

**SENATE JOURNAL
63RD LEGISLATURE
SIXTIETH LEGISLATIVE DAY**

Helena, Montana
March 20, 2013

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Keane and Larsen, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

3/20/2013

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

Correctly printed: **SB 392, SB 393, SB 394, SB 395, SR 21, SR 35, SR 36, SR 37, SR 38, SR 39, HB 38, HB 168, HB 184, HB 232, HB 280, HB 283, HB 291, HB 304, HJR 3.**

Correctly engrossed: **SB 355, SB 369, SJR 21, HB 24, HB 37, HB 110, HB 187, HB 195, HB 225, HB 226, HB 247, HB 274, HB 277, HB 278, HB 510.**

Correctly enrolled: **SB 2, SB 34, SB 93, SB 266, SB 291, SB 343, SB 356.**

Examined by the sponsor and found to be correct: **SB 2, SB 34, SB 40, SB 49, SB 93, SB 146, SB 225, SB 266, SB 291, SB 343, SB 356, SR 8, SR 15, SR 16.**

Transmitted to the House: **HB 22, HB 65, HB 140, HB 163, HB 325, HB 360, HJR 11.**

Signed by the Secretary of the Senate at 4:05 p.m., March 19, 2013: **SB 3, SB 21, SB 35, SB 44, SB 55, SB 71, SB 77, SB 142, SB 252, SJR 4, SJR 8.**

Signed by the Secretary of the Senate at 4:05 p.m., March 20, 2013: **SB 2, SB 34, SB 40, SB 49, SB 93, SB 146, SB 225, SB 266, SB 291, SB 343, SB 356, SR 8, SR 15, SR 16.**

Signed by the President at 5:00 p.m., March 19, 2013: **SB 3, SB 21, SB 35, SB 44, SB 55, SB 71, SB 77, SB 142, SB 252, SJR 4, SJR 8.**

Signed by the Speaker at 11:35 a.m., March 20, 2013: **SB 12, SB 23, SB 41, SB 61, SB 62, SB 86, SB 92, SB 104, SB 145, SB 211, SB 213, SB 235, SJR 3, SJR 6.**

Signed by the Speaker at 11:40 a.m., March 20, 2013: **SB 3, SB 21, SB 35, SB 44, SB 55, SB 71, SB 77, SB 142, SB 252, SJR 4, SJR 8.**

Delivered to the Secretary of State at 8:50 a.m., March 20, 2013: **SR 10, SR 12, SR 13, SR 18, SR 19.**

REPORTS OF STANDING COMMITTEES

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

3/19/2013

HB 362, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair):

3/20/2013

HB 7, be concurred in. Report adopted.

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HB 8, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/19/2013
SB 178, do pass. Report adopted.
HB 328, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/19/2013
HB 299, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/20/2013
HB 335, be concurred in. Report adopted.
HB 374, be concurred in. Report adopted.
HB 385, be concurred in. Report adopted.
HB 485, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/18/2013
SJR 21, introduced joint resolution, be amended as follows:

1. Title, line 5.

Following: "COMMEMORATING"

Insert: "THE 163RD INFANTRY REGIMENT AND ITS SUCCESSORS ON"

And, as amended, do pass. Report adopted.

HB 277, be amended as follows:

1. Page 1, line 19.

Strike: "in any 24-year period"

2. Page 1, line 19 through line 20.

Strike: ", whether" on line 19 through "both" on line 20

3. Page 2, line 8.

Strike: "to revising term limits for state legislators."

Insert: "on Constitutional Amendment No. ____"

4. Page 2, line 9.

Strike: "to revising term limits for state legislators."

Insert: "on Constitutional Amendment No. ____"

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

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MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate: 3/19/2013

SB 202, introduced by Kaufmann

House bill passed and transmitted to the Senate for concurrence: 3/20/2013

HB 2, introduced by Ankney

MOTIONS

SB 254 - Senator Caferro moved that **SB 254** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole on the sixty-first legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Lewis, Malek, Olson, Phillips, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 35

Nays: Barrett Debby, Barrett Dick, Driscoll, Facey, Jergeson, Moore, Murphy, Peterson, Priest, Sesso, Van Dyk, Vincent, Wanzenried.

Total 13

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

HB 250 - Senator Facey moved that **HB 250** be taken from Business, Labor and Economic Affairs and brought before the Committee of the Whole. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 27

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Wittich.

Total 21

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Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

FIRST READING AND COMMITMENT OF BILLS

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

SJR 22, introduced by Jent, referred to Judiciary.

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

HB 9, introduced by Hollandsworth (by request of the Montana Arts Council and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 11, introduced by Gibson (by request of the Department of Commerce, the Department of Natural Resources and Conservation, the Office of Budget and Program Planning), referred to Finance and Claims.

HB 97, introduced by Wilmer (by request of the Public Employees' Retirement Board), referred to Finance and Claims.

HB 101, introduced by Ehli (by request of the Select Committee on Efficiency in Government), referred to Finance and Claims.

HB 153, introduced by Gibson, referred to Taxation.

HB 336, introduced by Gibson, G. Bennett, Brodehl, Dudik, Fitzpatrick, Hollenbaugh, Jent, Lynch, Miller, Noonan, Olson, Ripley, Sesso, referred to Finance and Claims.

HB 444, introduced by Jacobson, B. Bennett, Blasdel, Connell, Doane, Flynn, Hunter, Kary, Lieser, McNally, Mehlhoff, Miller, O'Hara, Pierson, Pomnichowski, Price, Van Dyk, Vance, Washburn, Welborn, Wilmer, referred to Fish and Game.

HB 447, introduced by Peppers, referred to Education and Cultural Resources.

HB 464, introduced by Clark, Hunter, Keane, Tutvedt, referred to Business and Labor.

HB 478, introduced by Laszloffy, Arntzen, G. Bennett, Blyton, Boulanger, D. Brown, Clark, Dudik, Gursky, Hertz, D. Jones, Knudsen, Malek, Rosendale, Taylor, Thomas, Tutvedt, Zolnikov, referred to Judiciary.

HB 517, introduced by Cuffe (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 556, introduced by Cuffe (by request of the House Joint Appropriations Subcommittee on Natural Resources and Transportation), referred to Finance and Claims.

HB 573, introduced by Hagan, Fitzpatrick, Lavin, D. Moore, Rosendale, referred to Highways and Transportation.

HB 583, introduced by Cook, Blasdel, referred to Public Health, Welfare and Safety.

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**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 Facey in the chair.

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

HB 247 - Senator Jent moved **HB 247** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Murphy, Olson, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Vincent, Vuckovich, Webb, Windy Boy, Mr. President.

Total 33

Nays: Augare, Barrett Dick, Blewett, Driscoll, Kaufmann, Moore, Peterson, Phillips, Priest, Stewart-Peregoy, Tutvedt, Van Dyk, Walker, Wanzenried, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

HB 72 - Senator Driscoll moved **HB 72** be concurred in. Motion carried as follows:

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

Total 42

Nays: Barrett Debby, Boulanger, Moore, Sales, Walker, Webb.

Total 6

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

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HB 91 - Senator Blewett moved **HB 91** 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, Lewis, Malek, Moore, Murphy, Olson, Peterson, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 105 - Senator D. Brown moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 125 - Senator Van Dyk moved **HB 125** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Malek, Olson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 25

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent,

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Walker, Webb, Wittich, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

HB 79 - Senator Webb moved **HB 79** be concurred in. Motion carried as follows:

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

Total 38

Nays: Boulanger, Brenden, Fielder, Olson, Ripley, Sonju, Tropila, Walker, Wittich, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

SB 189 - House Amendments - Senator Webb moved House amendments to **SB 189** 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, Lewis, Malek, Moore, Murphy, Olson, Peterson, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

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Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Facey 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, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

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 232 concurred in as follows:

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

Total 32

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

Total 16

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

HB 226 concurred in as follows:

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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, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 278 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Kaufmann, Malek, Olson, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 225 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 17

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Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

HB 291 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, Lewis, Malek, Moore, Murphy, Olson, Peterson, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

HB 280 concurred in as follows:

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

Total 28

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

Total 20

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

HB 110 concurred in as follows:

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

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Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.

Total 30

Nays: Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Jackson, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Tutvedt, Walker, Webb, Wittich, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

SPECIAL ORDERS OF THE DAY

SR 21 - Senator Priest moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 21**. Motion carried as follows:

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

Total 41

Nays: Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Ripley, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: Keane, Larsen.

Total 2

MOTIONS

Senator Stewart-Peregoy moved to change her vote on **HB 225** from Yes to No. Without objection, so ordered.

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., Thursday, March 21, 2013, the sixty-first legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate