

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

Helena, Montana  
March 14, 2013

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Debby Barrett presiding. Invocation by Reverend Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Priest and Mr. President, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair):

3/14/2013

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

Correctly printed: **SB 226, SJR 20, SR 8, SR 28, SR 29, SR 30, SR 31, SR 32, SR 33, HB 59, HB 163, HB 170, HB 225, HB 247, HB 273, HB 280, HB 317, HB 330, HB 333, HB 347, HB 367, HB 399, HB 422, HB 463.**

Correctly engrossed: **HB 146, HB 217, HB 252, HB 270, HB 296, HB 318, HB 351.**

Correctly enrolled: **SB 41, SB 86, SB 211, SB 213, SR 18, SR 19.**

Examined by the sponsor and found to be correct: **SR 18, SR 19.**

Transmitted to the House: **HB 27, HB 50, HB 172, HB 302.**

Signed by the Secretary of the Senate at 2:30 p.m., March 14, 2013: **SR 18, SR 19.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Peterson, Chair):

3/13/2013

**SB 348**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Buttrey, Chair):

3/13/2013

**SJR 14**, do pass. Report adopted.

**HB 146**, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "PROHIBITING" on line 6 through "REQUESTED;" on line 8

2. Page 1, line 18.

**Strike:** "except as provided in subsection (2)(b)."

3. Page 1, line 20 through line 21.

**Strike:** "through" on line 20 through "applicant." on line 21

**Insert:** "until the license is issued or denied;"

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4. Page 1, line 22.

**Strike:** "except as provided in subsection (2)(a),"

5. Page 1, line 23.

**Following:** "renewal"

**Insert:** "."

**Strike:** "and that is"

**Insert:** "The initial annual fee year for a new facility commences on the date that the facility initially receives waste. The fee must be"

6. Page 1, line 27.

**Strike:** "; and"

**Insert:** "."

7. Page 1, line 29 through page 2, line 2.

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

**Renumber:** subsequent subsection

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

**HB 245**, be concurred in. Report adopted.

**HB 368**, be concurred in. Report adopted.

**HB 371**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair):

3/13/2013

**SR 10**, be adopted. Report adopted.

**STATE ADMINISTRATION** (Arthun, Chair):

3/13/2013

**HB 217**, be amended as follows:

1. Page 8, line 30.

**Strike:** "13-1-107(7)(b)(iii)"

**Insert:** "13-1-101(7)(b)(iii)"

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

**HB 251**, be concurred in. Report adopted.

**HB 296**, be amended as follows:

1. Page 2, line 8.

**Following:** "(7)"

**Insert:** "(a)"

2. Page 2, following line 11.

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**Insert:** "(b) The election official may not conduct the process described in subsection (7)(a) on a Saturday or a Sunday."

3. Page 2, line 28.

**Following:** "(b)"

**Insert:** "if the process authorized under 13-13-241(7) was not used,"

4. Page 3, line 1.

**Strike:** "no sooner" through "election day"

**Insert:** "before the polls close"

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

**HB 325**, be concurred in. Report adopted.

**HJR 2**, be concurred in. Report adopted.

**TAXATION** (Tutvedt, Chair):

3/13/2013

**SR 16**, be adopted. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

3/13/2013

**SB 86**, introduced by F. Moore

**SB 211**, introduced by F. Moore

**SB 213**, introduced by Larsen

**Senate bills** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/13/2013

**SB 40**, introduced by Buttrey

**SB 101**, introduced by Facey

**SB 120**, introduced by Buttrey

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

3/13/2013

**HB 498**, introduced by Hill

**MOTIONS**

Senator Buttrey moved **HB 497** be moved from the Local Government committee to the Judiciary committee. Without objection, so ordered.

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**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 385**, introduced by Priest, D. Brown, Taylor, Windy Boy, referred to Taxation.

**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 Windy Boy in the chair.

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

**SB 376** - Senator Jent moved **SB 376** 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, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Priest, Mr. President.  
Total 2

**HB 469** - Senator Jackson moved consideration of **HB 469** be passed for the day. Without objection, so ordered.

**HB 351** - Senator Larsen moved **HB 351** 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, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.  
Total 48

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**HB 206** - Senator Murphy moved **HB 206** be concurred in.

**HB 206** - Senator Murphy moved **HB 206**, second reading copy, be amended as follows:

1. Page 1, line 21.

**Following:** "."

**Insert:** "In cases in which judgment is entered by default, no charge except the fee provided in subsection (1) for the filing of the complaint may be made for any services, including issuing and return of execution."

Amendment **not** adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb.

Total 23

Nays: Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Walker, Windy Boy, Wittich.

Total 25

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**HB 206** - Thereupon, the Senate reverted to the original motion of Senator Murphy which passed as follows:

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

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Total 43

Nays: Caferro, Driscoll, Tropila, Walker, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Debby Barrett presiding. Chair Windy Boy moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 42

Nays: Brenden, Caferro, Ripley, Rosendale, Sales, Webb.

Total 6

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**MOTIONS**

Senator Arthun moved **SB 333** be moved from the Joint Select Committee on Pensions to the State Administration committee. Without objection, so ordered.

**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 463** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey,

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Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.

Total 36

Nays: Barrett Dick, Blewett, Brenden, Jent, Kaufmann, Malek, Phillips, Sales, Stewart-Peregoy, Walker, Wanzenried, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**HB 317** concurred in 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, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**HB 318** concurred in 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, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 46

Nays: Jergeson, Wittich.

Total 2

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Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**HB 270** concurred in 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, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**HB 59** concurred in as follows:

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

Total 38

Nays: Arthun, Brenden, D. Brown, Moore, Sales, Sonju, Vincent, Walker, Webb, Wittich.

Total 10

Absent or not voting: None.

Total 0

Excused: Priest, Mr. President.

Total 2

**HB 252** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown,

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Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 36

Nays: Boulanger, Brenden, Jones, Moore, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Priest, Mr. President.  
Total 2

**SPECIAL ORDERS OF THE DAY**

Senator Taylor thanked the pages for their service this week.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, March 15, 2013, the fifty-sixth legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER  
Secretary of the Senate

DEBBY BARRETT  
President Pro Tempore of the Senate