

**SENATE JOURNAL
62ND LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 20, 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 Essmann, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS:

1/20/2011

Correctly printed: **SB 5, SB 10, SB 12, SB 46, SB 62, SB 68, SB 73, SB 105, SB 152.**

Correctly engrossed: **SB 7, SB 65, SB 74, SB 76, SB 99, SB 104, SB 115, SB 118, SB 159.**

Correctly enrolled: **SJR 1.**

Examined by the sponsor and found to be correct: **SJR 1.**

Signed by the President at 2:45 p.m., January 19, 2011: **SJR 1.**

Signed by the Secretary of the Senate at 10:25 a.m., January 19, 2011: **SJR 1.**

Delivered to the Secretary of State at 2:58 p.m., January 19, 2011: **SJR 1.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Shockley, Chairman):

1/20/2011

SB 24, do pass. Report adopted.

SB 39, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman):

1/19/2011

SB 108, introduced bill, be amended as follows:

1. Title, line 5.

Following: "COUNTY"

Insert: "AND TRIBAL"

2. Page 1, line 28.

Strike: "in counties bordering national parks with"

Insert: "and tribal governments in a county where at least part of the county lies within 200 miles of a border of a national park and where the county has"

And, as amended, do pass. Report adopted.

SB 128, introduced bill, be amended as follows:

1. Page 2, line 4.

Strike: "provided for in"

Insert: "organized under"

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2. Page 2, line 5.

Following: "only for"

Insert: "emergency"

Following: "which"

Strike: "includes"

Insert: "may include enclosed"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/19/2011

HB 58, introduced by Belcourt

HB 71, introduced by Vance

HB 77, introduced by Pease-Lopez

FIRST READING AND COMMITMENT OF BILLS

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

SB 191, introduced by Erickson, referred to Local Government.

SB 192, introduced by Erickson, referred to Highways and Transportation.

SB 193, introduced by Vuckovich, referred to Public Health, Welfare and Safety.

SB 194, introduced by Brenden, C. Williams, referred to State Administration.

SB 195, introduced by Ripley, Clark, Steinbeisser, referred to Agriculture, Livestock and Irrigation.

SB 196, introduced by Windy Boy, Blewett, Keane, Caferro, Kaufmann, Hinkle, Augare, Stewart-Peregoy, referred to Judiciary.

SB 197, introduced by Tropila, Klock, Hamlett, referred to Business, Labor, and Economic Affairs.

SB 198, introduced by Balyeat, Tutvedt, Arthun, Zinke, Hendrick, Shockley, Wittich, Debby Barrett, Moore, Jackson, Vuckovich, Sonju, Hinkle, Steinbeisser, Buttrey, Brown, Ripley, Brenden, Walker, Lewis, Yates, Priest, Vincent, Jones, Vance, Kary, Hansen, Burnett, referred to State Administration.

SB 199, introduced by Balyeat, Gallus, Dick Barrett, Yates, Moore, Debby Barrett, J. Peterson, Lewis, Steinbeisser, Ripley, Brenden, Walker, Olson, Arthun, Wittich, Buttrey, Jackson, Zinke, Essmann, Hinkle, Shockley, Hendrick, Vance, Vincent, Priest, Windy Boy, Brenden, referred to Taxation.

SB 200, introduced by Facey, referred to Education and Cultural Resources.

SB 201, introduced by Walker, Arthun, Brown, Skees, Lewis, Ripley, Hinkle, Brenden, Buttrey, Essmann, Wittich, Debby Barrett, Steinbeisser, Balyeat, Moore, Zinke, Olson, referred to Business, Labor, and Economic Affairs.

SB 202, introduced by Zinke, Blewett, referred to Business, Labor, and Economic Affairs.

SB 203, introduced by Zinke, Ripley, Buttrey, Moore, Hutton, Blewett, referred to Business, Labor, and Economic Affairs.

SB 204, introduced by Blewett, McGillvray, referred to State Administration.

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**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 Brown in the chair.

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

SB 11 - Senator Erickson moved **SB 11** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Essmann, SD 6.

Total 2

SB 38 - Senator Hawks moved **SB 38** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Essmann, SD 6.

Total 2

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SB 47 - Senator Vincent moved **SB 47** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Tropila, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 55 - Senator Jent moved **SB 55** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 66 - Senator Lake moved **SB 66** do pass.

SB 66 - Senator Facey moved **SB 66**, second reading copy, be amended as follows:

1. Page 7, line 28.

Strike: "10%"

Insert: "20%"

Amendment adopted as follows:

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Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 66 - Senator Lake moved **SB 66**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 69 - Senator Wanzenried moved **SB 69** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Hinkle, Moore, Walker, Wittich.
Total 5

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Absent or not voting: None.

Total 0

Excused: Essmann, SD 6.

Total 2

Senator Tutvedt moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, 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: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: Essmann, SD 6.

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:

SB 12 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Essmann, SD 6.

Total 2

SB 68 passed as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 38

Nays: Balyeat, Barrett, Buttrey, Hinkle, Jackson, Lake, Sonju, Steinbeisser, Vincent, Windy Boy.

Total 10

Absent or not voting: None.

Total 0

Excused: Essmann, SD 6.

Total 2

SB 73 passed as follows:

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

Total 45

Nays: Brenden, Hinkle, Tropila.

Total 3

Absent or not voting: None.

Total 0

Excused: Essmann, SD 6.

Total 2

SB 152 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, 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,

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Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Essmann, SD 6.

Total 2

SPECIAL ORDERS OF THE DAY

Sen. Williams acknowledged the anniversary of past President John Kennedy's inaugural address.

President Peterson announced the Lake County Commissioners' appointment of Carmine Mowbray to fill the vacancy in SD 6.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Tutvedt moved that the Senate adjourn until 1:00 p.m., Friday, January 21, 2011.
Motion carried.

Senate adjourned at 2:22 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate