

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

Helena, Montana
January 31, 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 Senators Jent, Van Dyk, excused. Quorum present.

BILLS AND JOURNALS: 1/31/2011

Correctly printed: **SB 9, SB 92, SB 136, SB 142, SB 201, SB 221, SJR 10.**
Correctly engrossed: **SB 29, SB 43, SB 133.**

Senator Jent present.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 1/31/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 28, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Alyson O'Brien, Shelby Emily Boyce, Havre Joshua Green, Billings Lauren Scofield, Havre Anthony Stock, Belgrade

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 31, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Lee Barbisan, Bozeman Cheyenne Cole, Dixon Becca Harper, Helena Sarah Rice, Miles City

Report Adopted.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 1/27/2011
SR 2, do pass. Report adopted.

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LOCAL GOVERNMENT (Sonju, Chairman): 1/28/2011
SB 173, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "NORMAL OPERATIONS OF"

Insert: "NOISES RESULTING FROM SHOOTING ACTIVITIES AT"

2. Page 1, lines 15 and 16.

Strike: ", including" on line 15 through "76-9-105," on line 16

3. Page 1.

Following: line 23

Insert: "(4) Noises resulting from the shooting activities at a shooting range during established hours of operation are not considered a public or private nuisance."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/29/2011

HB 101, introduced by MacDonald

HB 169, introduced by Klock

HB 172, introduced by Washburn

HB 178, introduced by Howard

HB 225, introduced by Welborn

House bills passed and transmitted to the Senate for concurrence: 1/28/2011

HB 107, introduced by Hollenbaugh

HB 182, introduced by Arntzen

HB 187, introduced by Connell

HB 208, introduced by Welborn

HB 210, introduced by McChesney

HB 229, introduced by McNutt

HB 233, introduced by O'Hara

HB 259, introduced by Loney

FIRST READING AND COMMITMENT OF BILLS

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

SB 241, introduced by Priest, referred to Public Health, Welfare and Safety.

SB 242, introduced by Brenden, Jones, Ripley, Debby Barrett, Tutvedt, Steinbeisser, J. Peterson, Murphy, Brown, referred to Business, Labor, and Economic Affairs.

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SB 243, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 244, introduced by Lake, referred to Education and Cultural Resources.
SB 245, introduced by Buttrey, referred to Taxation.
SB 246, introduced by Olson, referred to Energy and Telecommunications.
SB 247, introduced by Moss, referred to State Administration.
SB 248, introduced by Gillan, referred to Local Government.
SB 249, introduced by Kaufmann, referred to Public Health, Welfare and Safety.
SB 250, introduced by Kaufmann, referred to Business, Labor, and Economic Affairs.
SB 251, introduced by Kaufmann, Essmann, referred to Highways and Transportation.
SB 252, introduced by Erickson, referred to Taxation.
SB 253, introduced by Lake, referred to Taxation.

**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 Arthun in the chair.

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

SB 160 - Senator Vincent moved **SB 160** do pass. Motion carried as follows:

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

Nays: Kaufmann, Moss.
Total 2

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 166 - Senator Balyeat moved **SB 166** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, 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, Vincent, Vuckovich,

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 105 - Senator Priest moved **SB 105** 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, Mr. President.

Total 27

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

Total 22

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 126 - Senator Larsen moved **SB 126** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 33

Nays: Balyeat, Buttrey, Essmann, Hinkle, Jackson, Lake, Lewis, Mowbray, Priest, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke.

Total 16

Absent or not voting: None.

Total 0

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Excused: Van Dyk.

Total 1

SB 135 - Senator Balyeat moved **SB 135** do pass. Motion carried as follows:

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

Total 47

Nays: Larsen, Williams.

Total 2

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 140 - Senator Erickson moved **SB 140** 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, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 46

Nays: Balyeat, Essmann, Hinkle.

Total 3

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 143 - Senator Barrett moved **SB 143** do pass.

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SB 143 - Senator Hawks moved **SB 143**, second reading copy, be amended as follows:

1. Page 1, line 20.

Strike: "preemptive"

Insert: "proactive"

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 35

Nays: Balyeat, Brenden, Buttrey, Essmann, Hinkle, Lake, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker.

Total 14

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 143 - Senator Debby Barrett moved **SB 143**, as amended, do pass. Motion carried as follows:

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

Total 44

Nays: Caferro, Erickson, Kaufmann, Williams, Windy Boy.

Total 5

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

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

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

Total 46

Nays: Erickson, Kaufmann, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

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 9 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, 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, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

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SB 92 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, 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, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Sonju.

Total 1

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 136 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, 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, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 142 passed as follows:

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

Total 44

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Nays: Erickson, Jent, Kaufmann, Van Dyk, Williams, Windy Boy.
Total 6

Paired: Brown, Aye; Van Dyk, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

UNFINISHED BUSINESS

Senator Williams raised a point of personal privilege regarding a past debate where facts were presented on the Senate floor that were incorrect. Senator Williams urged members on both sides of the aisle to be cautious when presenting facts.

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of January 31-February 5, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, February 1, 2011. Motion carried.

Senate adjourned at 2:24 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate