

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

Helena, Montana
April 2, 2011

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Essmann, Moore, and Wittich, excused. Quorum present.

Christina Eike, a student from Hobson, sang the National Anthem.

Senator Brown announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senate in recess.

BILLS AND JOURNALS:

4/2/2011

Correctly printed: **SJR 21, SJR 24, SR 20, HB 111, HB 132, HB 133, HB 195, HB 206, HB 460.**

Correctly engrossed: **HB 339, HB 529.**

Correctly enrolled: **SB 74, SB 76, SB 91, SB 109, SB 111, SB 114, SB 115, SB 118.**

Examined by the sponsor and found to be correct: **SB 74, SB 76, SB 91, SB 109, SB 111, SB 114, SB 115, SB 118.**

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:

SJR 21 passed as follows:

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

Total 46

Nays: Barrett.

Total 1

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

SJR 24 passed as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Moss, Mowbray, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 34

Nays: Barrett, Brenden, Hamlett, Hinkle, Lake, Larsen, Lewis, Murphy, Ripley, Tropila, Vincent, Walker, Zinke.

Total 13

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 111 concurred in as follows:

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

Total 43

Nays: Caferro, Larsen, Windy Boy, Zinke.

Total 4

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 132 concurred in as follows:

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

Total 42

Nays: Brenden, Hamlett, Hinkle, Sonju, Walker.

Total 5

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 133 concurred in as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Steinbeisser, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Mr. President.

Total 29

Nays: Arthun, Balyeat, Brenden, Facey, Hinkle, Jones, Lake, Lewis, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Zinke.

Total 18

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 195 concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Facey, Gallus, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Zinke, Mr. President.

Total 38

Nays: Augare, Caferro, Gillan, Hamlett, Keane, Stewart-Peregoy, Wanzenried, Williams, Windy Boy.

Total 9

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 206 failed (due to 2/3 vote requirement) 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
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 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

Paired: Essmann, Moore, Wittich, Aye; Augare, Gillan, Williams, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 339 concurred in 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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 46

Nays: Zinke.

Total 1

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 460 concurred in 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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.

Total 46

Nays: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Total 3

HB 529 concurred in as follows:

Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Mr. President.

Total 33

Nays: Augare, Balyeat, Caferro, Erickson, Gallus, Hinkle, Kaufmann, Keane, Moss, Mowbray, Sonju, Van Dyk, Windy Boy, Zinke.

Total 14

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 555 concurred in as follows:

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

Total 28

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

Total 22

Paired: Essmann, Moore, Wittich, Aye; Augare, Gillan, Williams, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Barrett, Chairman):

4/1/2011

HB 196, be concurred in. Report adopted.

HB 602, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

4/1/2011

STATE INTERNET/BBS COPY

1230

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

SJR 25, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/1/2011

SB 3, introduced by Hawks
SB 5, introduced by Brown
SB 9, introduced by Keane
SB 55, introduced by Jent
SB 89, introduced by Wittich
SB 140, introduced by Erickson
SB 159, introduced by Priest
SB 160, introduced by Vincent
SB 179, introduced by Wittich
SB 180, introduced by Sonju
SB 206, introduced by Jones
SB 208, introduced by Erickson
SB 210, introduced by Tutvedt
SB 213, introduced by Vuckovich
SB 223, introduced by Zinke
SB 228, introduced by Priest
SB 229, introduced by Sonju
SB 236, introduced by Buttrey
SB 246, introduced by Olson
SB 248, introduced by Gillan
SB 254, introduced by Hutton
SB 275, introduced by Zinke
SB 280, introduced by Brown
SB 286, introduced by Olson
SB 297, introduced by Essmann
SB 305, introduced by Jackson
SB 306, introduced by Murphy
SB 356, introduced by Hamlett

Senate joint resolution concurred in and returned to the Senate:

4/1/2011

SJR 10, introduced by Priest

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

4/1/2011

SB 234, introduced by Sonju
SB 255, introduced by Brenden

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

SB 327, introduced by Larsen
SB 340, introduced by Vincent

HB 2 - The House failed to concur in Senate amendments to **HB 2**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 2**:

4/2/2011

Representative McNutt, Vice Chair
Representative Esp
Representative Sesso

MOTIONS

Senator Brown moved to appoint a **Free** Conference Committee on **HB 2**. Motion carried.
President Peterson appointed:

4/2/2011

Senator Lewis, Chair
Senator Ripley
Senator Williams

FIRST READING AND COMMITMENT OF BILLS

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

SJR 26, introduced by Lewis, referred to Finance and Claims.

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

SR 21, introduced by Olson, referred to Energy and Telecommunications.
SR 22, introduced by Olson, referred to Energy and Telecommunications.
SR 23, introduced by Olson, referred to Energy and Telecommunications.
SR 24, introduced by Shockley, referred to State Administration.
SR 25, introduced by Shockley, referred to State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Brown 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 28 - House Amendments - Senator Kaufmann moved House amendments to **SB 28** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 36 - House Amendments - Senator Shockley moved House amendments to **SB 36** be concurred in. 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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 43 - House Amendments - Senator Keane moved House amendments to **SB 43** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moss, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Nays: Balyeat, Brown, Erickson, Hinkle, Hutton, Kaufmann, Mowbray, Murphy, Priest, Ripley, Sonju, Van Dyk, Vincent, Walker.
Total 14

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SB 52 - House Amendments - Senator Tropila moved House amendments to **SB 52** be concurred in. 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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SB 120 - House Amendments - Senator Brenden moved House amendments to **SB 120** be concurred in. 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, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Larsen.

Total 1

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SB 146 - House Amendments - Senator Lake moved House amendments to **SB 146** be concurred in. Motion carried as follows:

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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

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

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SB 222 - House Amendments - Senator Augare moved House amendments to **SB 222** be concurred in. 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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SB 307 - House Amendments - Senator Tutvedt moved House amendments to **SB 307** be concurred in. Motion carried as follows:

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

Total 43

Nays: Blewett, Kaufmann, Moss, Tropila.

Total 4

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SB 337 - House Amendments - Senator Blewett moved House amendments to **SB 337** be concurred in. 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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

SB 352 - House Amendments - Senator Steinbeisser moved House amendments to **SB 352** be concurred in. Motion carried as follows:

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

Total 44

Nays: Blewett, Kaufmann, Van Dyk.

Total 3

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.

Total 3

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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the Senate pages for their work during the week of March 28-April 2, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Brown moved that the Senate adjourn until 1:00 p.m., Monday, April 4, 2011. Motion carried.

Senate adjourned at 9:10 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate