

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

Helena, Montana
January 21, 2013

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SB 30, SB 32, SB 36, SB 66, SB 73, SB 87, SB 121, SB 163, SB 164, SB 165, SB 166, SB 167, SB 168, SB 169.**

Correctly engrossed: **SB 5, SB 24, SB 35, SB 41.**

Correctly enrolled: **SJR 1, SR 2.**

Transmitted to the House: **SB 52, SB 65.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair):

1/18/2013

SB 93, introduced bill, be amended as follows:

1. Title, page 1, line 13.

Strike: "UNDISCLOSED"

Following: "FEES"

Insert: "THAT ARE UNKNOWN"

2. Title, page 1, line 19.

Following: "MCA;"

Insert: "AMENDING SECTION 37, CHAPTER 321, LAWS OF 2009;"

3. Page 2, line 29.

Strike: "may include"

Insert: "includes"

4. Page 5, line 3.

Strike: "sealing or"

5. Page 6, line 23.

Following: "registry"

Insert: "and registry"

6. Page 7, line 24.

Strike: "five"

Insert: "12"

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7. Page 7, line 26.

Strike: "five"

Insert: "12"

8. Page 7, line 28.

Strike: "five"

Insert: "12"

9. Page 7, line 29.

Strike: "five"

Insert: "12"

10. Page 9, line 29.

Strike: "or"

11. Page 9.

Following: line 29

Insert: "(i) a person regulated by the commissioner of insurance if that person's principal business is that of preparing abstracts or making searches of titles that are used as a basis for the issuance of any title insurance policy by a company doing business under the laws of this state relating to insurance companies;"

Renumber: subsequent subsections

12. Page 10, line 7.

Following: "standards"

Strike: " . "

Insert: "; or

(k) an individual who is an employee of a retailer of manufactured or modular homes if the employee is performing only administrative or clerical tasks in connection with the sale or lease of a manufactured or modular home and if the individual receives no compensation or other gain from a mortgage lender or a mortgage broker for the performance of the administrative or clerical tasks."

13. Page 24, line 12.

Strike: "mortgage servicer,"

14. Page 29, line 25.

Strike: "mortgage servicer,"

15. Page 35, line 24.

Following: "regulation;"

Insert: "and"

16. Page 35, line 27 through line 28.

Strike: subsection (c) in its entirety

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17. Page 36.

Following: line 3

Insert: "Section 32. Section 37, Chapter 321, Laws of 2009, is amended to read:

"Section 37. Contingent suspension. If the ~~secretary of housing and urban development~~ director of the consumer financial protection bureau determines by guidelines, interpretation, or rule that any part of [this act] is out of compliance with the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289, the operation and effect of that part is suspended."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 109, do pass. Report adopted.

SB 136, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair):

1/18/2013

SB 44, do pass. Report adopted.

SB 76, introduced bill, be amended as follows:

1. Page 1, line 17 through line 19.

Strike: line 17 through line 19

Insert: "(e) adopt rules necessary to ensure the primacy of the department to regulate cooling water intake structures under 33 U.S.C. 1326(b)."

And, as amended, do pass. Report adopted.

SB 92, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "SOURCES;"

Insert: "STREAMLINING ANNUAL REPORT REQUIREMENTS;"

2. Title, page 1, line 9.

Following: "82-4-227,"

Insert: "82-4-237,"

3. Page 2, line 27.

Strike: "and date"

Strike: "within the county"

Insert: "in the locality of the proposed activity"

4. Page 2, line 30.

Following: "granted"

Strike: ";

Insert: ". If that newspaper is not published in Montana, the applicant shall also provide the name of a newspaper of general circulation in the county in which the proposed operation is

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located that is published in Montana in which the applicant will publish an announcement and description in accordance with this subsection."

5. Page 4, line 16.

Strike: "(2)(m)"

Insert: "(2)(n)"

6. Page 5, line 3.

Strike: "varieties"

Insert: "species"

7. Page 5, line 4.

Strike: "varieties"

Insert: "species"

Strike: "variety"

Insert: "species"

8. Page 5, line 5.

Strike: "kinds and varieties"

Insert: "species"

Following: "plants"

Strike: ", "

Insert: ";

9. Page 5, line 6.

Strike: line 6

10. Page 5, following line 9.

Insert: "(m) be certified by a professional engineer or professional land surveyor licensed as provided by Title 37, chapter 67; and"

11. Page 5, line 10.

Strike: "(m)"

Insert: "(n)"

12. Page 13.

Following: line 19

Insert: "**Section 4.** Section 82-4-237, MCA, is amended to read:

"82-4-237. Operator to file annual reports. (1) An operator shall file an annual report with the department ~~within 30 days of the anniversary date of each permit. In lieu of an annual report for each permit, the department may allow the operator to file an annual report for each operation on a date determined by the department. Included within an An~~ annual report ~~shall be~~ must include:

(a) the name and address of the operator and permit number or numbers; and

(b) a report ~~in such with detail as the~~ required by the department ~~shall require,~~ supplemented with maps, cross sections, or other material indicating the extent to which mining

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operations have been carried out, the progress of all reclamation work, including the type of planting or seeding, mixture and amount of seed, date of planting or seeding, and area of land planted, ~~the extent to which expectations and predictions made in the original application have been fulfilled and any deviation therefrom,~~ and the number of acres affected; and

~~(c) a revised schedule or timetable of operations and reclamation and an estimate of the number of acres to be affected during the next 1-year period.~~

(2) Upon receipt of the annual report, the department may ~~make further inquiry and request further~~ additional information and, ~~if it does so,~~ shall allow a reasonable opportunity for the operator to respond to the request.

(3) When ~~problem situations~~ problems are revealed by review of new information or as a result of field inspections, the department may order ~~such~~ necessary changes in the mining and reclamation plans ~~as are necessary to insure~~ ensure compliance with this part."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair):

1/18/2013

SB 3, do pass. Report adopted.

SB 33, do pass. Report adopted.

SB 57, introduced bill, be amended as follows:

1. Page 2, line 17.

Following: "~~13-21-203~~,"

Insert: ", [section 15],"

2. Page 3, line 5.

Following: "~~13-21-207~~"

Insert: "and [section 20]"

3. Page 3, line 15.

Following: "~~13-21-210~~,"

Insert: ", [section 17],"

4. Page 3, line 29.

Following: "~~or 13-21-207~~,"

Insert: "[section 13(3)(a)], and [section 18],"

5. Page 4, line 26.

Following: "~~13-21-207~~"

Insert: "and [section 20]"

6. Page 5, line 22.

Following: "~~13-21-207~~"

Insert: "and [section 20]"

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7. Page 6, line 6.

Following: "~~13-21-207~~"

Insert: "and [section 20]"

And, as amended, do pass. Report adopted.

SB 67, do pass. Report adopted.

**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 Kaufmann in the chair.

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

SB 15 - Senator Wanzenried moved **SB 15** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 39 - Senator Vincent moved **SB 39** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 43 - Senator Wittich moved **SB 43** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 60 - Senator Vuckovich moved **SB 60** 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, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Hamlett.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 72 - Senator Debby Barrett moved **SB 72** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 75 - Senator Priest moved **SB 75** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 111 - Senator Rosendale moved **SB 111** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.

Total 28

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Nays: Augare, Dick Barrett, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 51 - Senator Augare moved **SB 51** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 16 - Senator Dick Barrett moved **SB 16** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SJR 2 - Senator Tutvedt moved **SJR 2** do pass.

Senator Sonju assumed the chair.

SJR 2 - Senator Kaufmann moved **SJR 2**, second reading copy, be amended as follows:

1. Page 2, line 10.

Strike: "\$1,994,950,000"

Insert: "\$2,007,250,000"

2. Page 2, line 11.

Strike: the first "\$2,137,410,000"

Insert: "\$2,068,552,000"

3. Page 2, line 11.

Strike: the second "\$2,137,410,000"

Insert: "\$2,149,710,000"

4. Page 3, line 11.

Strike: "150.658"

Insert: "162.958"

Strike: "154.096"

Insert: "166.396"

Strike: "155.022"

Insert: "167.322"

5. Page 6, line 7.

Strike: "1,994.950"

Insert: "2,007.250"

Strike: "2,056.252"

Insert: "2,068.552"

Strike: "2,137.410"

Insert: "2,149.710"

6. Page 12.

Following: line 15

Insert: "FY Income Adjustment (Millions) \$0.000 \$12.300 \$12.300 \$12.300"

Amendment **not** adopted as follows:

Yeas: Augare, Dick Barrett, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk,

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Vuckovich, Wanzenried, Windy Boy.

Total 21

Nays: Arntzen, Arthun, Debby Barrett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 2 - Senator Tutvedt moved **SJR 2**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Strike: "A PRELIMINARY JUNE 30, 2012,"

Insert: "AN"

2. Page 2, line 11.

Strike: the first "\$2,137,410,000"

Insert: "\$2,056,252,000"

3. Page 6, line 12.

Strike: "\$38.0459"

Insert: "\$38.046"

4. Page 15, line 1.

Strike: "\$600.14"

Insert: "\$600.15"

Amendment 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, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Sales.

Total 1

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

Senator Kaufmann returned to the chair.

SJR 2 - Senator Tutvedt moved **SJR 2**, as amended, 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, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Sales.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Kaufmann 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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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 30 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 73 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SPECIAL ORDERS OF THE DAY

Senator Moore introduced this week's pages:

Derek Lund, Helena
Charli White, Selisia
Taylor Staudenmeyer, Dillon
Georgia Shultz, Raynesford
Colton Tash, Sheridan

Senator Augare rose to acknowledge the memory of Martin Luther King and ask the Senate to continue to honor his memory this day and forward.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, January 22, 2013. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate