

**SENATE JOURNAL  
63RD LEGISLATURE  
ELEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 19, 2013

Senate Chambers  
State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Priest, Ripley, Thomas, and Wanzenried, excused. Quorum present.

Correctly printed: **SB 39, SB 51, SB 52, SB 60, SB 65, SB 72, SB 157, SB 158, SB 159, SB 160, SB 161, SB 162, HB 1.**

Correctly engrossed: **SB 43, SB 111, SJR 2, SR 2.**

Transmitted to the House: **SB 8, SB 53, SB 64, HB 1.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Peterson, Chair): 1/19/2013  
**SB 32**, do pass. Report adopted.

**JUDICIARY** (Murphy, Chair): 1/19/2013  
**SB 121**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Buttrey, Chair): 1/19/2013  
**SB 24**, introduced bill, be amended as follows:

1. Page 1, line 21.

**Strike:** "filed"

**Insert:** "submitted"

And, as amended, do pass. Report adopted.

**SB 41**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Strike:** "filed"

**Insert:** "submitted, except when the subdivisions are part of the same phased development"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Arthun, Chair): 1/19/2013  
**SB 5**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

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**Strike:** "SECTION"  
**Insert:** "SECTIONS"

2. Title, page 1, line 7.  
**Following:** "7-5-2131"  
**Insert:** "AND 7-5-2133"

3. Page 1, line 15.  
**Following:** "location"  
**Insert:** "as long as those records are available for public inspection free of charge"

4. Page 1, line 16.  
**Following:** line 15  
**Insert:** "**Section 2.** Section 7-5-2133, MCA, is amended to read:  
    "**7-5-2133. Convenience fee for electronic county government services.** (1) ~~The~~  
Except as provided in 7-5-2131(2), the county may charge a convenience fee and may allow county departments to collect the convenience fee on selected electronic government services in order to provide funding for the support and furtherance of electronic government services.  
    (2) As used in this section, "convenience fee" means a fee charged to recover the costs of providing electronic government services.""

And, as amended, do pass. Report adopted.

**SB 35**, introduced bill, be amended as follows:

1. Title, page 1, line 8.  
**Strike:** "31-1-306,"

2. Page 2, line 10 through line 16.  
**Strike:** section 2 in its entirety  
**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 36**, do pass. Report adopted.  
**SB 66**, do pass. Report adopted.  
**SB 87**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/19/2013

**HB 41**, introduced by Squires  
**HB 51**, introduced by Edmunds

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**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 163**, introduced by Facey, referred to State Administration.

**SB 164**, introduced by Keane, referred to Energy and Telecommunications.

**SB 165**, introduced by Caferro, Arntzen, referred to Education and Cultural Resources.

**SB 166**, introduced by Dick Barrett, Lavin, Steenberg, referred to Highways and Transportation.

**SB 167**, introduced by Webb, D. Brown, Caferro, Jackson, Lenz, Murphy, C. Smith, Walker, Zolnikov, referred to Fish and Game.

**SB 168**, introduced by Webb, Boulanger, Caferro, Fielder, Jackson, Lenz, Murphy, C. Smith, Taylor, Walker, Zolnikov, referred to Business, Labor, and Economic Affairs.

**SB 169**, introduced by Brenden, Arthun, Boulanger, T. Brown, Lewis, F. Moore, Olson, Ripley, Rosendale, Sales, Thomas, Tutvedt, referred to Taxation.

The following Senate bill was referred to committee:

**SB 82**, introduced by Lewis, referred to Joint Select Committee on Pensions.

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

**HB 41**, introduced by Squires (by request of the Economic Affairs Interim Committee), referred to State Administration.

**HB 51**, introduced by Edmunds (by request of the Department of Military Affairs), referred to State Administration.

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

Senator Wittich 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:

Senator Driscoll requested that **SB 15**, Wanzenried sponsor, be passed for the day. Without objection, so ordered.

**SB 30** - Senator Buttrey moved **SB 30** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

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Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.

Total 4

**SB 73** - Senator Kaufmann moved **SB 73** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Mr. President.

Total 44

Nays: Windy Boy, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.

Total 4

**HB 1** - Senator Lewis moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Mr. President.

Total 42

Nays: Arntzen, Fielder, Taylor, Windy Boy, Wittich.

Total 5

Paired: Wanzenried, Aye; Wittich, No.

Absent or not voting: None.

Total 0

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Excused: Priest, Ripley, Thomas.

Total 3

**SR 2** - Senator Olson moved **SR 2** be adopted. Motion carried as follows:

Senator Jergeson rose on a point of order and pointed out that according to Senate rules, the resolution should have been established as a joint resolution.

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.

Total 4

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

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.

Total 4

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**MOTIONS**

Senator Wittich moved the Senate suspend the rules to allow **HB 1** to be moved directly to third reading today. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.  
Total 4

**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 52** passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.  
Total 4

**SB 65** passed as follows:

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Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 44

Nays: Augare, Murphy.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.  
Total 4

**HB 1** concurred in as follows:

Yeas: Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 41

Nays: Arntzen, Augare, Fielder, Priest, Taylor, Vincent, Wittich.  
Total 7

Paired: Rosendale, Wanzenried, Aye; Priest, Wittich, No.

Absent or not voting: None.  
Total 0

Excused: Ripley, Thomas.  
Total 2

**UNFINISHED BUSINESS**

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 84**  
Motion carried.

**SB 84** (Kaufmann, Chief Sponsor)  
Senator Thomas.

**ANNOUNCEMENTS**

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Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, January 21, 2013. Motion carried.

Senate adjourned at 8:45 a.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate