

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

Helena, Montana
February 5, 2013

Senate Chambers
State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Peterson, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/5/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 150, SB 164, SB 194, SB 233, SB 234, SB 235, SB 236, SB 237, SB 238, SB 239, SB 241, SB 242, SB 243, SB 244, HB 56.**

Correctly engrossed: **SB 23, SJR 8.**

Correctly enrolled: **SB 8, SB 50.**

Examined by the sponsor and found to be correct: **SB 8, SB 50.**

Transmitted to the House: **SB 20, SB 103, HB 34, HB 35, HB 51.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/4/2013

SJR 8, introduced joint resolution, be amended as follows:

1. Page 2, lines 2 through 6.

Strike: ", in coordination" on line 2 through "member." on line 6

Insert: "include with the copies sent to the respective Secretaries of the Army, Navy, and Air Force, the Commandant of the United States Marine Corps, the Commandant of the United States Coast Guard, and the Adjutant General of the Montana National Guard a request that the respective Secretaries and Commandants and the Adjutant General use every means available to provide a copy of this resolution to each member of the Armed Forces who hails from Montana."

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 2/5/2013

HB 17, be concurred in. Report adopted.

HB 107, be concurred in. Report adopted.

HB 137, be concurred in. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/4/2013

SB 23, introduced bill, be amended as follows:

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1. Page 3, line 13 through line 26.
Strike: sections 2 and 3 in their entirety

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/4/2013

SB 8, introduced by Murphy
SB 50, introduced by Augare

House bills passed and transmitted to the Senate for concurrence: 2/4/2013

HB 16, introduced by Hill
HB 24, introduced by Ankney
HB 37, introduced by McChesney
HB 106, introduced by Connell
HB 184, introduced by Fiscus

MOTIONS

Senator F. Moore moved **SB 226** be moved from the Highways and Transportation committee to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered.

Senator Buttrey moved **SB 235** be moved from the Business, Labor, and Economic Affairs committee to the Local Government committee. Without objection, so ordered.

Senator T. Brown moved **SB 105** be passed for the day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

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

SB 245, introduced by Arthun, referred to Local Government.
SB 246, introduced by Phillips, referred to Rules.
SB 247, introduced by Phillips, referred to Energy and Telecommunications.
SB 248, introduced by Driscoll, referred to Judiciary.
SB 249, introduced by Debby Barrett, referred to Fish and Game.
SB 250, introduced by Debby Barrett, Brenden, Fielder, Hamlett, Ripley, Thomas, referred to Fish and Game.
SB 251, introduced by Wittich, Dudik, Jent, Knudsen, referred to Judiciary.
SB 252, introduced by Rosendale, Doane, Halvorson, Knudsen, F. Moore, Salomon, referred to Agriculture, Livestock and Irrigation.

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SB 254, introduced by Caferro, Wittich, referred to Public Health, Welfare and Safety.

**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 Ripley in the chair.

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

SB 88 - Senator Dick Barrett moved **SB 88** do pass. Motion carried as follows:

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

Total 45

Nays: D. Brown, Fielder, Jackson, Stewart-Peregoy.

Total 4

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 159 - Senator Hamlett moved **SB 159** do pass. Motion **failed** as follows:

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

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Peterson.

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Total 1

SB 142 - Senator Wanzenried moved **SB 142** 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, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SR 3 - Senator Essmann moved **SR 3** be adopted.

SR 3 - Senator Taylor moved **SR 3**, second reading copy, be amended as follows:

1. Page 2, following line 1.

Insert: "WHEREAS, the Senate contends that the Commission split Lake County into four different Senate Districts, ignoring communities of interest and county political boundaries; and"

Amendment adopted as follows:

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

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Peterson.

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Total 1

SR 3 - Senator Essmann moved **SR 3**, as amended, be adopted. Motion carried as follows:

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

Total 27

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

Total 22

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

HB 41 - Senator Facey moved **HB 41** 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, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

HB 53 - Senator Van Dyk moved **HB 53** 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, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 159 - Senator Wittich moved **SB 159** be **indefinitely postponed**. Motion carried as follows:

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

Total 27

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

Total 22

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

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

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

Total 32

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

Total 17

Absent or not voting: None.

Total 0

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Excused: Peterson.

Total 1

THIRD READING OF BILLS

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

SB 164 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, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Sales.

Total 1

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 150 passed as follows:

Yeas: Arntzen, Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Phillips, Priest, Rosendale, Sales, Sesso, Taylor, Thomas, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 32

Nays: Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Jackson, Jent, Lewis, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Windy Boy.

Total 17

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 194 passed as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 56 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Mr. President.
Total 40

Nays: Boulanger, Brenden, Priest, Ripley, Sales, Walker, Webb, Windy Boy, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 195** Motion carried.

SB 195 (Blewett, Chief Sponsor)
Representatives B. Bennett.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, February 6, 2013, the twenty-sixth legislative day. Motion carried.

Senate adjourned at 2:32 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate