

**SENATE JOURNAL  
63RD LEGISLATURE  
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 2, 2013

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Jent, Malek, Olson, and Priest, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair): 2/2/2013

Correctly printed: **SB 18, SB 148, SB 150, SB 161, SB 172, SB 194, SB218, SB219, SB 220, SB 221, SB 222, SB 223, SB 224, SB 225, SB 226, SB 227, SB 228, SB 229, SB 230, SB 231, SB 232, HB 56.**

Correctly engrossed: **SB 164, SB 173.**

Transmitted to the House: **SB 108, SB 122, SB 136, SB 137, SB 147, SB 154, SB 162, HB 92.**

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Buttrey, Chair): 2/1/2013  
**SB 105**, do pass. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair): 2/1/2013  
**SB 88**, do pass. Report adopted.

**STATE ADMINISTRATION** (Arthun, Chair): 2/1/2013  
**SB 142**, do pass. Report adopted.  
**HB 23**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "~~COMMISSIONER;~~"

**Insert:** "PROHIBITING THE COMMISSIONER FROM ENGAGING IN PRIVATE BUSINESS DURING THE OFFICE HOURS OF THE COMMISSIONER;"

2. Title, page 1, line 9.

**Following:** "~~,13-37-108,~~"

**Insert:** ", 13-37-108,"

3. Page 3, line 18.

**Following:** line 17

**Insert:** "**Section 2.** Section 13-37-108, MCA, is amended to read:

**"13-37-108. Commissioner of political practices -- restrictions.** During the commissioner's term of office, the commissioner may not knowingly, as defined in 45-2-101:

SENATE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - FEBRUARY 2, 2013

(1) hold another position of public trust or engage in any other occupation or business if the position of public trust or the other occupation or business interferes with or is inconsistent with the commissioner executing the duties of the commissioner's office;

(2) engage in any other occupation or business during the business hours of the commissioner's office unless the commissioner is in a leave status from the office;

~~(2)~~(3) participate in any political activity or in a political campaign;

~~(3)~~(4) make a contribution to a candidate or political committee or for or against a ballot issue or engage in any activity that is primarily intended to support or oppose a candidate, political committee, or ballot issue;

~~(4)~~(5) attend an event that is held for the purpose of raising funds for or against a candidate, political committee, or ballot issue;

~~(5)~~(6) participate in a matter pertaining to the commissioner's office that:

(a) is a conflict of interest or results in the appearance of a conflict of interest between public duty and private interest pursuant to Title 2, chapter 2; or

(b) involves a relative of the commissioner."

**Renumber:** subsequent sections

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

**HB 41**, be concurred in. Report adopted.

**HB 53**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/1/2013

**HB 120**, introduced by Ingraham

**HB 126**, introduced by Ingraham

**HB 152**, introduced by Fitzpatrick

**HB 192**, introduced by Hagan

**HB 259**, introduced by Hunter

**HB 261**, introduced by Berry

**MOTIONS**

Senator Buttrey moved to take **SB 27** from second reading this date and refer it back to the Public Health, Welfare and Safety committee. Without objection so ordered.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 240**, introduced by Tutvedt, Zolnikov, referred to Taxation.

SENATE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - FEBRUARY 2, 2013

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

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

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

**SB 20** - Sponsored by Jent. Senator Facey moved **SB 20** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 42

Nays: Fielder, Vincent, Walker, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson, Priest.

Total 4

**SB 103** - Senator Webb moved **SB 103** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 45

Nays: D. Brown.

Total 1

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson, Priest.

Total 4

SENATE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - FEBRUARY 2, 2013

**HB 34** - Senator Sesso moved **HB 34** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 40

Nays: Brenden, Fielder, Sales, Sonju, Walker, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson, Priest.

Total 4

**HB 51** - Senator Sesso moved **HB 51** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson, Priest.

Total 4

**HB 35** - Senator Kaufmann moved **HB 35** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 46

SENATE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - FEBRUARY 2, 2013

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson, Priest.

Total 4

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson, Priest.

Total 4

**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 148** passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

SENATE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - FEBRUARY 2, 2013

Paired: Moore, Olson, Priest, Taylor, Aye; Facey, Jent, Malek, Van Dyk, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 172** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson, Priest.

Total 4

**SB 161** passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 34

Nays: Arthun, Boulanger, Buttrey, Murphy, Priest, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich.

Total 13

Paired: Augare, Aye; Priest, No.

Absent or not voting: None.

Total 0

Excused: Jent, Malek, Olson.

Total 3

SENATE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - FEBRUARY 2, 2013

**SB 18** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent, Malek, Olson, Priest.  
Total 4

**SB 83** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 40

Nays: Barrett Dick, Driscoll, Facey, Kaufmann, Phillips, Wanzenried.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Jent, Malek, Olson, Priest.  
Total 4

**SPECIAL ORDERS OF THE DAY**

Senator Taylor thanked this week's pages for their service.

**MOTIONS**

Senator Tutvedt moved to change his vote on **SB 161** from Yes to No. Without objection, so ordered.

SENATE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - FEBRUARY 2, 2013

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 4, 2013, the twenty-fourth legislative day. Motion carried.

Senate adjourned at 8:37 a.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate