

**SENATE JOURNAL
62ND LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 27, 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. Quorum present.

BILLS AND JOURNALS:

1/27/2011

Correctly printed: **SB 106, SB 125, SB 143, SB 156, SB 176, SJR 7.**

Correctly engrossed: **SB 90, SB 92, SB 109, SB 126, SB 135, SB 136, SB 140, SB 160.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman):

1/26/2011

SB 3, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: "convene" through "receive"

Insert: "accept"

2. Page 2, line 3.

Strike: "to"

3. Page 2, line 4 through line 5.

Strike: "The" on line 4 through "meeting." on line 5

4. Page 3, line 8 through line 9.

Strike: "compile" on line 8 through "information" on line 9

Insert: "report the information gathered pursuant to 22-3-422(6)"

Following: "by the" on line 9

Insert: "historic"

5. Page 3, line 27.

Strike: "report at each meeting of"

Insert: "pursuant to 22-3-422(6), provide to"

Strike: "convened pursuant to 22-3-422(6)"

6. Page 3, line 28.

Following: "information"

Insert: "on or before September 1 of each year preceding the convening of a regular session of the legislature"

And, as amended, do pass. Report adopted.

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

LOCAL GOVERNMENT (Sonju, Chairman): 1/26/2011
SB 146, introduced bill, be amended as follows:

1. Page 2, line 27.

Following: line 27

Insert: "(3) This section does not apply to any easement granted pursuant to Title 77."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 1/26/2011
SB 35, do pass. Report adopted.
SJR 6, introduced joint resolution, be amended as follows:

1. Page 2, line 9.

Following: "management"

Insert: "; and

WHEREAS, Department of the Interior Secretary Ken Salazar issued Secretarial Order No. 3310 in December 2010 affirming that protecting wilderness characteristics on public lands is a high priority for the Bureau of Land Management, requiring the Bureau to maintain wilderness resource inventories on a regular and continual basis, and withholding use permits until land use planning and project level decisions are made to protect wilderness characteristics into perpetuity, which essentially creates more wilderness without the consent of Congress"

2. Page 2, line 26.

Strike: "and"

3. Page 2, line 27.

Following: "Congress"

Insert: "should"

4. Page 2, line 29.

Following: "monuments"

Insert: "; and

(3) the United States Congress should nullify Secretarial Order No. 3310"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/26/2011

HB 21, introduced by Dick Barrett

HB 62, introduced by MacLaren

HB 69, introduced by Menahan

HB 84, introduced by Boland

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

HB 111, introduced by Stahl
HB 132, introduced by Hoven
HB 269, introduced by Lavin

FIRST READING AND COMMITMENT OF BILLS

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

SB 229, introduced by Sonju, Augare, Salomon, referred to State Administration.
SB 230, introduced by Facey, Erickson, referred to Fish and Game.
SB 231, introduced by Hamlett, referred to Finance and Claims.

**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 Ripley in the chair.

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

SB 103 - Senator Jackson moved **SB 103** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 104 - Senator Priest moved **SB 104** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 165 - Senator Balyeat moved **SB 165** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 37

Nays: Blewett, Branae, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Tropila, Wanzenried, Williams, Windy Boy.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 203 - Senator Zinke moved **SB 203** do pass. Motion carried as follows:

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

Total 48

Nays: Caferro, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Excused: None.

Total 0

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

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 106 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

SB 125 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 7 adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 212**, Motion carried.

SB 212 (Ripley, Chief Sponsor)
Senator Arthun, Debby Barrett, Brown, Moore.

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 207**, Motion carried.

SB 207 (Moore, Chief Sponsor)
Senators Arthun, Debby Barrett, Brown, and Steinbeisser.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Peterson announced that U.S. Senator Max Baucus would be addressing a joint session of the House and Senate on January 28, 2011.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, January 28, 2011. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate