

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

Helena, Montana
March 7, 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 Vuckovich, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

The Hobson High School Choir performed three songs.

BILLS AND JOURNALS:

3/7/2011

Correctly printed: **HB 24, HB 119, HJR 6.**

Correctly engrossed: **SB 338.**

Correctly enrolled: **SB 21, SB 27, SB 31, SB 63, SB 78.**

Examined by the sponsor and found to be correct: **SB 21, SB 27, SB 31, SB 63, SB 78.**

LEGISLATIVE ADMINISTRATION (Brown, Chairman):

3/7/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Saturday, March 5, 2011:

TITLE

NAME

Pages:

Austin McCleary, Hardin
McKenzie Chambers, Montana City
Gwen Good Luck, Crow Agency
Cassie Hintz, Missoula
Cierra Dauenhauer, Butte

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 7, 2011:

TITLE

NAME

Pages:

Phillip Griffin, Billings
Ryan Halligan, Missoula
Colter Mahlum, Big Fork
Jackson Mahlum, Missoula
Angella Molvig, Glasgow
Bailey Stahl, Forsyth

Report Adopted.

SENATE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 3/7/2011
HB 126, be amended as follows:

1. Page 3, line 6.

Strike: "or"

Insert: "and"

2. Page 3, line 8.

Strike: "AN OFFENSE"

Insert: "all offenses"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/5/2011

HB 195, introduced by Rosendale

HB 372, introduced by Washburn

HB 449, introduced by Blasdel

HB 460, introduced by K. Peterson

Senate bills concurred in and returned to the Senate: 3/5/2011

SB 21, introduced by Shockley

SB 27, introduced by Kaufmann

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 19, introduced by Shockley 3/5/2011

FIRST READING AND COMMITMENT OF BILLS

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

SB 394, introduced by Olson, referred to Energy and Telecommunications.

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

SJR 16, introduced by Facey, Larsen, referred to Highways and Transportation.

SENATE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

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

HB 116, introduced by Ingraham (by request of the Teachers' Retirement Board), referred to State Administration.

HB 122, introduced by Malek (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 135, introduced by Squires (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 195, introduced by Rosendale, referred to Highways and Transportation.

HB 262, introduced by Sands, Welborn, Gillan, referred to Finance and Claims.

HB 285, introduced by Harris, referred to Fish and Game.

HB 370, introduced by Squires, referred to Fish and Game.

HB 372, introduced by Washburn, referred to Fish and Game.

HB 387, introduced by Flynn, Greef, Knudsen, Welborn, referred to Fish and Game.

HB 428, introduced by Berry, Olson, referred to Business, Labor, and Economic Affairs.

HB 449, introduced by Blasdel, referred to Fish and Game.

HB 460, introduced by K. Peterson, 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 Buttrey in the chair.

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

HB 39 - Senator Buttrey moved consideration of **HB 39** be placed at the bottom of the second reading board. Motion carried.

SB 261 - Senator Essmann moved **SB 261** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hutton, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.

Total 33

Nays: Balyeat, Blewett, Erickson, Facey, Hamlett, Hawks, Hinkle, Jackson, Jent, Keane, Moss, Murphy, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 16

Absent or not voting: None.

Total 0

SENATE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

Excused: Vuckovich.

Total 1

HB 42 - Senator Keane moved consideration of **HB 42** be passed for the day. Motion carried.

HB 38 - Senator Zinke moved **HB 38** be concurred in. 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, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 76 - Senator Wanzenried moved **HB 76** be concurred in. 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, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 97 - Senator Shockley moved consideration of **HB 97** be placed at the bottom of the second reading board. Motion carried.

HB 101 - Senator Steinbeisser moved **HB 101** be concurred in. 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,

SENATE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

HB 97 - Senator Shockley moved **HB 97** be concurred in. Motion carried as follows:

Yeas: 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, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Arthun, Ripley.

Total 2

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

Senator Sonju assumed the chair.

HB 39 - Senator Buttrey moved **HB 39** be concurred in. 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, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Balyeat, Hinkle.

Total 2

SENATE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

0Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Buttrey 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, 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, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vuckovich.

Total 1

SPECIAL ORDERS OF THE DAY

Sen. Brown introduced the pages for the week of May 7-12, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, March 8, 2011. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate