

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

Helena, Montana
April 1, 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

4/1/2015

Correctly printed: **SR 43, SJ 18, SJ 20, SJ 21, SJ 22, HB 358, HB 374, HB 378, HB 460, HB 478, HB 578, HB 587, HJ 14.**

Correctly engrossed: **HB 491, HB 553.**

Correctly enrolled: **SR 14, SR 19, SR 21, SR 24, SR 25.**

Examined by the sponsor and found to be correct: **SR 14, SR 19, SR 21, SR 24, SR 25.**

Signed by the Secretary of the Senate at 9:15 a.m., April 1, 2015: **SB 144, SB 277, SB 327.**

Signed by the Secretary of the Senate at 3:05 p.m., April 1, 2015: **SR 14, SR 19, SR 21, SR 24, SR 25.**

Signed by the President at 9:38 a.m., April 1, 2015: **SB 144, SB 277, SB 327.**

Signed by the Speaker at 11:15 a.m., April 1, 2015: **SB 144, SB 277, SB 327.**

Delivered to the Governor at 11:40 a.m., April 1, 2015: **SB 144, SB 277, SB 327.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair):

3/31/2015

HB 557, be concurred in. Report adopted.

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

3/27/2015

SR 36, be adopted. Report adopted.

SR 38, be adopted. Report adopted.

SR 39, be adopted. Report adopted.

SR 40, be adopted. Report adopted.

SR 41, be adopted. Report adopted.

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

4/1/2015

HB 29, be concurred in. Report adopted.

HB 119, be amended as follows:

1. Page 3, line 17.

Following: "(3)"

Insert: "(a)"

Following: "AND"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Strike: "THIS SECTION"

Insert: "subsection (3) (b)"

2. Page 3, line 20.

Following: line 19

Insert: "(b) The review of the ORSA summary report and any additional requests for information must be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups."

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

HB 470, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

3/31/2015

SR 42, preliminary report, be adopted. Report adopted.

HB 280, be concurred in. Report adopted.

HB 491, be amended as follows:

1. Title, line 12.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

2. Page 3.

Following: line 27

Insert: "(7) All alcohol or drug testing ordered by a court must utilize the data management technology plan provided for in 44-4-1204(4).

(8) Alcohol or drug testing required by the department of corrections pursuant to this part must utilize the data management technology plan provided for in 44-4-1204(4)."

3. Page 5, line 27.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

4. Page 5.

Following: line 27

Insert: "(2) [Section 2(7) and (8)] is effective October 1, 2015."

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

HJ 16, be concurred in. Report adopted.

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

STATE ADMINISTRATION (D. Brown, Chair):
HB 123, be amended as follows:

4/1/2015

1. Page 2, following line 5.

Insert: "(1) "Confidential information" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders."

Renumber: subsequent subsections

2. Page 2, following line 8.

Insert: "(3) "Constitutional officer record" means a public record prepared, owned, used, or retained by a constitutional officer."

Renumber: subsequent subsections

3. Page 2, line 23 through line 24.

Strike: "any political" on line 23 through "Montana" on line 24

Insert: "the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana"

4. Page 4, following line 17.

Insert: "(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency."

Renumber: subsequent subsection

5. Page 5, line 20.

Strike: "may seek assistance from"

Insert: "shall cooperate with"

6. Page 5, line 21.

Strike: "regarding"

Insert: "in the"

7. Page 5, line 22.

Following: "plan"

Insert: "using [sections 13 through 21] as guidance"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

8. Page 6, line 17.

Strike: "WHOSE" through "DENIED"

Insert: "alleging a deprivation of rights"

9. Page 6, line 19.

Strike: "MUST"

Insert: "may"

10. Page 11, following line 5.

Insert: "(vi) the governor;"

Renumber: subsequent subsections

11. Page 20, following line 3.

Insert: "(5) A state agency or a third party that is required to issue a notification to an individual pursuant to this section shall simultaneously submit to the state's chief information officer at the department of administration an electronic copy of the notification and a statement providing the date and method of distribution of the notification. The electronic copy and statement of notification must exclude any information that identifies the person who is entitled to receive notification. If a notification is made to more than one person, a single copy of the notification that includes the number of people who were notified must be submitted to the chief information officer."

12. Page 21, line 23.

Strike: "accurate and appropriate minutes"

Insert: "minutes taken in compliance with subsection (2)"

13. Page 21, line 28.

Strike: "who alleges a violation and"

Insert: "alleging a deprivation of rights"

14. Page 21, line 29.

Strike: "plaintiff's"

Insert: "person's"

Strike: "must"

Insert: "may"

15. Page 23, line 27.

Following: "confidential"

Insert: "information as defined in [section 2]"

16. Page 23, line 28.

Strike: "under [section 3]"

17. Page 25, line 16.

Following: "confidential"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Insert: "information as defined in [section 2]"

18. Page 25, line 17.

Strike: "under [section 3]"

19. Page 28, line 8 through line 9.

Strike: "exempt" on line 28 through "[section 3]" on line 9

Insert: "confidential information as defined in [section 2]"

20. Page 29, line 5 through line 6.

Strike: "exempt" on line 5 through "any other" on line 6

Insert: "confidential information as defined in [section 2] and is exempt from any"

21. Page 35, line 22.

Following: "information"

Strike: "may not be considered a public record"

Insert: "is confidential information as defined in [section 2]"

22. Page 35, line 23.

Strike: "under [section 3]"

23. Page 40, line 3.

Following: "~~chapter 6~~"

Insert: ", are confidential information as defined in [section 2],"

24. Page 42, line 12 through line 13.

Strike: "under" on line 12 through "[section 3]" on line 13

25. Page 44, line 27.

Insert: "COORDINATION SECTION. Section 61. Coordination instruction. If both House Bill No. 74 and [this act] are passed and approved, then [section 25 of this act] must be amended as follows:

"NEW SECTION. Section 25. Definitions. As used in [sections 25 through 27], the following definitions apply:

(1) "Breach of the security of a data system" or "breach" means the unauthorized acquisition of computerized data that:

(a) materially compromises the security, confidentiality, or integrity of the personal information maintained by a state agency or by a third party on behalf of a state agency; and
(b) causes or is reasonably believed to cause loss or injury to a person.

(2) "Individual" means a human being.

(3) "Person" means an individual, a partnership, a corporation, an association, or a public organization of any character.

(4) (a) "Personal information" means a first name or first initial and last name in combination with any one or more of the following data elements when the name and data elements are not

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

encrypted:

- (i) a social security number ~~or tax identification number~~;
- (ii) a driver's license number, an identification card number issued pursuant to 61-12-501, a tribal identification number or enrollment number, or a similar identification number issued by any state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or American Samoa; ~~or~~
- (iii) an account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to a person's financial account;
- (iv) medical record information as defined in 33-19-104;
- (v) a taxpayer identification number; or
- (vi) an identity protection personal identification number issued by the United States internal revenue service.

(b) The term does not include publicly available information from federal, state, local, or tribal government records.

(5) "Redaction" means the alteration of personal information contained within data to make all or a significant part of the data unreadable. The term includes truncation, which means that no more than the last four digits of an identification number are accessible as part of the data.

(6) (a) "State agency" means an agency, authority, board, bureau, college, commission, committee, council, department, hospital, institution, office, university, or other instrumentality of the legislative or executive branch of state government. The term includes an employee of a state agency acting within the course and scope of employment.

(b) The term does not include an entity of the judicial branch.

(7) "Third party" means:

(a) a person with a contractual obligation to perform a function for a state agency; or

(b) a state agency with a contractual or other obligation to perform a function for another state agency."

Insert: "COORDINATION SECTION. Section 62. Coordination instruction. If both House Bill No. 74 and [this act] are passed and approved, then [section 27 of this act] must be amended as follows:

"NEW SECTION. Section 27. Notification of breach of security of data system. (1) (a) Upon discovery or notification of a breach of the security of a data system, a state agency that maintains computerized data containing personal information in the data system shall make reasonable efforts to notify any person whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

(b) The notification must be made without unreasonable delay, consistent with the legitimate needs of law enforcement as provided in subsection (3) or with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the data system.

(2) (a) A third party that receives personal information from a state agency and maintains that information in a computerized data system to perform a state agency function shall:

(i) notify the state agency immediately following discovery of the breach if the personal information is reasonably believed to have been acquired by an unauthorized person; and

(ii) make reasonable efforts upon discovery or notification of a breach to notify any person whose unencrypted personal information is reasonably believed to have been acquired by an unauthorized person as part of the breach. This notification must be provided in the same manner

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

as the notification required in subsection (1).

(b) A state agency notified of a breach by a third party has no independent duty to provide notification of the breach if the third party has provided notification of the breach in the manner required by subsection (2)(a) but shall provide notification if the third party fails to do so in a reasonable time and may recover from the third party its reasonable costs for providing the notice.

(3) The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation and requests a delay of notification. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

(4) All state agencies and third parties to whom personal information is disclosed by a state agency shall develop and maintain:

(a) an information security policy designed to safeguard personal information; and

(b) breach notification procedures that provide reasonable notice to individuals as provided in subsections (1) and (2).

(5) A state agency or third party that is required to issue a notification to an individual pursuant to this section shall simultaneously submit to the state's chief information officer at the department of administration and to the attorney general's consumer protection office an electronic copy of the notification and a statement providing the date and method of distribution of the notification. The electronic copy and statement of notification must exclude any information that identifies the person who is entitled to receive notification. If a notification is made to more than one person, a single copy of the notification that includes the number of people who were notified must be submitted to the chief information officer and the consumer protection office."

Insert: "COORDINATION SECTION. Section 63. Coordination instruction. If both House Bill No. 448 and [this act] are passed and approved and if both contain a section that amends 2-3-221, then House Bill No. 448 is void."

26. Page 44, following line 26.

Insert: "COORDINATION SECTION. Section 64. Coordination instruction. If both House Bill No. 28 and [this act] are passed and approved, then the reference in House Bill No. 28 to "2-6-102, 2-6-110" in [section 1(1)(a)] must be changed to "[sections 3 through 5 of House Bill No. 123]"."

Insert: "COORDINATION SECTION. Section 65. Coordination instruction. If both House Bill No. 608 and [this act] are passed and approved, then the reference in House Bill No. 608 to "2-6-102" in [section 6(3)] must be changed to "[section 3 of House Bill No. 123]"."

Insert: "COORDINATION SECTION. Section 66. Coordination instruction. If both Senate Bill No. 399 and [this act] are passed and approved, then the reference in Senate Bill No. 399 to "2-6-102 and 2-6-104" in [section 13] must be changed to [section 3 of House Bill No. 123]"."

Insert: "COORDINATION SECTION. Section 67. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 8(1) of House Bill No. 119] must be amended as follows:

"(1) Information provided or developed under [sections 1 through 9] for an own risk and

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

solvency assessment or ORSA summary report and in the possession of or control of the commissioner or any other person under [sections 1 through 9] is recognized as proprietary and containing trade secrets. The information is confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, ~~is not admissible as in evidence in any civil action, and is not subject to subpoena, discovery, the provisions of 2-6-102, or the provisions of the Freedom of Information Act, 5 U.S.C. 552.~~"

Insert: "COORDINATION SECTION. Section 68. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 8(8) of House Bill No. 119] must be amended as follows:

"(8) Information in the possession of or control of the NAIC or a third-party consultant pursuant to [sections 1 through 9] is confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, is not admissible in evidence in any private civil action, and is not subject to ~~2-6-102~~; subpoena; or discovery."

Insert: "COORDINATION SECTION. Section 69. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 15(1) of House Bill No. 119] must be amended as follows:

"(1) Except as provided in subsection (9), a company's confidential information is confidential information as provided in [section 2 of House Bill No. 123] ~~confidential and privileged, and is not subject to subpoena; or discovery, or public information requests under 2-6-102 or and is not admissible in evidence in any private civil action.~~"

Insert: "COORDINATION SECTION. Section 70. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 31(1) of House Bill No. 119], amending 33-2-116(1), must be amended as follows:

"(1) Documents, materials, and other information in the possession or control of the commissioner that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to 33-2-1115 and all information reported pursuant to 33-2-1104(3)(l), 33-2-1104(3)(m), 33-2-1111, and 33-2-1113 ~~must be~~ are confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, ~~are not subject to 2-6-102; subpoena; or discovery, and are not admissible in evidence in any private civil action.~~ The commissioner is authorized to use the documents, materials, and other information to further any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner may not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which the documents, materials, or other information pertains unless the commissioner, after giving notice and an opportunity to be heard to the insurer and the insurer's affiliates who would be affected, determines that the interest of policyholders, shareholders, or the public would be served by the publication. On a determination that the interest of policyholders, shareholders, or the public would be served, the commissioner may publish all or any part of the documents, materials, or other information in a manner that the commissioner considers appropriate."

"COORDINATION SECTION. Section 71. Coordination instruction. If both House Bill No. 119 and [this act] are passed and approved, then [section 31(7) of House Bill No. 119],

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

amending 33-2-1116(7), must be amended as follows:

"(7) Documents, materials, and other information in the possession or control of the NAIC pursuant to [sections 10 through 16], 33-2-521 through 33-2-529, 33-2-531, 33-2-537, and this section are confidential ~~by law~~ information as provided in [section 2 of House Bill No. 123] and privileged, are not admissible in evidence in a private civil action, and are not subject to ~~2-6-102~~, subpoena; or discovery."

Renumber: subsequent section

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

TAXATION (Tutvedt, Chair):

4/1/2015

HB 359, be amended as follows:

1. Page 15, line 30.

Following: "2"

Insert: "or 8"

2. Page 16, line 8.

Following: line 7

"COORDINATION SECTION. **Section 8. Coordination instruction.** If both Senate Bill No. 200 and [this act] are passed and approved and if both contain a section that amends 15-30-2103, then the sections amending 15-30-2103 are void and 15-30-2103 must be amended as follows:

"**15-30-2103. Rate of tax.** (1) There must be levied, collected, and paid for each tax year upon the taxable income of each taxpayer subject to this tax, after making allowance for exemptions and deductions as provided in this chapter, a tax on the brackets of taxable income as follows:

- (a) on the first ~~\$2,300~~ \$3,000 of taxable income or any part of that income, ~~4%~~ 0.9%;
- (b) on the next ~~\$1,800~~ \$3,000 of taxable income or any part of that income, ~~2%~~ 1.9%;
- (c) on the next ~~\$2,100~~ \$3,000 of taxable income or any part of that income, ~~3%~~ 2.8%;
- (d) on the next ~~\$2,200~~ \$2,500 of taxable income or any part of that income, ~~4%~~ 3.8%;
- (e) on the next ~~\$2,400~~ \$3,000 of taxable income or any part of that income, ~~5%~~ 4.8%;
- (f) on the next ~~\$3,100~~ \$3,500 of taxable income or any part of that income, ~~6%~~ 5.8%;
- (g) on any taxable income in excess of ~~\$13,900~~ \$18,000 or any part of that income, ~~6.9%~~

6.7%.

(2) By November 1 of each year, the department shall multiply the bracket amount contained in subsection (1) by the inflation factor for ~~that the following~~ tax year and round the cumulative brackets to the nearest \$100. The resulting adjusted brackets are effective for that following tax year and must be used as the basis for imposition of the tax in subsection (1) of this section."

Renumber: subsequent section

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

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

HB 379, be amended as follows:

1. Page 20, line 27.

Following: line 26

Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If both Senate Bill No. 65 and [this act] are passed and approved and if both contain a section that amends 15-30-2604, then [section 10] of Senate Bill No. 65 amending 15-30-2604 is void."

Renumber: subsequent sections

2. Page 20, line 30.

Following: "7,"

Strike: "and"

Strike: "14"

Insert: "15, and 17"

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

HB 411, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 31, 2015

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

Dear President Barrett:

On Monday, March 30, 2015, I signed the following bills:

Senate Bill 77 - Debby Barrett

Senate Bill 88 - J. Brenden

Senate Bill 89 - J. Brenden

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

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Additional correspondence from the Governor stated he was looking forward to the Executive versus Legislature basketball game in support of Big Brothers and Big Sisters.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/31/2015

HB 4, introduced by N. Ballance
HB 6, introduced by M. Cuffe
HB 7, introduced by M. Cuffe
HB 10, introduced by K. McCarthy
HB 11, introduced by M. Cuffe
HB 154, introduced by R. Hollandsworth
HB 219, introduced by J. Essmann
HB 234, introduced by N. Ballance
HB 269, introduced by T. Jacobson
HB 305, introduced by K. Dudik
HB 341, introduced by B. Harris
HB 356, introduced by D. Jones
HB 403, introduced by D. Hagstrom
HB 416, introduced by R. Mehlhoff
HB 421, introduced by T. Berry
HB 472, introduced by T. Jacobson
HB 510, introduced by A. Redfield
HB 512, introduced by D. Mortensen
HB 559, introduced by G. Kipp
HB 596, introduced by A. Knudsen
HB 599, introduced by L. Randall
HB 604, introduced by E. Greef
HB 606, introduced by C. Clark
HB 607, introduced by K. Wagoner
HB 610, introduced by Z. Brown
HB 612, introduced by K. Dudik
HB 614, introduced by A. Wittich
HB 617, introduced by S. Lavin
HB 618, introduced by C. Pope
HB 627, introduced by R. Brodehl
HB 628, introduced by R. Brodehl
HB 629, introduced by A. Redfield
HB 637, introduced by A. Person

HB 566, introduced by J. Essmann, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

the following vote:

3/31/2015

Yeas - 57

Nays - 42

FIRST READING AND COMMITMENT OF BILLS

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

SR 50, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SR 51, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

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

HB 4, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 6, introduced by M. Cuffe, referred to Finance and Claims.

HB 7, introduced by M. Cuffe, referred to Finance and Claims.

HB 10, introduced by K. McCarthy (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 11, introduced by M. Cuffe, referred to Finance and Claims.

HB 154, introduced by R. Hollandsworth, referred to Taxation.

HB 219, introduced by J. Essmann, J. Hinkle, referred to Judiciary.

HB 234, introduced by N. Ballance, C. Glimm, R. Webb, K. White, referred to Finance and Claims.

HB 269, introduced by T. Jacobson, referred to Fish and Game.

HB 305, introduced by K. Dudik, referred to Public Health, Welfare and Safety.

HB 341, introduced by B. Harris, B. Bennett, B. Brown, Z. Brown, V. Court, M. Dunwell, M. Funk, F. Garner, E. Greef, D. Hagstrom, F. Mandeville, W. McKamey, D. Mortensen, A. Olsen, Z. Perry, A. Person, D. Salomon, B. Tschida, A. Wittich, referred to Taxation.

HB 356, introduced by D. Jones, W. McKamey, referred to Education and Cultural Resources.

HB 403, introduced by D. Hagstrom, referred to Finance and Claims.

HB 416, introduced by R. Mehlhoff, D. Ankney, E. Buttrey, M. Caferro, W. Curdy, M. Dunwell, J. Ellis, S. Fitzpatrick, M. Funk, B. Hamlett, R. Hollandsworth, C. Hunter, T. Jacobson, J. Keane, C. Larsen, E. Lieser, K. McCarthy, E. McClafferty, W. McKamey, M. Moe, P. Noonan, R. Peppers, G. Pierson, J. Price, C. Schreiner, M. Tropila, G. Vuckovich, J. Windy Boy, referred to Taxation.

HB 421, introduced by T. Berry, referred to Taxation.

HB 472, introduced by T. Jacobson, G. Hertz, D. Jones, referred to Public Health, Welfare and Safety.

HB 510, introduced by A. Redfield, referred to Natural Resources.

HB 512, introduced by D. Mortensen, D. Ankney, E. Arntzen, S. Berglee, T. Brown, V. Court, G. Custer, C. Fiscus, F. Garner, D. Hagstrom, B. Harris, K. Holmlund, D. Jones, J. Karjala, D. Kary, K. Kelker, A. Knudsen, M. Lang, S. Laszloffy, R. Lynch, F. Mandeville, K. McCarthy, M. McNally, C. Pease-Lopez, A. Redfield, V. Ricci, T. Richmond, R. Shaw, C. Smith, S. Staffanson, N. Swandal, R. Webb, referred to Finance and Claims.

HB 559, introduced by G. Kipp, J. Windy Boy, referred to Education and Cultural Resources.

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

HB 566, introduced by J. Essmann, referred to State Administration.

HB 596, introduced by A. Knudsen, G. Bennett, B. Brown, A. Doane, C. Fiscus, B. Harris, G. Hertz, K. Holmlund, D. Lamm, S. Lavin, T. Manzella, D. Mortensen, K. Regier, S. Staffanson, B. Tschida, referred to Education and Cultural Resources.

HB 599, introduced by L. Randall, referred to Highways and Transportation.

HB 604, introduced by E. Greef, T. Steenberg, referred to Highways and Transportation.

HB 606, introduced by C. Clark, referred to Finance and Claims.

HB 607, introduced by K. Wagoner, referred to State Administration.

HB 610, introduced by Z. Brown, B. Bennett, S. Laszloffy, K. McCarthy, N. McConnell, A. Person, N. Schwaderer, referred to Education and Cultural Resources.

HB 612, introduced by K. Dudik, R. Brodehl, K. Hansen, K. Holmlund, C. Wolken, referred to Judiciary.

HB 614, introduced by A. Wittich, referred to Public Health, Welfare and Safety.

HB 617, introduced by S. Lavin, J. Eck, R. Ehli, F. Garner, B. Keenan, A. Knudsen, R. Lynch, P. Noonan, L. Randall, R. Ripley, referred to Education and Cultural Resources.

HB 618, introduced by C. Pope, referred to Business, Labor, and Economic Affairs.

HB 627, introduced by R. Brodehl, G. Bennett, A. Doane, K. Dudik, R. Ehli, J. Ellis, F. Garner, C. Glimm, E. Greef, K. Hansen, S. Hess, K. Holmlund, C. Hunter, D. Jones, B. Keenan, D. Lamm, R. Lynch, A. Olsen, A. Person, A. Redfield, N. Schwaderer, T. Steenberg, B. Tschida, K. Wagoner, J. Eck, referred to Judiciary.

HB 628, introduced by R. Brodehl, A. Doane, K. Dudik, C. Glimm, E. Greef, K. Hansen, S. Hess, K. Holmlund, D. Jones, D. Lamm, A. Person, A. Redfield, N. Schwaderer, T. Steenberg, K. Wagoner, referred to Highways and Transportation.

HB 629, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.

HB 637, introduced by A. Person, 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 Brenden in the chair.

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

HB 258 - Senator McNally moved consideration of **HB 258** be moved to Wednesday, April 8, 2015, the seventieth legislative day. Without objection, so ordered.

SB 48 - House Amendments - Senator Vincent moved House amendments to **SB 48** be concurred in. Motion carried as follows:

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

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

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 101 - House Amendments - Senator Driscoll moved House amendments to **SB 101** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 47

Nays: Fielder, Kary, Smith.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 150 - House Amendments - Senator Windy Boy moved House amendments to **SB 150** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 46

Nays: Brenden, Fielder, Rosendale, Smith.
Total 4

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 126 - Conference Committee Report No. 1 - Senator Webb moved the Conference Committee report to **SB 126** be adopted. Motion carried as follows:

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

Total 33

Nays: Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Kaufmann, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Wolken.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 262 - Senator Ankney moved **HB 262** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Brenden, Buttrey, Cohenour, Connell, Facey, Hamlett, Hinkle, Jones, Kary, Kaufmann, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Swandal, Taylor, Wolken, Ms. President.

Total 25

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Caferro, Driscoll, Fielder, Hansen, Hoven, Howard, Keane, Keenan, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 262 - Majority Leader Rosendale moved **HB 262** be **indefinitely postponed**. Motion carried as follows:

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Yeas: Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Keane, Keenan, Moore, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vincent, Webb, Whitford, Windy Boy.
Total 30

Nays: Ankney, Blasdel, Cohenour, Connell, Facey, Jones, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Swandal, Thomas, Vuckovich, Wolken, Ms. President.
Total 20

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

Yeas: Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Jones, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vance, Vincent, Whitford, Windy Boy, Wolken.
Total 33

Nays: Ankney, Blasdel, D. Brown, Cohenour, Connell, Facey, Howard, Kary, Kaufmann, Moe, Rosendale, Smith, Swandal, Thomas, Vuckovich, Webb, Ms. President.
Total 17

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:

SJ 18 passed as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore,

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken.

Total 32

Nays: Ankney, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Ms. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 20 passed as follows:

Yeas: 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, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 45

Nays: Ankney, Sales, Smith, Taylor, Vance.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJ 21 passed as follows:

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

Total 41

Nays: Fielder, Hinkle, Howard, Ripley, Sales, Smith, Taylor, Vance, Vincent.

Total 9

Absent or not voting: None.

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Total 0

Excused: None.

Total 0

SJ 22 passed as follows:

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

Total 43

Nays: Brenden, Hinkle, Ripley, Sales, Smith, Vance, Vincent.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 358 concurred in as follows:

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

Total 34

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Webb.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 374 concurred in as follows:

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

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 478 concurred in as follows:

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

Total 46

Nays: Arntzen, Brenden, Hinkle, Vance.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJ 14 concurred in as follows:

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

Total 40

Nays: Brenden, Hansen, Hinkle, Keenan, Ripley, Sales, Smith, Vance, Vincent, Webb.

Total 10

Absent or not voting: None.

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

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

4/1/2015

HB 115, be amended as follows:

1. Title, page 1, line 7.

Following: "LICENSEES;"

Strike: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 12.

Following: "check"

Strike: "-- rulemaking"

3. Page 1, line 17.

Following: line 17

Insert: "(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check."

4. Page 1, line 18 through line 20.

Strike: line 18 through line 20

Insert: "(3) The board may require licensees renewing their licenses to submit a full set of their fingerprints to the board for the purpose of obtaining a state and federal criminal history background check. The Montana department of justice may share this fingerprint data with the federal bureau of investigation."

5. Page 2, line 7.

Following: "and"

Insert: "and"

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

HB 538, be amended as follows:

1. Title, page 1, line 5.

Strike: "ANOTHER STATE"

Insert: "NORTH DAKOTA"

2. Title, page 1, line 6.

Strike: "THE OTHER STATE"

Insert: "NORTH DAKOTA"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

3. Title, page 1, line 7.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 1, line 25.

Strike: "ANOTHER STATE"

Insert: "North Dakota"

5. Page 1, line 28.

Strike: "THE OTHER STATE."

Insert: "North Dakota. For purposes of this section, "work solely in North Dakota" means the employee does not perform job duties in Montana and coverage is required by the state of North Dakota. Travel that is commuting to and from a job site in North Dakota from a location in Montana does not constitute performing job duties in Montana even if the employer pays for all or a portion of the costs of travel or if the worker is paid for the travel time."

6. Page 1, line 30.

Strike: "THE OTHER STATE AND RECORDS OF WORK IN THE OTHER STATE."

Insert: "North Dakota and records of work in North Dakota. An insurer may use a verification of employment form, developed by the department, to request an attestation by the employer regarding the employees working solely in North Dakota."

7. Page 2, line 1 through line 2.

Strike: subsection (3) in its entirety

Insert: "(3) (a) This section does not exempt an employee from coverage under this chapter when the employee's usual job duties begin in this state and the employee is otherwise covered under 39-71-407(4)(a).

(b) This section exempts an employee from coverage under this chapter when the employee is engaged in travel while commuting as provided in subsection (1)."

8. Page 6, line 19.

Following: line 18

Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2019."

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

MOTIONS

Senator Hinkle moved **HB 245** be moved from the Agriculture, Livestock and Irrigation Committee to the Public Health, Welfare and Safety Committee. Motion carried as follows:

Yeas: Arntzen, Blasdel, Brenden, Caferro, Cohenour, Fielder, Hansen, Hinkle, Howard, Kary,

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - APRIL 1, 2015

Kaufmann, Keane, Keenan, McNally, Pomnichowski, Rosendale, Sands, Smith, Swandal, Taylor, Thomas, Tutvedt, Vincent, Webb, Wolken, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Larsen, Malek, Moe, Moore, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Vance, Vuckovich, Whitford, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Tuesday, April 7, 2015, the sixty-ninth legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate