

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

Helena, Montana
March 13, 2015

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

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

BILLS AND JOURNALS:

3/16/2015

Correctly printed: **SB 47, SB 396, SB 397, SB 398, SR 25, SR 27, SR 30, SR 31, SR 32, SJ 19, HB 54, HB 87, HB 102, HB 111, HB 124, HB 227, HB 285, HB 319, HB 366, HB 397, HB 410, HB 412, HB 436, HB 518, HB 588, HJ 8.**

Correctly engrossed: **SB 259, SB 290, HB 208, HB 225, HB 330, HB 358, HB 375.**

Correctly enrolled: **SB 49, SB 53, SB 82, SB 114, SR 16, SR 23.**

Examined by the sponsor and found to be correct: **SB 53, SB 114.**

Transmitted to the House: **SB 380, HB 100, HB 132, HB 183, HB 193, HB 197, HB 203, HB 222, HB 232, HB 233, HB 241, HB 246, HB 298, HB 354, HB 466.**

REPORTS OF STANDING COMMITTEES

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

3/12/2015

HB 208, be amended as follows:

1. Page 1, line 25.

Strike: "always be open to"

Insert: "be made available for"

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

HB 358, be amended as follows:

1. Title, page 1, line 10.

Following: "CHECKS;"

Insert: "REVISING REGISTRATION AND REGULATION OF PERSONS SEEKING LICENSURE AS ADDICTION COUNSELORS; PROVIDING A DEFINITION OF "ADDICTION COUNSELOR LICENSURE CANDIDATE";"

2. Page 1, line 20.

Strike: "Two"

Insert: "Three"

Following: "and three"

Strike: "two"

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Insert: "three"

3. Page 1, line 21.

Following: "counselors."

Insert: "At least one of these members who is licensed as a social worker or professional counselor must also be licensed as a marriage and family therapist."

4. Page 1, line 22.

Strike: "Two members"

Insert: "One member"

5. Page 1, line 23.

Following: "social work"

Strike: ", but one may be engaged in marriage and family therapy"

6. Page 1, line 24.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

7. Page 5, line 12.

Following: line 11

Insert: "(3) "Addiction counselor licensure candidate" means a person who is registered pursuant to 37-35-202(5) to engage in addiction counseling and earn supervised work experience necessary for licensure."

Renumber: subsequent subsections

8. Page 6, line 21.

Strike: "or"

9. Page 6.

Following: line 21

Insert: "(e) of a person who is registered as an addiction counselor licensure candidate; or"

Renumber: subsequent subsections

10. Page 6, line 30.

Following: "Licensure"

Insert: "and registration"

Strike: "-- temporary practice permit"

11. Page 7, lines 15 through 16.

Strike: "all licensure" on line 15 through "except" on line 16

Insert: "the requirements of subsection (2) but has not completed"

12. Page 7, line 16 through line 17.

Strike: "a temporary practice" on line 16 through "experience" on line 17

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Insert: "registration as an addiction counselor licensure candidate"

13. Page 7, line 18.

Strike: line 18

Insert: "(b) An application for registration as an addiction counselor licensure candidate must be approved if it is determined that:"

14. Page 7, line 20.

Following: "(ii)"

Strike: "initial screening by program staff shows no current"

Insert: "there is no legal or"

15. Page 7, line 22.

Strike: "a temporary practice permit"

Insert: "registration as an addiction counselor licensure candidate"

16. Page 7, line 26 through line 28.

Strike: "may practice" on line 26 through "a license" on line 28

Insert: "registered as an addiction counselor licensure candidate shall register annually until the person becomes a licensed addiction counselor. The board may limit the number of years that a person may act as an addiction counselor licensure candidate"

17. Page 7, line 29.

Strike: "obtain a temporary practice permit"

Insert: "register as an addiction counselor licensure candidate"

18. Page 8, line 3.

Following: "license"

Insert: "and registration as an addiction counselor licensure candidate"

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

HB 396, be concurred in. Report adopted.

HB 449, be concurred in. Report adopted.

FINANCE AND CLAIMS (Jones, Chair):

3/12/2015

SB 259, introduced bill, be amended as follows:

1. Page 2, line 14.

Following: "pay"

Insert: "out of its surplus"

2. Page 2, line 22.

Strike: "5%"

Insert: "4%"

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3. Page 3, line 5.

Following: "pay"

Insert: "out of its surplus"

4. Page 3, line 6.

Strike: "5%"

Insert: "4%"

5. Page 3, line 9.

Following: "1990"

Insert: ", except that money from interest earned on investments and money other than premiums may be used to pay the assessment out of its surplus before any dividends are paid"

6. Page 3, line 27.

Strike: "5%"

Insert: "4%"

7. Page 3, line 28.

Strike: "5%"

Insert: "4%"

8. Page 4, line 24.

Strike: "5%"

Insert: "4%"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):
SB 290, introduced bill, be amended as follows:

3/12/2015

1. Title, line 7.

Following: "STANDARDS;"

Insert: "PROVIDING EXCEPTIONS;"

2. Page 1, line 19.

Following: "state or"

Insert: ", except as provided in subsection (4),"

3. Page 1.

Following: line 25

Insert: "(4) The provisions of this section do not apply to authorized emergency vehicles, as defined in 61-8-102, that are owned, leased, or rented by a political subdivision of the state."

4. Page 3, line 18.

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Following: "(7)"

Strike: "The"

Insert: "(a) Except as provided in subsection (7)(b), the "

5. Page 3.

Following: line 20

Insert: "(b) The provisions of this section and rules adopted pursuant to this section do not apply to authorized emergency vehicles, as defined in 61-8-102, that are owned, leased, or rented by a political subdivision of the state."

And, as amended, do pass. Report adopted.

HB 97, be concurred in. Report adopted.

HB 375, be amended as follows:

1. Page 3, line 15.

Strike: "October 1, 2015"

Insert: "January 1, 2016"

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

HB 387, be concurred in. Report adopted.

HB 414, be concurred in. Report adopted.

JUDICIARY (Sales, Chair):

3/13/2015

HB 482, be concurred in. Report adopted.

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

3/9/2015

SR 14, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/12/2015

SB 49, introduced by J. Keane

SB 82, introduced by B. Hamlett

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/12/2015

SB 60, introduced by R. Driscoll

House bills passed and transmitted to the Senate for concurrence:

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HB 297, introduced by V. Court
HB 411, introduced by T. Richmond

FIRST READING AND COMMITMENT OF BILLS

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

SB 399, introduced by F. Thomas, M. Caferro, C. Wolken, referred to Taxation.
SB 400, introduced by R. Webb, referred to Judiciary.

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

SJ 20, introduced by B. Tutvedt, referred to Local Government.

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

HB 297, introduced by V. Court, referred to Judiciary.
HB 411, introduced by T. Richmond, M. Noland, R. Ripley, S. Staffanson, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

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

SB 378 - Senator Arntzen moved **SB 378** do pass. Motion carried as follows:

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

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Excused: D. Brown.

Total 1

HB 194 - Senator F. Moore moved **HB 194** be concurred in. Motion carried as follows:

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

Nays: Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 18

Absent or not voting: None.

Total 0

Excused: D. Brown.

Total 1

HB 355 - Senator Howard moved **HB 355** be concurred in. Motion carried as follows:

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

Total 1

HB 390 - Senator Hoven moved **HB 390** be concurred in. Motion carried as follows:

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

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: D. Brown.

Total 1

HB 353 - Senator Connell moved **HB 353** be concurred in. Motion carried as follows:

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

Total 1

HB 393 - Senator Larsen moved **HB 393** be concurred in. Motion carried as follows:

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

Total 44

Nays: Barrett Dick, Kaufmann, Phillips, Stewart-Peregoy, Whitford.

Total 5

Absent or not voting: None.

Total 0

Excused: D. Brown.

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Total 1

HJ 15 - Senator Windy Boy moved **HJ 15** be concurred in. Motion carried as follows:

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

Total 40

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Rosendale, Sales, Vance.

Total 9

Absent or not voting: None.

Total 0

Excused: D. Brown.

Total 1

HB 279 - Senator C. Smith moved **HB 279** be concurred in. Motion carried as follows:

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

Total 1

SB 91 - Senator Thomas moved **SB 91** do pass. Motion carried as follows:

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

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Total 44

Nays: Barrett Dick, Caferro, Kaufmann, Pomnichowski, Whitford.

Total 5

Absent or not voting: None.

Total 0

Excused: D. Brown.

Total 1

SB 308 - Senator Fielder moved **SB 308** do pass. Motion carried as follows:

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

Total 37

Nays: Caferro, Facey, Hamlett, Kaufmann, Keane, Malek, McNally, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: D. Brown.

Total 1

SB 142 - House Amendments - Senator C. Smith moved House amendments to **SB 142** be concurred in. Motion carried as follows:

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

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Excused: D. Brown.

Total 1

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: D. Brown.

Total 1

THIRD READING OF BILLS

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

HB 102 concurred in as follows:

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

Total 1

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HB 225 concurred in as follows:

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

HB 285 concurred in as follows:

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

HB 319 concurred in as follows:

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

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: D. Brown.

Total 1

SPECIAL ORDERS OF THE DAY

SR 26 - Senator Taylor Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 26**.

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

Total 1

Senator Smith thanked the Pages for their service this week.

MOTIONS

Senator Rosendale moved **HB 111** and **HB 330** be re-referred 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 1:00 p.m., Monday, March 16, 2015,

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the fifty-fourth legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate