SENATE JOURNAL 64TH LEGISLATURE SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana April 11, 2015 Senate Chambers State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present, Senators D. Brown, Buttrey, Hamlett, and Sesso excused. Quorum present.

BILLS AND JOURNALS

4/11/2015

Correctly printed: SR 53, SR 54, SR 55, SJ 27, SJ 28, HB 78, HB 237, HB 381, HB 430, HB 468, HB 517, HB 575, HJ 7. Correctly engrossed: HB 245, HB 454. Transmitted to the House: HB 78, HB 237, HB 381, HB 517, HB 575, HJ 7. Signed by the President at 5:30 p.m., April 10, 2015: SB 183, SB 209, SB 219, SB 221, SB 224, SB 238, SB 255, SB 295, SB 333.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair): **HB 245**, be amended as follows:

4/10/2015

1. Page 3, line 19. Following: "<u>FOR</u>" Insert: "collection and"

2. Page 8, line 5. Strike: "<u>\$20</u>" Insert: "\$75"

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

HB 472, be concurred in. Report adopted. **HB 614**, be concurred in. Report adopted.

STATE ADMINISTRATION (Webb, Vice Chair)

HB 454, be amended as follows:
1. Page 4, line 22.
Strike: "Each"
Insert: "The county central committee of each"

2. Page 5, line 1.

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4/10/2015

Following: "If" Insert: "the central county committee of"

Page 5, line 3.
 Following: "<u>If</u>"
 Insert: "the county central committee of"
 Strike: the second "party"
 Insert: "county central committee"

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

MESSAGES FROM THE GOVERNOR

April 10, 2015

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

By Hand and Electronic Delivery

Dear President Barrett:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Clinical Laboratory Science Practitioners

MCA 2-15-1753

- ! Mr. Carl Donovan, 1509 13th Ave South, Great Falls, MT 59405, was reappointed to serve a term starting April 17, 2015 and ending April 1, 2019. Mr. Donovan fulfills the qualifications of public member not associated with or financially interested in the practice of clinical laboratory science for the board.
- ! Mr. Matthew Kalanick, 1300 28th Street South, Great Falls, MT 59405, was appointed to serve a term starting April 17, 2015 and ending April 1, 2019. Mr. Kalanick fulfills the qualifications of clinical laboratory science practitioner who holds an active license for the board.
- ! Ms. Vicki A. Rice, 2008 Oro Fino Gulch, Helena, MT 59601, was reappointed to serve a term starting April 17, 2015 and ending April 1, 2019. Ms. Rice fulfills the qualifications of clinical laboratory science practitioner who holds an active license for the board.

Board of Optometry

MCA 2-15-1736

! Mr. Pete Fontana, 1120 24th Ave SW, Great Falls, MT 59405, was reappointed to serve a term starting April 10, 2015 and ending April 1, 2019. Mr. Fontana fulfills the qualifications of representative of the public not engaged in the practice of optometry for the board.

Transportation Commission

MCA 2-15-2502

- ! Mr. Daniel Belcourt, 120 Woodworth Ave, Missoula, MT 59801, was appointed to serve a term starting April 10, 2015 and ending January 1, 2019. Mr. Belcourt fulfills the qualifications of District 1 Representative, knowledge of Indian culture and tribal transportation needs, Democrat for the commission.
- ! Ms. Carol Lambert, PO Box 2, Broadus, MT 59317, was reappointed to serve a term starting April 10, 2015 and ending January 1, 2019. Ms. Lambert fulfills the qualifications of District 4 Representative, Republican for the commission.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK Governor

April 10, 2015

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

Dear President Barrett:

On Friday, April 10, 2015, I signed and delivered the following bills to the Secretary of State:

Senate Bill 140 - L. Jones Senate Bill 144 - E. Buttrey Senate Bill 327 - M. Blasdel

I have vetoed Senate Bill 277 - R. Webb.

Sincerely,

STEVE BULLOCK Governor

April 10, 2015

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

The Honorable Austin Knudsen Speaker of the House State Capitol Helena, MT 59620

Dear President Barrett and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 277** (SB 277), "AN ACT PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM COLLECTING PERSONALLY IDENTIFIABLE INFORMATION ABOUT PERSONS PROVIDING CERTAIN PERSONAL ASSISTANCE SERVICES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 277 would prohibit the Department of Health and Human Services from collecting information about workers providing publicly-funded personal assistance and community first choice services. I join many advocates, providers, and families throughout this state in celebrating the development of the Community First Choice program, and I thank all of the Montanans who played critical roles in making this program a reality in Montana. I am proud of the collective work we have done to keep more Montanans needing long-term care in their homes and near their loved ones.

Unfortunately, SB 277 would prevent the state from moving forward on assessments and evaluations of workforce quality, stability, and sustainability in this field of vital importance to the safety and care of Montana's seniors. As Montana's population continues to age, this workforce will continue to grow in importance and merits special attention because of the nature of the work performed -- assistance in the activities of daily living, including bathing, medical assistance, and

managing personal finances.

Montana lags behind many states in terms of transparency, accountability, and opportunities for workers going into the homes of some of our most vulnerable neighbors. For example, at least forty-one states currently require background checks for home health care workers. While our state's rules do not go that far, they are a modest first step in better understanding this vital segment of our workforce and in helping protect the families being served.

I remain committed to evaluating workforce availability and sustainability, enhancing comparative information available to consumers, and improving the consistency and quality of care available to Montanans.

For these reasons, I veto SB 277.

Sincerely,

STEVE BULLOCK Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:	4/10/2015
SB 176 , introduced by J. Pomnichowski SB 181 , introduced by E. Arntzen SB 229 , introduced by B. Tutvedt	
Senate bills concurred in as amended and returned to the Senate for concurrent amendments:	ce in House
SB 169, introduced by B. Hamlett SB 192, introduced by R. Driscoll SB 217, introduced by K. Hansen	4/10/2015
Senate bills not concurred in and returned to the Senate:	4/10/2015
SB 160 , introduced by D. Ankney SB 377 , introduced by P. Connell	
Conference Committee Report No.1 adopted:	4/10/2015
SB 126, introduced by R. Webb	
Senate amendments to House bill concurred in:	4/10/2015

HB 180, introduced by B. Smith

MOTIONS

Majority Leader Rosendale moved to appoint a **Free** Conference Committee on **SB 385** and request the House to appoint a like committee. Motion carried. President Barrett appointed:

4/11/2015

Senator Webb, Chair Senator Kary Senator Larsen

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 Hansen in the chair.

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

Senator Sesso present at this time.

SJ 24 - Senator Sands moved SJ 24 do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hansen, Hoven, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President. Total 34

Nays: Ankney, Blasdel, Brenden, Fielder, Hinkle, Howard, Jones, Keenan, Ripley, Rosendale, Sales, Smith, Vance. Total 13

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey, Hamlett. Total 3

Senator Hamlett present at this time.

HB 337 - Senator Windy Boy moved HB 337 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll,

Facey, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President. Total 41

Nays: Blasdel, Fielder, Hinkle, Rosendale, Sales, Vance, Vincent. Total 7

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 525 - Senator Fielder moved HB 525 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President. Total 43

Nays: Brenden, Connell, Pomnichowski, Ripley, Tutvedt. Total 5

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 434 - Senator Kaufmann moved HB 434 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken. Total 33

Nays: Blasdel, Brenden, Fielder, Hinkle, Howard, Kary, Moore, Ripley, Sales, Smith, Swandal, Taylor, Vance, Webb, Ms. President. Total 15

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

Senator Facey assumed the chair.

HB 562 - Senator Hansen moved HB 562 be concurred in. Motion failed as follows:

Yeas: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Webb, Ms. President. Total 19

Nays: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken. Total 29

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 562 - Senator Rosendale moved **HB 562** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sesso, Smith, Stewart-Peregoy, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken. Total 32

Nays: Arntzen, Blasdel, Brenden, Fielder, Hansen, Hinkle, Hoven, Howard, Keenan, Rosendale, Sands, Swandal, Taylor, Vincent, Webb, Ms. President. Total 16

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee

arose. Senate resumed. President Barrett presiding. Chair Hansen moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, 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 47

Nays: Brenden. Total 1

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

THIRD READING OF BILLS

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

HB 2 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Connell, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Keane, Keenan, Malek, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sesso, Smith, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President. Total 31

Nays: Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Facey, Fielder, Hinkle, Kaufmann, Larsen, McNally, Moe, Sales, Sands, Swandal, Vincent, Webb. Total 17

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 78 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, 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 48

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 237 concurred in as follows:

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

Nays: Malek, Whitford, Windy Boy. Total 3

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 381 concurred in as follows:

Yeas: Arntzen, Blasdel, Brenden, T. Brown, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President. Total 26

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

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 517 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, 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 48

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 575 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President. Total 25

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

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HJ 7 concurred in as follows:

Yeas: Ankney, Barrett Dick, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey,

Hamlett, Hansen, Hoven, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken. Total 30

Nays: Arntzen, Blasdel, Fielder, Hinkle, Howard, Jones, Keenan, Moore, Ripley, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President. Total 18

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

HB 250, as amended by the Governor, concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President. Total 42

Nays: Barrett Dick, Driscoll, Kaufmann, Malek, Pomnichowski, Whitford. Total 6

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

SB 168, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, 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 48

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

SB 191, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, 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 48

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

SB 220, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President. Total 42

Nays: Hinkle, Kary, Moore, Smith, Vance, Webb. Total 6

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

SB 356, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, 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 48

Nays: None. Total 0

Absent or not voting: None. Total 0

Excused: D. Brown, Buttrey. Total 2

REPORTS OF STANDING COMMITTEES

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

4/10/2015

HB 305, be concurred in. Report adopted. HB 576, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Smith thanked the Pages for their service this week.

MOTIONS

President Debby Barrett moved to change her third-reading vote on **HJ 7** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Monday, April 13, 2015, the seventy-fourth legislative day. Motion carried.

Senate adjourned at 8:55 a.m.

MARILYN MILLER Secretary of the Senate DEBBY BARRETT President of the Senate