, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Keenan, Swandal, Taylor, Thomas, Webb, Ms. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 263 - Senator Caferro moved **SB 263** do pass. Motion carried as follows:

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Yeas: Ankney, Arntzen, Barrett Dick, 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, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Blasdel, Sales, Vance, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 350 - Senator C. Smith moved **SB 350** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 - Senator Hamlett moved **SB 293** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Cohenour, Kaufmann, Malek, McNally, Pomnichowski, Whitford.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 335 - Senator Tutvedt moved **SB 335** 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, 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: Hinkle, Sales, Vance.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 139 - House Amendments - Senator Sands moved House amendments to **SB 139** be concurred in. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

SB 338 - Senator Arntzen moved **SB 338** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 166 - Senator Tutvedt 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

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 Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

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

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Total 40

Nays: Brenden, Cohenour, Hamlett, Kaufmann, Larsen, Malek, Phillips, Sesso, Whitford, Windy Boy.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 83 passed as follows:

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

Total 36

Nays: Blasdel, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Rosendale, Sales, Smith, Vance, Vincent, Webb, Ms. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 107 passed as follows:

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

Total 34

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 148 passed as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 180 passed as follows:

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

Total 41

Nays: Blasdel, D. Brown, Hinkle, Keenan, Sales, Smith, Tutvedt, Vance, Vincent.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 195 passed as follows:

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

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

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 210 passed as follows:

Yeas: Ankney, Arntzen, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Keane, Larsen, Malek, McNally, Moe, Moore, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 35

Nays: Barrett Dick, Blasdel, Fielder, Hinkle, Howard, Kary, Kaufmann, Keenan, Phillips, Pomnichowski, Rosendale, Smith, Taylor, Thomas, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 216 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 44

Nays: Facey, Hinkle, Malek, Sales, Vance, Vincent.
Total 6

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 251 passed as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 295 passed as follows:

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

Total 35

Nays: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Pomnichowski, Sesso, Vuckovich, Whitford, Wolken.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 321 passed as follows:

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

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Windy Boy, Wolken, Ms. President.

Total 41

Nays: D. Brown, Cohenour, Driscoll, Malek, McNally, Moe, Pomnichowski, Vuckovich, Whitford.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 332 passed as follows:

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

Total 45

Nays: D. Brown, Hinkle, Kary, Sales, Vincent.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 344 passed as follows:

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

Total 37

Nays: Barrett Dick, Cohenour, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Pomnichowski, Sesso, Whitford, Windy Boy, Wolken.

Total 13

SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 24, 2015

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Rosendale moved to re-refer **SB 167** from the second reading board 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 10 a.m., Wednesday, February 25, 2015, the forty-third legislative day. Motion carried.

Senate adjourned at 2:37 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate