

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
ELEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 14, 2011

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Blewett, excused, SD 6 vacant. Quorum present.

**BILLS AND JOURNALS:** 1/14/2011

Correctly printed: **SB 12, SB 23, SB 30, SB 32, SB 59, SB 87.**  
Correctly engrossed: **SB 36, SB 60, SB 64, SB 78, SB 95.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman): 1/14/2011  
**SB 16**, do pass. Report adopted.

**FISH AND GAME** (Brenden, Chairman): 1/13/2011  
**SB 112**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "hunting"

**Insert:** "during the general rifle season"

**Following:** "hunt the"

**Insert:** "big"

And, as amended, do pass. Report adopted.

**SB 124**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/14/2011  
**SB 4**, do pass. Report adopted.  
**SB 67**, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

Secretary Miller read a letter from the Honorable Brian Schweitzer listing the following interim board and commission appointments and requiring confirmation by the Montana Senate:

**Alternative Health Care Board**  
Molly Danison, Missoula  
Mary Anne Brown, Great Falls  
Thomas Mensing, Red Lodge

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**Board of Architects and Landscape Architects**

Carl Thuesen, Billings  
Shelly Engler, Bozeman  
Maire O'Neill, Bozeman  
Janet Cornish, Butte

**Montana Arts Council**

Mark Kuipers, Missoula  
Rob Quist, Kalispell  
Youpa Stein, Arlee  
Wilbur Wood, Roundup  
Jean Steele, Hamilton

**Board of Banking**

Jon Redlin, Lambert  
Mark E. Noennig, Billings  
Evelyn Casterline, Vida  
Kenneth M. Walsh, Twin Bridges

**Board of Barbers and Cosmetologists**

Sherry Dembowski-Wieckowski, Thompson Falls  
Corie Mora, Great Falls  
Sara Dobbins, Helena

**Board of Chiropractors**

Cathleen Fellows, Billings

**Clinical Laboratory Science Practitioners**

Alison Mizner, Kalispell

**Coal Board**

Ralph Lenhart, Glendive

**Board of Crime Control**

Randi Hood, Butte  
Laura Obert, Townsend

**Board of Dentistry**

George Johnston, Dillon  
Luella Vogel, Great Falls

**Electrical Board**

Mel Medhus III, Kalispell

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**Board of Environmental Review**

Larry Anderson, Great Falls

**Board of Funeral Service**

Thomas Meeks, Great Falls

**Board of Hail Insurance**

Jim Schillinger, Baker

**Board of Hearing Aid Dispensers**

Gene W. Bukowski, Au.D., Billings

Rebecca Wisnoskie, Helena

**Montana Historical Society Board of Trustees**

James W. Murry, Clancy

John G. Lepley, Fort Benton

Shirley Groff, Butte

Bob Brown, Whitefish

**Board of Horseracing**

Susan Austin, Kalispell

Charles (Al) Carruthers, Butte

Shawn Real Bird, Hardin

Ray "Topper" Tracy, Stevensville

**Board of Housing**

Sheila Rice, Great Falls

**Board of Labor Appeals**

Ed Logan, Billings

**Board of Massage Therapists**

Michael Eayrs, Kalispell

Stacy Baird, East Helena

Deborah Kimmet, Missoula

Nick Soloway, Helena

Grace D. Bowman, Billings

**Board of Medical Examiners**

Carole Erickson, Missoula

Dwight Thompson, Harlowton

Pat Bollinger, Helena

Ryan Burke, Great Falls

Kris Spanjian, Billings

Eileen Sheehy, Billings

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Anna Earl, Chester  
Nathan Thomas, Missoula  
Bruce Hayward, McAllister

**Board of Nursing**

N. Gregory Kohn, Billings  
Barbara Lundemo, Sidney  
Lanette Perkins, Missoula  
Kathleen Sprattler, Billings  
Brenda Schye, Fort Peck

**Board of Nursing Administrators**

Kathryn Beaty, Hamilton

**Board of Pardons and Parole**

Darryl Dupuis, Polson  
Margaret Hall-Bowman, Pablo

**Board of Personnel Appeals**

Michael Thiel, Kalispell

**Board of Pharmacy**

Rebecca Deschamps, Missoula  
Lee Ann Bradley, Missoula

**Board of Physical Therapy Examiners**

Christian Appel, Bozeman  
Robin Peterson Smith, Billings

**Board of Plumbers**

Olaf Stimac, Great Falls  
Timothy Regan, Miles City

**Board of Private Security**

Daniel Taylor, Glasgow  
Leo C. Dutton, Helena  
Scott Swingley, Helena  
Ronald Young Joliet  
Mark Chaput, Billings

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**Board of Professional Engineers and Land Surveyors**

Ruthul Amin, Bozeman  
David Elias, Anaconda  
Hal Jacobson, Helena  
Ronald Drake, Helena  
Ingrid Clare Lovitt-Abramson, Missoula

**Board of Psychologists**

George Watson, Bozeman  
Stuart Hall, Missoula  
Bonnie Hyatt-Murphy, Livingston

**Board of Public Accountants**

Michael Johns, Deer Lodge  
Tony Ennenga, Kalispell  
Kathy VanDyke, Bozeman

**Board of Public Education**

Erin Williams, Missoula

**Public Employees Retirement Board**

Scott Moore, Miles City

**Public Safety Officer Standards and Training Council**

Harold Hanser, Billings

**Board of Radiologic Technologists**

Sharlett Dale, Harlowton  
Mike Nielsen, Billings

**Board of Real Estate Appraisers**

Jeffrey Fleming, Huntley  
Dennis Hoeger, Bozeman  
Jennifer McGinnis, Polson

**Board of Realty Regulation**

Stephen Hess, Butte

**Board of Regents**

Angela McLean, Anaconda  
Teresa Snyder, Bozeman

**Research and Commercialization Technology Board**

Jim Davison, Anaconda  
Major Robinson, Billings

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**Respiratory Care Practitioners**

Rusty Davies, Billings

**Board of Sanitarians**

Susan K. Brueggeman, Polson  
James Zabrocki, Miles City

**State Tax Appeals Board**

Samantha Sanchez, Helena

**Board of Veterans Affairs**

Keith Heavyrunner, Browning  
Larry LaFriniere, Florence  
Mary Creech, Butte  
Sylvia Beals, Forsyth

**Board of Veterinary Medicine**

Bruce Sorenson, Belgrade  
Joan Marshall, Ekalaka  
Kim Baker, Hot Springs

**MESSAGES FROM THE OTHER HOUSE**

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

1/13/2011

**HB 1**, introduced by McNutt  
**HB 22**, introduced by Klock  
**HB 38**, introduced by Boland  
**HB 39**, introduced by Hollenbaugh  
**HB 65**, introduced by Menahan  
**HB 96**, introduced by Menahan  
**HB 97**, introduced by Menahan

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJR 9**, introduced by Hutton, Hinkle, Arthun, Murphy, Balyeat, Wittich, Zinke, Walker, Moore, Buttrey, referred to Judiciary.

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

**SB 170**, introduced by Essmann, referred to Judiciary.  
**SB 171**, introduced by Blewett, Hutton, referred to Taxation.

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**SB 172**, introduced by Lake, referred to Taxation.

**SB 173**, introduced by Tutvedt, referred to Fish and Game.

**SB 174**, introduced by Vuckovich, Brenden, Hinkle, Keane, Lewis, referred to Fish and Game.

**SB 175**, introduced by J. Peterson, Hawks, Sands, Wittich, Branae, Stahl, Driscoll, referred to Judiciary.

**SB 176**, introduced by Hutton, Hinkle, Arthun, Moore, Wittich, Priest, Windy Boy, Balyeat, Murphy, G. Bennett, Zinke, Howard, Keane, Lewis, McGillvray, Warburton, Kary, Walker, McNiven, Buttrey, Flynn, Lavin, Yates, Blasdel, Miller, Knox, C. Smith, referred to Public Health, Welfare and Safety.

**SB 177**, introduced by Walker, referred to Local Government.

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

**HB 1**, introduced by McNutt, referred to Finance and Claims.

**MOTIONS**

Senator Shockley moved **SB 150** be moved from the Judiciary committee to the Local Government committee.

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

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

Senator Williams requested that SB 23 be passed for the day. Without objection, so ordered.

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

**SB 27** - Senator Kaufmann moved **SB 27** do pass. Motion carried as follows:

Yeas: Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.

Total 45

Nays: Arthun, Walker, Zinke.

Total 3

Absent or not voting: None.

Total 0

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Excused: Blewett, SD 6.

Total 2

**SB 30** - Senator Wanzenried moved **SB 30** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, SD 6.

Total 2

**SB 49** - Senator Branae moved **SB 49** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.

Total 41

Nays: Balyeat, Lake, Murphy, Olson, Ripley, Vincent, Zinke.

Total 7

Absent or not voting: None.

Total 0

Excused: Blewett, SD 6.

Total 2

**SB 59** - Senator Moss moved **SB 59** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley,



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Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Blewett, SD 6.  
Total 2

**SB 63** - Senator Steinbeisser moved **SB 63** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Blewett, SD 6.  
Total 2

**SB 87** - Senator Steinbeisser moved **SB 87** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 47

Nays: Essmann.  
Total 1

Absent or not voting: None.  
Total 0

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Excused: Blewett, SD 6.

Total 2

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted unanimously.

**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:

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

**SB 32** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, SD 6.

Total 2

**SPECIAL ORDERS OF THE DAY**

Senator Brown thanked the Senate Pages for their work during the week of Jan. 10-15, 2011.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, January 17, 2011. Motion carried.

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Senate adjourned at 1:35 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate