

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

Helena, Montana
March 5, 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-five members present, Senators Brenden, Caferro, Driscoll, Hansen, and Moe are excused. Quorum present.

BILLS AND JOURNALS

3/5/2015

Correctly engrossed: **SR 12**.

Signed by the Speaker at 3:00 p.m., March 5, 2015: **SB 139**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):
SR 12, be adopted. Report adopted.

2/23/2015

MESSAGES FROM THE GOVERNOR

February 27, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Friday, February 27, 2015, I signed the following bills:

Senate Bill 1 - D. Kary
Senate Bill 6 - F. Thomas
Senate Bill 16 - D. Brown
Senate Bill 28 - J. Cohenour
Senate Bill 29 - T. Brown
Senate Bill 32 - J. Sesso
Senate Bill 50 - J. Fielder
Senate Bill 51 - Dick Barrett
Senate Bill 63 - T. Brown
Senate Bill 64 - J. Keane

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Senate Bill 67 - C. Larsen
Senate Bill 76 - G. Vuckovich
Senate Bill 85 - E. Buttrey
Senate Bill 95 - C. Kaufmann
Senate Bill 108 - F. Moore
Senate Bill 113 - J. Sesso
Senate Bill 163 - E. Buttrey

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

March 5, 2015

Senator Debby Barrett, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Barrett:

On Thursday, March 5, 2015, I signed the following bill:

Senate Bill 135 - T. Facey

The bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/26/2015

HB 381, introduced by T. Burnett
HB 460, introduced by R. Mehlhoff
HB 463, introduced by K. McCarthy
HB 482, introduced by C. Hunter

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House bills passed and transmitted to the Senate for concurrence:

2/27/2015

HB 180, introduced by B. Smith
HB 237, introduced by A. Olszewski
HB 284, introduced by K. Dudik
HB 330, introduced by N. Schwaderer
HB 377, introduced by D. Lamm
HB 397, introduced by K. Dudik
HB 410, introduced by J. Essmann
HB 415, introduced by F. Garner
HB 444, introduced by D. Zolnikov
HB 445, introduced by D. Zolnikov
HB 446, introduced by K. Wagoner
HB 450, introduced by K. Wagoner
HB 453, introduced by W. McKamey
HB 454, introduced by S. Fitzpatrick
HB 468, introduced by G. Pierson
HB 474, introduced by J. Eck
HB 483, introduced by E. Lieser
HB 486, introduced by R. Cook
HB 491, introduced by S. Lavin
HB 501, introduced by D. Lamm
HB 504, introduced by D. Hayman
HB 505, introduced by M. Monforton
HB 507, introduced by G. Pierson
HB 513, introduced by A. Person
HB 515, introduced by W. Curdy
HB 516, introduced by M. MacDonald
HB 517, introduced by J. Essmann
HB 518, introduced by R. Ehli
HB 519, introduced by C. Glimm
HB 523, introduced by S. Berglee
HB 525, introduced by M. Noland
HB 529, introduced by V. Court
HB 533, introduced by K. Wagoner
HB 548, introduced by F. Mandeville
HB 549, introduced by M. MacDonald
HB 553, introduced by M. Noland
HB 554, introduced by G. Pierson
HB 555, introduced by S. Fitzpatrick
HB 557, introduced by B. Harris
HB 562, introduced by G. Meyers
HB 564, introduced by A. Person
HB 573, introduced by S. Lavin

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HB 575, introduced by T. Burnett
HB 578, introduced by M. Lang
HB 580, introduced by B. Bennett
HB 584, introduced by R. Pinocci
HB 588, introduced by R. Cook

Senate amendments to House bill concurred in:

2/27/2015

HB 166, introduced by K. Regier

FIRST READING AND COMMITMENT OF BILLS

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

SB 392, introduced by D. Brown, referred to Taxation.

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

HB 164, introduced by N. Schwaderer, referred to Local Government.
HB 191, introduced by J. Eck, A. Wittich, referred to Finance and Claims.
HB 196, introduced by S. Webber, referred to Education and Cultural Resources.
HB 227, introduced by K. Dudik, referred to Judiciary.
HB 244, introduced by J. Essmann, D. Ankney, G. Custer, referred to Finance and Claims.
HB 252, introduced by K. McCarthy, referred to Energy and Telecommunications.
HB 306, introduced by J. Eck, referred to Business, Labor, and Economic Affairs.
HB 318, introduced by E. Hill, C. Schreiner, referred to Public Health, Welfare and Safety.
HB 322, introduced by D. Jones, K. Hansen, referred to Education and Cultural Resources.
HB 337, introduced by J. Karjala, referred to Public Health, Welfare and Safety.
HB 394, introduced by G. Bennett, referred to Highways and Transportation.
HB 402, introduced by A. Knudsen, A. Doane, F. Moore, D. Mortensen, M. Noland, L. Randall, M. Rosendale, S. Staffanson, referred to Finance and Claims.
HB 434, introduced by E. Lieser, referred to Natural Resources.
HB 439, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 441, introduced by J. Essmann, referred to Local Government.
HB 538, introduced by M. Miller, referred to Business, Labor, and Economic Affairs.
HB 542, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.
HB 546, introduced by N. Schwaderer, referred to Business, Labor, and Economic Affairs.
HB 550, introduced by K. Swanson, referred to Business, Labor, and Economic Affairs.

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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 Dick Barrett in the chair.

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

SB 312 - Senator Phillips moved consideration of **SB 312** be passed for the day. Without objection, so ordered.

Senator Caferro present at this time.

SB 66 - Senator Sands moved **SB 66** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 39

Nays: Blasdel, D. Brown, Rosendale, Sales, Vance, Vincent, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

Bills - Senator Rosendale moved consideration of **SB 259**, **SB 312**, and **HB 145** be passed for the day. Without objection, so ordered.

SB 306 - Senator Arntzen moved **SB 306** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, 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 46

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: Brenden, Driscoll, Hansen, Moe.

Total 4

SB 365 - Senator Buttrey moved **SB 365** do pass. Motion carried as follows:

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

Total 40

Nays: D. Brown, Keane, Sesso, Smith, Windy Boy, Ms. President.

Total 6

Absent or not voting: None.

Total 0

Excused: Brenden, Driscoll, Hansen, Moe.

Total 4

SJ 12 - Senator Connell moved **SJ 12** do pass. Motion carried as follows:

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

Total 41

Nays: Ripley, Sales, Smith, Vincent, Ms. President.

Total 5

Absent or not voting: None.

Total 0

Excused: Brenden, Driscoll, Hansen, Moe.

Total 4

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

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

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Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

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

Paired: Tutvedt, Vincent, Aye; Driscoll, Moe, No.

Absent or not voting: None.
Total 0

Excused: Brenden, Hansen.
Total 2

SB 234 - Senator Thomas moved **SB 234** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 45

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SB 252 - Senator L. Jones moved **SB 252** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Hamlett, Hoven, Howard, Jones, Kary, Kaufmann, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 40

Nays: Facey, Hinkle, Keane, Sales, Sands, Vance.

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Total 6

Absent or not voting: None.

Total 0

Excused: Brenden, Driscoll, Hansen, Moe.

Total 4

SB 260 - Senator F. Moore moved **SB 260** do pass. Motion carried as follows:

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

Total 28

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: Brenden, Vincent, Aye; Driscoll, Moe, No.

Absent or not voting: None.

Total 0

Excused: Hansen.

Total 1

SB 314 - Senator Webb moved **SB 314** do pass.

SB 314 - Senator Webb moved **SB 314**, second reading copy, be amended as follows:

1. Page 3, line 18.

Strike: "(2)(b)(ii)"

Insert: "(3)(b)(ii)"

2. Page 6, line 10.

Following: "costs."

Insert: "An alteration also must comply with environmental siting processes based on each state's existing authority."

3. Page 15, line 30.

Following: "integral part of Title 75"

Strike: "chapter 20,"

Following: "provisions of Title 75"

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Strike: ", chapter 20,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 30

Nays: Caferro, Cohenour, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

SB 314 - As amended, 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, Vance, Vincent, Webb, Ms. President.
Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Paired: Brenden, Hansen, Vincent, Aye; Driscoll, Keane, Moe, 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 Dick Barrett 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, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley,

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Rosendale, Sales, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.
Total 33

Nays: Cohenour, Kaufmann, Keane, Larsen, Malek, McNally, Phillips, Pomnichowski, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: Brenden, Driscoll, Hansen, Moe.
Total 4

MOTIONS

Senator Rosendale moved to re-refer **SB 47, SB 99, SB 259, SB 312**, and **HB 145** to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Smith introduced the Pages for the week:

Erin Dringman from Big Timber, sponsored by Senator Swandal
Bailee Field from Townsend, sponsored by Senator Kaufmann
Jason Griffin from Kalispell, sponsored by Senator Blasdel
Kelcie Murphy from Missoula, sponsored by Senator Wolken
Braden Thier from Trego, sponsored by Senator Vincent

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Friday, March 6, 2015, the forty-seventh legislative day. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate