

**SENATE JOURNAL
62ND LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 9, 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:

2/9/2011

Correctly printed: **SB 179, SB 210, SB 222, SB 246, SB 247, HB 22.**

Correctly engrossed: **SB 233, SB 248.**

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth, seventeenth, eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman):

2/8/2011

SB 57, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "DISABILITIES"

Insert: "; PROVIDING FOR DISPOSITION OF FINES; AND AMENDING SECTION 30-14-143, MCA"

2. Page 1, line 29.

Insert: "Section 2. Section 30-14-143, MCA, is amended to read:

"30-14-143. Disposition of civil fines, costs, and fees. (1) ~~At~~ (a) Except as provided in subsection (1)(b), all civil fines, costs, and fees received or recovered by the department pursuant to this part must be deposited into a state special revenue account to the credit of the department and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this part. Any excess civil fines, costs, or fees must be transferred to the general fund.

(b) All civil fines received or recovered by the department pursuant to [section 1] must be deposited into the general fund.

(2) All civil fines, costs, and fees received or recovered by a county attorney pursuant to this part must be paid to the general fund of the county in which the action was commenced.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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SB 215, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND"

2. Title, page 1, line 7.

Following: "AUTHORITY"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 13.

Strike: "standard"

4. Page 1, line 15.

Following: "25,000"

Insert: "proof"

5. Page 1, line 16.

Strike: "standard"

6. Page 1, line 18.

Strike: "Standard"

7. Page 1, line 19.

Strike: "25%"

Insert: "50%"

8. Page 1, line 20.

Strike: "50%"

Insert: "75%"

9. Page 1, line 21.

Strike: "75%"

Insert: "100%"

10. Page 1, line 22.

Strike: "standard"

Following: "is the"

Insert: "standard"

11. Page 1, line 25.

Following: "reduction."

Insert: "The reduced markup must be applied to the standard liquor markup minus associated agency liquor store commissions and discount rate costs pursuant to 16-2-101 and costs of operating the central liquor warehouse and must be determined by the department on a yearly basis."

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12. Page 2, following line 5.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/8/2011

HB 30, introduced by C. Smith
HB 219, introduced by McGillvray
HB 255, introduced by Wilmer
HB 256, introduced by Wilmer
HB 279, introduced by F. Smith
HB 297, introduced by Berry

FIRST READING AND COMMITMENT OF BILLS

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

SB 288, introduced by Gillan, referred to Taxation.
SB 289, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 290, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 291, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 292, introduced by Olson, Ankney, Berry, Gillan, Edmunds, McChesney, Burnett, Keane, McGillvray, Milburn, referred to Energy and Telecommunications.
SB 293, introduced by Keane, Zinke, referred to Business, Labor, and Economic Affairs.
SB 294, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.
SB 295, introduced by Lake, Tutvedt, referred to Taxation.
SB 296, introduced by Tutvedt, referred to Agriculture, Livestock and Irrigation.
SB 297, introduced by Essmann, Olson, J. Peterson, Keane, Berry, Ankney, McGillvray, Milburn, referred to Energy and Telecommunications.

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

HB 19, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 24, introduced by McChesney (by request of the Water Policy Committee), referred to Natural Resources.
HB 53, introduced by Klock (by request of the Department of Administration), referred to State Administration.
HB 66, introduced by Swanson (by request of the Secretary of State), referred to State Administration.
HB 99, introduced by Ingraham (by request of the Secretary of State), referred to State

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Administration.

HB 142, introduced by Sands, referred to State Administration.

HB 152, introduced by Washburn, referred to State Administration.

HB 180, introduced by Edmunds, referred to State Administration.

HB 216, introduced by Miller, referred to Highways and Transportation.

HB 254, introduced by Vance, Sonju, referred to Highways and Transportation.

HB 272, introduced by Flynn, Skattum, Greef, Hendrick, Stahl, C. Smith, Miller, Murphy, Randall, Taylor, Skees, Hale, Kerns, Wagner, O'Neil, Harris, Clark, referred to Fish and Game.

HB 302, introduced by Taylor, Howard, Arthun, Arntzen, Blasdel, Steinbeisser, Warburton, Hendrick, Cuffe, Edmunds, Stahl, Beck, Regier, K. Peterson, More, MacLaren, Burnett, Hansen, Lavin, Washburn, Ingraham, Salomon, Harris, Vance, Hollandsworth, Connell, Clark, C. Smith, Miller, Yates, Blyton, Knox, Ankney, Skees, McNiven, O'Hara, Kary, Skattum, Brodehl, Hinkle, Knudsen, Reichner, Kerns, referred to Highways and Transportation.

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

HJR 5, introduced by Regier, Driscoll, Randall, Arntzen, Pease-Lopez, Ingraham, Howard, G. Bennett, C. Smith, Skees, Taylor, McClafferty, McGillvray, referred to Public Health, Welfare and Safety.

**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 Brenden in the chair.

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

SB 96 - Senator Gillan moved consideration of **SB 96** be passed for the day. Motion carried.

SB 195 - Senator Ripley moved **SB 195** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, 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, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Balyeat, Hinkle, Van Dyk, Wanzenried, Wittich.

Total 5

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 217 - Senator Murphy moved **SB 217** do pass. Motion carried as follows:

Yeas: Arthun, Augare, 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, Mowbray, Murphy, 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: Balyeat, Essmann, Olson.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 9 - Senator Hutton moved **SJR 9** do pass. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Kaufmann raised a point of personal privilege and clarified there was ample opportunity for the public to be involved in the proposed curriculum changes in the Helena School District.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose.

Senate resumed. President Peterson in the chair. Chairman Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

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

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Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Erickson, Kaufmann, Keane, Wanzenried, Williams.

Total 5

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 179 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, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 222 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, Mowbray, 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 49

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Nays: Essmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 246 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, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 22 concurred in as follows:

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

Total 45

Nays: Jackson, Lake, Sonju, Tutvedt, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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MOTIONS

Senator Gillan moved **SB 96** be moved from the Committee of the Whole committee to the Energy and Telecommunications committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, February 10, 2011. Motion carried.

Senate adjourned at 1:54 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate