

**SENATE JOURNAL  
64TH LEGISLATURE  
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 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**

3/27/2015

Correctly printed: **SB 393, SB 398, SB 399, SB 405, SB 418, SB 420, SR 48, SR 49, SJ 22, HB 68, HB 99, HB 209, HB 211, HB 228, HB 256, HB 259, HB 288, HB 290, HB 331, HB 342, HB 363, HB 431, HB 447, HB 448, HB 460, HB 516, HB 529, HB 542, HB 555, HB 564, HB 575, HB 578, HB 580, HJ 14.**

Correctly engrossed: **SB 396, SB 401, SB 410, SB 411, SB 415, HB 324, HB 536, HB 554, HB 573.**

Correctly enrolled: **SB 8, SB 200, SB 321, SB 338.**

Examined by the sponsor and found to be correct: **SB 79, SB 188, SR 3, SR 13, SR 20, SR 27, SR 28.**

Transmitted to the House: **SB 375, HB 111, HB 168, HB 315, HB 537, HB 550.**

Signed by the Secretary of the Senate at 6:10 p.m., March 27, 2015: **SB 79, SB 188, SR 3, SR 13, SR 20, SR 27, SR 28.**

Signed by the President at 9:15 a.m., March 27, 2015: **SB 42, SB 109, SB 141, SB 174, SB 184, SB 196, SB 332.**

Signed by the Speaker at 11:00 a.m., March 27, 2015: **SB 42, SB 109, SB 141, SB 174, SB 184, SB 196, SB 332.**

Delivered to the Governor at 12:44 p.m., March 27, 2015: **SB 42, SB 109, SB 141, SB 174, SB 184, SB 196, SB 332.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (T. Brown, Chair):  
HB 478, be concurred in. Report adopted.

3/26/2015

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair):  
SB 415, introduced bill, be amended as follows:

3/27/2015

1. Title, page 1, line 6.

**Following:** "BENEFITS;"

**Insert:** "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 25.

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**Strike:** "6"

**Insert:** "7"

3. Page 4, line 12.

**Strike:** "1%"

**Insert:** "0.33%"

4. Page 4.

**Following:** line 27

**Insert:** "NEW SECTION. **Section 7. Department -- rulemaking.** The department may adopt rules to implement [sections 1 through 5]."

**Renumber:** subsequent sections

5. Page 5, line 6.

**Following:** "(2)"

**Insert:** "(a)"

**Strike:** "The"

**Insert:** "If the balance of the presumptive disease compensation fund provided for in [section 5] does not exceed \$1 million, the"

6. Page 5, line 7.

**Strike:** "(a)"

**Insert:** "(i)"

**Strike:** "1.5%"

**Insert:** "2.17%"

7. Page 5, line 8.

**Strike:** "(b)"

**Insert:** "(ii)"

**Strike:** "1%"

**Insert:** "0.33%"

8. Page 5.

**Following:** line 8

**Insert:** "(b) If the balance of the presumptive disease compensation fund provided for in [section 5] exceeds \$1 million, the 2.5% tax collected under subsection (1) must be deposited into the general fund."

9. Page 5, line 24.

**Strike:** "6"

**Insert:** "7"

10. Page 5, line 25.

**Strike:** "6"

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**Insert:** "7"

And, as amended, do pass. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Webb, Chair): 3/26/2015  
**SR 43**, preliminary report. Report adopted.

**FINANCE AND CLAIMS** (Jones, Chair): 3/27/2015  
**SB 194**, do pass. Report adopted.  
**SB 399**, do pass. Report adopted.  
**SB 410**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "TAXPAYER-DIRECTED TAX PAYMENTS"

**Insert:** "DONATIONS"

**Strike:** "FOR DONATIONS TO"

2. Page 1, line 20.

**Following:** "programs."

**Insert:** "The tax credit for taxpayer donations under [sections 1 through 6] must be administered in compliance with Article V, section 11(5), and Article X, section 6, of the Montana constitution."

3. Page 3, line 26 through line 27.

**Strike:** "money directed by taxpayers"

**Insert:** "donations"

4. Page 3, line 29.

**Following:** "school"

**Insert:** "district"

**Strike:** "school's"

**Insert:** "school district's"

5. Page 3, line 30.

**Strike:** "school's"

**Insert:** "school district's"

6. Page 4, line 5.

**Strike:** "number of grades"

**Insert:** "average number belonging"

7. Page 4, line 8.

**Following:** "used."

**Insert:** "If a taxpayer specifies that an allocation is to be used in a:

(i) geographic region, the allocation may not be used in a large district; and

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(ii) large district, the allocation may not be used in a geographic region."

8. Page 4, line 10.

**Following:** "."

**Insert:** "Each district shall report the expenditure of supplemental funding for specific schools to the superintendent of public instruction."

9. Page 4, line 16.

**Strike:** "Taxpayer" through "[section 13]."

**Insert:** "The department shall accept donations for the purpose of funding innovative educational programs and deposit the donations into the account. The department shall preapprove tax credits for donations as provided in [section 13]."

10. Page 4, line 26.

**Following:** "programs."

**Insert:** "The tax credit for taxpayer donations under [sections 7 through 17] must be administered in compliance with Article V, section 11(5), and Article X, section 6, of the Montana constitution."

11. Page 8, line 1 through line 2.

**Strike:** "-- directed tax payment"

12. Page 8, line 3.

**Strike:** "taxpayer-directed tax payments"

**Insert:** "donations made"

13. Page 8, line 5.

**Strike:** "donor"

**Insert:** "taxpayer"

14. Page 8, line 6.

**Strike:** "a contribution"

**Insert:** "the donation"

**Following:** "district"

**Insert:** "as provided in [section 4(2)(b)]"

15. Page 8, line 6 through line 7.

**Strike:** "for the taxpayer-directed tax payment"

16. Page 8, line 11.

**Strike:** "contribution"

**Insert:** "donation"

17. Page 8, line 16.

**Strike:** "directed tax payment"

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**Insert:** "donation"

18. Page 8, line 17.

**Strike:** "taxpayer-directed tax payments"

**Insert:** "tax credits"

19. Page 8, line 19 through line 20.

**Strike:** "directed tax payments"

**Insert:** "donations"

20. Page 8, line 21.

**Strike:** "directed tax payments"

**Insert:** "tax credits"

21. Page 8, line 22.

**Following:** "amount of"

**Insert:** "tax"

22. Page 8, line 24.

**Strike:** "directed tax payment"

**Insert:** "donation"

**Strike:** "directed tax payments"

**Insert:** "donations"

23. Page 8, line 29 through line 30.

**Strike:** subsection (c) in its entirety

24. Page 9, line 8.

**Strike:** "donors"

**Insert:** "taxpayers"

25. Page 9, line 9.

**Strike:** "contribution"

**Insert:** "donation"

26. Page 10, line 6 through line 9.

**Strike:** subsection (c) in its entirety

27. Page 11, line 23.

**Strike:** "directed tax payments"

**Insert:** "donations"

28. Page 11, line 30 through page 12, line 1.

**Strike:** "-- directed tax payment"

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29. Page 12, line 2.

**Strike:** "taxpayer-directed tax payment"

**Insert:** "donation made"

30. Page 12, line 9.

**Strike:** "directed"

**Strike:** "payment"

**Insert:** "credit"

31. Page 12, line 10.

**Strike:** "taxpayer-directed tax payment"

**Insert:** "donation made"

And, as amended, do pass. Report adopted.

**SB 411**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Strike:** "July 1, 2016,"

**Insert:** "December 31, 2016,"

2. Page 2, line 21 through line 25.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

3. Page 10, line 5.

**Strike:** "June 30, 2016"

**Insert:** "December 31, 2016"

4. Page 10, line 22.

**Strike:** "June 30, 2016"

**Insert:** "December 31, 2016"

And, as amended, do pass. Report adopted.

**SB 416**, introduced bill, be amended as follows:

1. Page 3, line 24.

**Following:** line 23

**Insert:** "(6) Infrastructure projects related to exploration or natural resource impacts have priority over other projects."

**Renumber:** subsequent subsections

2. Page 4, line 20.

**Following:** "restoration;"

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**Insert:** "and"

3. Page 4, line 21.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsections

4. Page 5, line 2.

**Strike:** "construction"

**Insert:** "improvement"

5. Page 5, line 5.

**Strike:** "construction"

**Insert:** "improvement"

6. Page 8, line 25.

**Following:** "revenue"

**Insert:** ", including transfers in,"

7. Page 9, line 1.

**Following:** "revenue"

**Insert:** ", including transfers in,"

8. Page 9, line 5.

**Following:** "year 2016"

**Insert:** ", including transfers in,"

9. Page 9, line 10.

**Following:** "year 2016"

**Insert:** ", including transfers in,"

10. Page 10, line 23.

**Following:** "revenue"

**Insert:** ", including transfers in,"

11. Page 10, line 28.

**Following:** "revenue"

**Insert:** ", including transfers in,"

12. Page 11, line 3.

**Following:** "year 2016"

**Insert:** ", including transfers in,"

13. Page 11, line 9.

**Following:** "revenue"

**Insert:** ", including transfers in,"

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14. Page 14, line 3.

**Following:** "revenue"

**Insert:** ", including transfers in,"

15. Page 14, line 7.

**Following:** "revenue"

**Insert:** ", including transfers in,"

16. Page 14, line 11.

**Following:** "year 2016"

**Insert:** ", including transfers in,"

17. Page 14, line 15.

**Following:** "revenue"

**Insert:** ", including transfers in,"

And, as amended, do pass. Report adopted.

**SB 420**, do pass. Report adopted.

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

3/26/2015

**SB 403**, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

March 26, 2015

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

Dear President Barrett:

On Thursday, March 26, 2015, I signed the following bill:

**Senate Bill 82** - B. Hamlett

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

Sincerely,

STEVE BULLOCK  
Governor



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**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 3/26/2015

**SB 8**, introduced by R. Webb  
**SB 200**, introduced by D. Ankney  
**SB 321**, introduced by M. Blasdel  
**SB 338**, introduced by E. Arntzen

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/26/2015

**SB 48**, introduced by C. Vincent

**Senate amendments to House bill** concurred in: 3/26/2015

**HB 513**, introduced by A. Person

**House bills** passed and transmitted to the Senate for concurrence: 3/26/2015

**HB 156**, introduced by M. Miller  
**HB 245**, introduced by N. Ballance  
**HB 368**, introduced by G. Hertz  
**HB 379**, introduced by G. Hertz  
**HB 479**, introduced by A. Olszewski

**MOTIONS**

Senator Sales moved **SB 417** be moved from the Judiciary Committee to the Finance and Claims Committee. Without objection, so ordered.

Senator Sales moved to change his third-reading vote the previous legislative day on **SB 375** from No to Yes. Without objection, so ordered.

Senator Blasdel moved that **SB 193** be taken from Finance and Claims and brought before the Committee of the Whole on the sixty-fifth day, March 28, 2015. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Hamlett, Hoven, Jones, Kaufmann, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 31

Nays: Brenden, Driscoll, Fielder, Hansen, Hinkle, Howard, Kary, Keane, Larsen, Moore, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Vance, Webb, Ms. President.

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Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Hansen moved to reconsider action on **HB 363**, scheduled for third reading this date, and that **HB 363** be placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Arntzen, Blasdel, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Windy Boy, Ms. President.

Total 22

Nays: Ankney, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Whitford, Wolken.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Hoven moved to reconsider the indefinite postponement of **HB 297** and that **HB 297** be brought before the Committee of the Whole the next legislative day. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Driscoll moved that **SB 352** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy.  
Total 23

Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Caferro, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Wolken, Ms. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 156**, introduced by M. Miller, referred to Taxation.

**HB 245**, introduced by N. Ballance, D. Brown, M. Caferro, E. Greef, S. Hess, D. Mortensen, R. Pinocci, K. Wagoner, referred to Agriculture, Livestock and Irrigation.

**HB 368**, introduced by G. Hertz, S. Fitzpatrick, D. Lamm, D. Moore, K. Regier, S. Staffanson, D. Zolnikov, referred to Taxation.

**HB 379**, introduced by G. Hertz, referred to Taxation.

**HB 479**, introduced by A. Olszewski, E. Arntzen, N. Ballance, G. Bennett, S. Berglee, J. Brenden, B. Brown, D. Brown, T. Burnett, A. Doane, R. Ehli, C. Fiscus, C. Glimm, K. Hansen, S. Hess, D. Howard, A. Knudsen, M. Monforton, D. Mortensen, M. Noland, R. Osmundson, R. Pinocci, K. Regier, T. Richmond, M. Rosendale, C. Smith, N. Swandal, J. Taylor, F. Thomas, B. Tschida, R. Webb, J. Windy Boy, referred to Public Health, Welfare and Safety.

**MOTIONS**

Senator Hamlett moved that **SB 291** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.  
Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**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 Sales in the chair.

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

**SB 405** - Senator Sesso moved consideration of **SB 405** be placed at the top of the second reading board. 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.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 405** - Senator Buttrey moved **SB 405** do pass.

**SB 405** - Senator Buttrey moved **SB 405**, second reading copy, be amended as follows:

1. Page 3, line 26.

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**Strike:** "and"

2. Page 3, line 27.

**Strike:** "as directed by the department"

**Insert:** "; and"

(f) helping to administer the medicaid program reforms as specified in [section 8]"

3. Page 6, line 12.

**Strike:** "primary care"

**Insert:** "health care"

**Following:** "provider"

**Insert:** "or third-party administrator"

4. Page 7.

**Following:** line 25

**Insert:** "(2) The department may ask a third-party administrator under contract with the department to assist in efforts undertaken pursuant to subsection (1) when the activity can appropriately be handled by the third-party administrator."

**Renumber:** subsequent subsection

5. Page 8, line 1.

**Following:** "corrections"

**Strike:** ", "

**Insert:** "and"

**Strike:** ", and local governments"

6. Page 8, line 6.

**Following:** "corrections;"

**Insert:** "or"

7. Page 8, line 7 through line 8.

**Strike:** subsection (b) through subsection (c) in their entirety

**Renumber:** subsequent subsection

8. Page 16, line 12.

**Strike:** "(a)"

9. Page 16, line 13.

**Following:** "services of"

**Insert:** "all"

10. Page 16, line 16 through line 18.

**Strike:** subsection (b) in its entirety

11. Page 16, line 19.

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**Following:** "11"  
**Insert:** ", 19, 20,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, 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 42

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Keenan, Sales, Vance.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 405** - Senator Keenan moved **SB 405**, second reading copy, be amended as follows:

1. Page 3, line 17.

**Following:** "meets the"

**Insert:** "nonincome"

**Following:** "42 U.S.C. 1396a(a)(10)(A)(i)(VIII)"

**Insert:** "and the individual's income does not exceed 100% of the federal poverty level"

2. Page 5, line 14 through line 15.

**Strike:** "-- nonpayment" on line 14 through "exemptions" on line 15

3. Page 5, line 22.

**Strike:** "with an income of 100% of the federal poverty level or less"

4. Page 5, line 28 through page 6, line 25.

**Strike:** subsection (4) through subsection (7) in their entirety

5. Page 13, line 2 through line 3.

**Strike:** subsection (2)(c) in its entirety

Amendment **not** adopted as follows:

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

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President.

Total 21

Nays: 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, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 405** - Senator Thomas moved **SB 405**, second reading copy, be amended as follows:

1. Title, page 1, line 12.

**Following:** "COMMITTEE;"

**Insert:** "REQUIRING THAT WAITING LISTS FOR CERTAIN MEDICAID WAIVER SERVICES BE REDUCED;"

2. Page 14, line 21.

**Following:** line 21

**Insert:** "NEW SECTION. Section 20. Reduction in waiting lists required. The department shall reduce by one-half the number of individuals who have been placed on waiting lists to receive services under the following home and community-based services waiver programs:

(1) the supports for community working and living waiver in the developmental services division of the department;

(2) the 0208 comprehensive waiver in the developmental services division of the department;

(3) the severe and disabling mental illness waiver in the addictive and mental disorders division of the department; and

(4) the Montana big sky waiver in the senior and long term care division of the department."

**Renumber:** subsequent sections

3. Page 16, line 4.

**Strike:** "20"

**Insert:** "21"

4. Page 16, line 10.

**Strike:** "20"

**Insert:** "21"

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5. Page 16, line 19.

**Strike:** "21"

**Insert:** "22"

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Webb, Ms. President.  
Total 20

Nays: Ankney, Arntzen, 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, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.  
Total 30

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 405** - Senator Thomas moved **SB 405**, second reading copy, be amended as follows:

1. Title, page 1, line 12.

**Following:** "COMMITTEE;"

**Insert:** "PROVIDING REQUIREMENTS REGARDING REDUCTIONS IN UNCOMPENSATED CARE;"

2. Page 10, line 17.

**Strike:** "and"

**Insert:** ", "

**Following:** "[sections 14 through 17]"

**Insert:** ", and [section 20]"

3. Page 14, line 22.

**Insert:** "NEW SECTION. Section 20. Uncompensated care -- reports -- reduction in costs -- rulemaking. (1) A health care provider participating in the third-party arrangement under the Montana Health and Economic Livelihood Partnership Act provided for in [sections 1 through 13] and [sections 14 through 17] shall:

(a) annually report to the state auditor's office the amount of reimbursement that the provider received for health care services provided through participation in the act that would have otherwise been uncompensated; and

(b) dedicate one-half of that amount to reducing the health care costs of patients with private health insurance in a manner approved by the state auditor's office.



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(2) The state auditor shall administer this section and may adopt rules to administer this section, including but not limited to rules:

(a) regarding reporting requirements; and

(b) approving methods for reducing health care costs of individuals with private insurance.

(3) The state auditor shall submit a report to the 2017 legislature and shall report to the legislative audit committee regarding the administration of this section."

**Renumber:** subsequent sections

4. Page 16, line 3.

**Insert:** "(5) [Section 20] is intended to be codified as an integral part of Title 33, chapter 1, and the provisions of Title 33, chapter 1, apply to [section 20]."

5. Page 16, line 4.

**Strike:** "20"

**Insert:** "21"

6. Page 16, line 10.

**Strike:** "20"

**Insert:** "21"

7. Page 16, line 19.

**Strike:** "21"

**Insert:** "22"

Amendment **not** adopted as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 405** - Senator Hansen moved **SB 405**, second reading copy, be amended as follows:

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1. Page 16, line 7.

**Strike:** "Except as provided in subsection (2), it"

**Insert:** "It"

2. Page 16, line 10.

**Strike:** subsection (2) in its entirety

Amendment **not** adopted as follows:

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

Total 22

Nays: 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 405** - Senator Buttrey moved **SB 405**, as amended, do pass. 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.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 503** - Senator Thomas moved **HB 503** be concurred in.

**HB 503** - Senator Thomas moved **HB 503**, second reading copy, be amended as follows:

1. Page 1, line 22.

**Strike:** "20"

**Insert:** "10"

2. Page 3, line 7.

**Strike:** "20"

**Insert:** "10"

Amendment adopted as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 503** - As amended, **HB 503** was concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, 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

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Excused: None.

Total 0

**HB 251** - Senator Driscoll moved **HB 251** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, T. Brown, Caferro, Cohenour, Driscoll, Fielder, Hamlett, Hansen, Hoven, Howard, Kary, Kaufmann, Keane, Larsen, Moe, Moore, Rosendale, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Webb, Windy Boy, Wolken, Ms. President.

Total 29

Nays: Arntzen, Brenden, Buttrey, Connell, Facey, Hinkle, Jones, Keenan, Malek, McNally, Phillips, Pomnichowski, Ripley, Sales, Sands, Smith, Taylor, Vance, Vincent, Vuckovich, Whitford.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 402** - Senator Ankney moved **SB 402** do pass.

**SB 402** - Senator Stewart-Peregoy moved **SB 402**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

**Following:** "UNIT;"

**Insert:** "REQUIRING ENTITIES TO PROVIDE A RETIREMENT PLAN AND FINANCIAL IMPACT STATEMENT; ESTABLISHING REQUIREMENTS FOR THE FINANCIAL IMPACT STATEMENT; ESTABLISHING FEES FOR CONSULTANTS FOR THE REVIEW OF A STATEMENT; REQUIRING THE PUBLIC SERVICE COMMISSION TO APPROVE OR MODIFY AN IMPACT STATEMENT;"

2. Title, page 1, line 9 through line 11.

**Strike:** "ACQUIRING" on line 9 through "OR WHEN" on line 11

3. Title, page 1, line 11 through line 12.

**Following:** "UNIT;" on line 11

**Strike:** "REQUIRING" on line 11 through "DETERMINE THE" on line 12

**Insert:** "ESTABLISHING AN"

4. Title, page 1, line 12.

**Strike:** "VERIFIED AND"

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5. Title, page 1, line 14.

**Following:** "GENERAL FUND"

**Strike:** "AND"

**Insert:** ", "

**Following:** "A PORTION"

**Strike:** "OF THE FEE"

**Following:** "CERTAIN COUNTIES"

**Insert:** ", A PORTION TO SCHOOL DISTRICTS, AND A PORTION TO CERTAIN TRIBAL GOVERNMENTS"

**Following:** "REQUIRING"

**Strike:** "COUNTIES"

**Insert:** "ENTITIES"

6. Title, page 1, line 15.

**Following:** "TO ESTABLISH"

**Strike:** "AN"

**Strike:** "TRUST ACCOUNT"

**Insert:** "ACCOUNTS"

7. Title, page 1, line 16.

**Strike:** "TRUST ACCOUNT"

**Insert:** "ACCOUNTS"

8. Title, page 1, line 17 through line 18.

**Strike:** "REQUIRING" on line 17 through "CIRCUMSTANCES;" on line 18

9. Title, page 1, line 25 through line 26.

**Strike:** "REQUIRING" on line 25 through "UNITS;" on line 26

10. Title, page 1, line 28.

**Following:** "~~45-72-106~~,"

**Insert:** "69-1-114, 69-1-402,"

**Following:** "69-8-426,"

**Insert:** "90-1-135"

11. Page 2, line 4.

**Strike:** "10"

**Insert:** "11"

12. Page 2, line 7.

**Strike:** "10"

**Insert:** "11"

13. Page 2, line 8.

**Following:** "state"

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**Insert:** ", county, tribal,"

14. Page 2, line 11.

**Following:** "local schools,"

**Insert:** "tribal governments,"

15. Page 2, line 17.

**Following:** "state"

**Insert:** ", county, tribal,"

**Strike:** "10"

**Insert:** "11"

16. Page 2, line 21.

**Strike:** "10"

**Insert:** "11"

17. Page 3, line 5.

**Strike:** "(6)"

**Insert:** "(5)"

18. Page 3, line 9 through line 17.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

19. Page 3, line 19.

**Strike:** "a tribal government,"

20. Page 3, line 26.

**Following:** "Montana"

**Insert:** "within a 100-mile radius of a county where a coal-fired generating facility or unit is located"

21. Page 3, line 28 through page 4, line 2.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

22. Page 4, line 3 through line 4.

**Strike:** "does not" on line 3 through "acquisition costs but" on line 4

23. Page 4, line 11.

**Strike:** "10"

**Insert:** "11"

24. Page 4.

**Following:** line 15

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**Insert:**        "NEW SECTION. **Section 5. Retirement plan -- financial impact statement.**

(1) An electrical company, electricity supplier, public utility, or combination of those entities that provides the commission with notice in accordance with [section 4] and plans to retire a coal-fired generating facility shall submit the following information to the commission:

(a) a description of the retirement plan for the coal-fired generating facility;

(b) a financial impact statement that includes:

(i) the annual estimated impact, expressed in dollars annually, to the state, to tribal governments, and to the county where the coal-fired generating facility is located;

(ii) consideration of impacts to the tax base, workforce, education, infrastructure, and tribal governments; and

(iii) economic development opportunities; and

(c) any other information the commission requires.

(2) (a) If the commission receives information pursuant to subsection (1), the commission shall accept public comment on the information. To allow for public comment, the commission may hold a public hearing.

(b) The commission may select and retain a person or organization to act as an independent consultant for the commission's analysis of a retirement plan and financial impact statement in accordance with subsection (5).

(3) A financial impact statement may not be approved unless the commission determines that the financial impact statement is in the public interest. The commission shall make the determination by considering:

(a) long-term and short-term impacts;

(b) risks; and

(c) other factors determined by the commission to be relevant.

(4)(a) Except as provided in subsection (4)(b), within 180 days of receiving the information required pursuant to subsection (1), the commission shall:

(i) review a retirement plan and approve a financial impact statement that meets the requirements of subsection (3); or

(ii) suggest modifications to the retirement plan and require modifications to the financial impact statement in order to meet the requirements of subsection (3).

(b) The commission may extend the time period in subsection (4)(a) to provide the commission with adequate time to analyze the information provided in accordance with subsection (1). The time period may not be extended by more than 180 days.

(5) An independent consultant must have demonstrated knowledge and experience relevant to the purpose of reviewing a retirement plan and financial impact statement. The commission shall charge a fee to the electrical company, electricity supplier, public utility, or combination of entities to pay for the costs of consultants or advisory services.

(6) By March 31, 2016, the commission shall adopt rules prescribing minimum requirements for a retirement plan and financial impact statement pursuant to this part."

**Renumber:** subsequent sections

25. Page 4, line 17 through page 5, line 5.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

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26. Page 5, line 6.

**Strike:** "(a)"

**Strike:** "[section 8]"

**Insert:** "subsection (2)(b)"

27. Page 5, line 7 through line 8.

**Strike:** "but" on line 7 through "costs" on line 8

28. Page 5, line 9.

**Strike:** "jointly"

29. Page 5, line 9 through line 10.

**Strike:** "in accordance" on line 9 through "(2)(c)" on line 10

**Insert:** "of \$5 million"

30. Page 5, line 10.

**Strike:** "10"

**Insert:** "20"

31. Page 5, line 11.

**Strike:** "jointly"

32. Page 5.

**Following:** line 13

**Insert:** "(2)(a) If the retirement plan and financial impact statement conducted in accordance with [section 5] finds that the annual impact is greater than \$5 million, the electrical company, electricity supplier, public utility, or combination of entities is subject to a coal county impact fee equal to the amount of the impact determined pursuant to the financial impact statement completed in accordance with [section 5].

(b) If an electrical company, electricity supplier, public utility, or combination of those entities has been paying an impact fee less than the amount determined pursuant to the financial impact statement completed in accordance with [section 5], the electrical company, electricity supplier, public utility, or combination of those entities shall pay the difference within 5 years."

33. Page 5, line 14 through page 6, line 4.

**Strike:** "(b)" on page 5, line 14 through "years." on page 6, line 4

34. Page 6, line 8.

**Strike:** "[section 5]"

**Insert:** "[section 6]"

35. Page 6, line 12.

**Strike:** "subsection"

**Insert:** "subsections"



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**Following:** "(2)(b)"

**Insert:** " through (2)(d)"

**Strike:** "[section 5]"

**Insert:** "[section 6]"

36. Page 6, line 14.

**Strike:** "50%"

**Insert:** "25%"

37. Page 6, line 15.

**Strike:** "trust"

**Strike:** "[section 7]"

**Insert:** "[section 8]"

38. Page 6.

**Following:** line 17

**Insert:** "(c) In fiscal year 2016 and in each succeeding fiscal year, 25% of all money received pursuant to subsection (1) must be deposited in the coal county school district account established in [section 9] in the county in which the coal-fired generating facility or unit owned by the electrical company, electricity supplier, or public utility is located.

(d) In fiscal year 2016 and in each succeeding fiscal year, 25% of all money received pursuant to subsection (1) must be deposited in the special revenue account established in 90-1-135 and used in accordance with [section 10]."

39. Page 6, line 19.

**Strike:** "to the county"

**Strike:** "coal county trust account"

**Insert:** "accounts"

**Strike:** "[section 7]"

**Insert:** "[sections 8, 9, and 10]"

40. Page 6, line 21.

**Strike:** "trust"

41. Page 6, line 22.

**Strike:** "trust"

42. Page 6, line 23 through line 28.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

43. Page 6, line 29 through page 7, line 1.

**Strike:** "If" on page 6, line 29 through "and" on page 7, line 1

**Insert:** "The county"

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44. Page 7, line 1.

**Strike:** "remaining"

**Strike:** "trust"

45. Page 7, line 3.

**Strike:** "described in subsection (2)"

46. Page 7, line 12.

**Strike:** "described in subsection (2)"

47. Page 7, line 14.

**Strike:** "described in subsection (2)"

48. Page 7, line 17.

**Strike:** "(3)(b)"

**Insert:** "(2)(b)"

**Strike:** "trust"

49. Page 7, line 19.

**Strike:** "trust"

50. Page 7.

**Following:** line 20

**Insert:** "NEW SECTION. Section 9. Coal county school district accounts -- expenditures restrictions. (1) The county treasurer shall:

(a) keep the impact fee received in accordance with [section 7(2)(c)] in a separate coal county school district account and keep a separate account of its disbursement to the several school districts that are entitled to receive it; and

(b) notify the county superintendent of the amount of the impact fee in the county treasury for disbursement to the districts.

(2) The impact fee must be shared equally among the school districts in the county where the coal-fired generating facility is located that are eligible to receive an impact fee in accordance with [section 7(2)(c)].

(3) Money held in the coal county school district account may not be considered as cash balance for the purpose of reducing mill levies.

(4) The districts may use the funds in the accounts proportionally for educational purposes in accordance with the provisions of law. Interest and income from the investment of funds in the account must be credited to the account."

**Insert:** "NEW SECTION. Section 10. State-coal county tribal government cooperation. The state-tribal economic development commission established in 90-1-131 in coordination with the state director of Indian affairs provided for in 2-15-217 and a tribal government as defined in [section 3] shall determine how to distribute an impact fee to affected tribal governments to compensate for impacts by the retirement of a coal-fired generating facility or unit."

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51. Page 7, line 22 through page 9, line 2.

**Strike:** section 8 through section 9 in their entirety

**Renumber:** subsequent sections

52. Page 9, line 5.

**Strike:** "incurs" through "and"

53. Page 9, line 6 through line 7.

**Strike:** "that incurs" on line 6 through "costs is" on line 7

**Insert:** "remains"

54. Page 9.

**Following:** line 29

**Insert:** "**Section 12.** Section 69-1-114, MCA, is amended to read:

"**69-1-114. Fees.** (1) Each fee charged by the commission must be reasonable.

(2) Except for a fee assessed pursuant to [section 5(5)], 69-3-204(2), 69-8-421(10), or 69-12-423(2), a fee set by the commission may not exceed \$500.

(3) All fees collected by the department under 69-8-421(10) must be deposited in an account in the special revenue fund. Funds in this account must be used as provided in 69-8-421(10).

(4) All fees collected by the department under [section 5(5)] must be deposited in an account in the special revenue fund. Funds in this account must be used as provided in [section 5]."

**Insert:** "**Section 13.** Section 69-1-402, MCA, is amended to read:

"**69-1-402. Funding of department of public service regulation.** (1) All fees collected under this section and any other fees, except as provided in 69-1-114(3) or (4), must be deposited in an account in the state special revenue fund to the credit of the department. An appropriation to the department may consist of a base appropriation for regular operating expenses and a contingency appropriation for expenses due to an unanticipated caseload.

(2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall, within 30 days after the close of each calendar quarter, pay to the department of revenue a fee based on a percentage of gross operating revenue reported pursuant to 69-1-223(2)(a), as determined by the department of revenue under 69-1-403.

(3) The amount of money that may be raised by the fee on the regulated companies during a fiscal year may not be increased, except as provided in 69-1-224(1)(c), from the amount appropriated to the department by the legislature for that fiscal year, including both base and contingency appropriations. Any additional money required for operation of the department must be obtained from other sources in a manner authorized by the legislature."

**Renumber:** subsequent sections

55. Page 14, line 26.

**Following:** "69-3-2003(13)(b);"

**Insert:** "or"

56. Page 14, line 27.

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**Strike:** "; or"

**Insert:** "."

57. Page 14, line 28 through line 30.

**Strike:** subsection (iii) in its entirety

58. Page 16, line 29 through line 30.

**Strike:** "-- coal fired" on line 29 through "costs" on line 30

59. Page 16, line 30.

**Strike:** "."

60. Page 17, line 1 through line 2.

**Strike:** "(1)" on line 1 through "(2)" on line 2

61. Page 17, line 2.

**Strike:** "[section 5]"

**Insert:** "[section 6]"

62. Page 17, line 13.

**Strike:** "[section 5]"

**Insert:** "[section 6]"

63. Page 17.

**Following:** line 13

**Insert:** "**Section 18.** Section 90-1-135, MCA, is amended to read:

**"90-1-135. Special revenue accounts.** (1) There is an account in the state treasury for the receipt of state and private funds and an account in the state treasury for the receipt of federal funds for expenditure by the state-tribal economic development commission established in 90-1-131.

(2) Money Except as provided in subsection (4), money in the accounts established in subsection (1) must be used to pay:

(a) the commission's administrative costs;

(b) the salary, benefits, and administrative expenses of the tribal business center coordinator and the federal grants coordinator; and

(c) the costs of conducting or commissioning and periodically updating or otherwise modifying a comprehensive assessment of economic development needs and priorities on each of the Indian reservations in the state.

(3) Money Except as provided in subsection (4), money in the accounts that is not expended for the purposes identified in subsection (2) may be used for other purposes that the commission considers prudent or necessary.

(4) Money deposited in the account in accordance with [section 7(2)(d)] must be used in accordance with [section 10].

~~(4)~~(5) Interest and income earned on the money in the accounts must be deposited in the accounts for the commission's use and for use in accordance with subsection (4)."

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**Renumber:** subsequent sections

64. Page 18, line 6 through line 8.

**Strike:** "or are needed" on line 6 through "is pending" on line 8

65. Page 18, line 29.

**Strike:** "10"

**Insert:** "11"

66. Page 18, line 30.

**Strike:** "10"

**Insert:** "11"

67. Page 19, line 1.

**Strike:** "13"

**Insert:** "16"

68. Page 19, line 2.

**Strike:** "13"

**Insert:** "16"

69. Page 19, line 20.

**Strike:** "eligible"

**Insert:** "the retirement of a"

70. Page 19, line 21.

**Strike:** "acquisition costs"

Amendment **not** adopted as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 402** - Thereupon, the Senate reverted to the original motion of Senator Ankney which passed as follows:

Yeas: Ankney, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Howard, Jones, Kary, Keane, Larsen, Moore, Ripley, Sales, Sesso, Smith, Swandal, Tutvedt, Vance, Vincent, Vuckovich.  
Total 26

Nays: Arntzen, Barrett Dick, D. Brown, Cohenour, Driscoll, Facey, Hoven, Kaufmann, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Stewart-Peregoy, Taylor, Thomas, Webb, Whitford, Windy Boy, Wolken, Ms. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 157** - Senator Tutvedt moved **SB 157** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Wolken.  
Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Rosendale, Sales, Smith, Stewart-Peregoy, Taylor, Vance, Webb, Whitford, Windy Boy, Ms. President.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 264** - Senator Keenan moved **SB 264** do pass.

**SB 264** - Senator Hansen moved **SB 264**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

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2. Page 2, line 10.

**Following:** "fund."

**Insert:** "(3) An entity receiving sales and use tax proceeds as provided in subsections (1)(a) through (1)(g) shall report biennially to the interim committee with monitoring duties for the entity. The report must include the amount spent, the projects funded, the progress made in achieving the goals of the funded projects, and administrative costs."

3. Page 2, line 21.

**Following:** line 20

**Insert:** "NEW SECTION. **Section 5. Termination.** [This act] terminates July 1, 2021."

Amendment adopted as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 264** - Senator Keenan moved **SB 264**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, Brenden, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Howard, Kary, 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, Wolken, Ms. President.  
Total 41

Nays: Arntzen, D. Brown, T. Brown, Buttrey, Hoven, Jones, Sales, Vincent, Windy Boy.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**SB 290** - Senator Keane moved **SB 290** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hinkle, Hoven, Jones, Kary, Keane, Larsen, McNally, Moe, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken.  
Total 30

Nays: Arntzen, Barrett Dick, Brenden, Fielder, Hansen, Howard, Kaufmann, Keenan, Malek, Moore, Phillips, Pomnichowski, Rosendale, Sales, Swandal, Taylor, Thomas, Vincent, Webb, Ms. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 392** - Senator D. Brown moved **SB 392** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Hamlett, Hansen, Hinkle, Hoven, Jones, Kary, Keane, Keenan, Ripley, Sales, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Ms. President.  
Total 27

Nays: Arntzen, Barrett Dick, Brenden, Cohenour, Driscoll, Fielder, Howard, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Smith, Swandal, Vincent, Windy Boy, Wolken.  
Total 23

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

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Swandal, Taylor,



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Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 38

Nays: Arntzen, Blasdel, Brenden, Fielder, Keenan, Rosendale, Sales, Smith, Stewart-Peregoy, Vance, Vincent, Webb.

Total 12

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 393** passed 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, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 48

Nays: D. Brown, Sales.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 99** concurred in as follows:

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

Total 38

Nays: Blasdel, D. Brown, Fielder, Hinkle, Kary, Keenan, Rosendale, Smith, Thomas, Vance,

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Vincent, Webb.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 259** concurred in as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 324** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, 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

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**HB 363** concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.  
Total 27

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 431** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Wolken, Ms. President.  
Total 38

Nays: Blasdel, Brenden, Caferro, Facey, Larsen, Moore, Ripley, Sales, Smith, Vance, Vincent, Windy Boy.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 447** concurred in as follows:

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

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Nays: Tutvedt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 448** concurred in as follows:

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

Total 49

Nays: Tutvedt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 516** concurred in as follows:

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

Total 47

Nays: Stewart-Peregoy, Whitford, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 536** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, 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 542** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, 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 555** concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Howard, Jones, Kary, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.  
Total 39

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Nays: Hansen, Hinkle, Kaufmann, Keenan, Rosendale, Sales, Smith, Tutvedt, Vance, Vincent, Webb.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 573** concurred in as follows:

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

Nays: D. Brown, Fielder, Hinkle, Moore, Vance, Vincent.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair): 3/27/2015  
**SB 414**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "AUTHORITY;"

**Insert:** "AMENDING SECTION 39-51-406, MCA;"

2. Page 2, line 2.

**Strike:** "or"

3. Page 2, line 3.

**Following:** "labor"

**Insert:** "; or (iii) an employee paid prevailing wages and benefits under federal or state law any time during the established season"

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4. Page 2, line 4.

**Following:** "(3)"

**Insert:** "(a)"

5. Page 2, line 5.

**Strike:** "(a)"

**Insert:** "(i)"

6. Page 2, line 6.

**Strike:** "(b)"

**Insert:** "(ii)"

7. Page 2, line 7.

**Strike:** "(c)"

**Insert:** "(iii)"

8. Page 2, line 8.

**Strike:** "(d)"

**Insert:** "(iv)"

9. Page 2, line 9.

**Strike:** "(e)"

**Insert:** "(v)"

10. Page 2.

**Following:** line 9

**Insert:** "(b) The term does not include an employer that pays prevailing wages and benefits under federal or state statutes to any employees during the established season."

11. Page 2.

**Following:** line 24

**Insert:** "(4) The application fee provided for in subsection (1) must be deposited in the unemployment insurance administration account provided by 39-51-406."

12. Page 3.

**Following:** line 14

**Insert:** "**Section 7.** Section 39-51-406, MCA, is amended to read:

**"39-51-406. Unemployment insurance administration account.** (1) There is an account in the federal special revenue fund to be known as the unemployment insurance administration account. All money that is deposited, appropriated, or paid into this account is available for appropriation to the department. All money in the account must be expended solely for the purpose of defraying the costs of administration of this chapter and costs of administration of other legislation specifically delegated by the legislature to the department for administration of unemployment insurance laws.

(2) All money received and deposited in the account from the United States or any

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agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, must be expended solely for the purpose and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this chapter.

(3) The account consists of:

(a) all money received from the United States or any agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, as amended; ~~and~~

(b) all money, trust funds, supplies, facilities, or services furnished, deposited, paid, and received from the United States or any agency of the United States that are designated for use in the administration of the unemployment insurance program; and

(c) all application fees collected pursuant to [section 4].

(4) Notwithstanding any provisions of this section, all money requisitioned and deposited in this account pursuant to 39-51-403 through 39-51-405 must remain part of the unemployment insurance fund and must be used only in accordance with the conditions specified in 39-51-403 through 39-51-405.

(5) All money in this account must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other accounts. The balance in this account may not lapse at any time but must be continuously available to the department for expenditure consistent with this chapter.

(6) Any reference to the unemployment insurance administration fund in this code means the unemployment insurance administration account in the federal special revenue fund.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

### MOTIONS

Senator Jones moved to re-refer **SB 415** from the second reading board and **HB 251**, concurred in this date on second reading, to the Finance and Claims Committee. Senator Jones' motion included **SB 417** which was already in the possession of the Finance and Claims Committee. Without objection, so ordered.

### ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 8:00 a.m., Saturday, March 28, 2015, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 5:15 p.m.

MARILYN MILLER  
Secretary of the Senate

DEBBY BARRETT  
President of the Senate