

**SENATE JOURNAL
63RD LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 1, 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.

BILLS AND JOURNALS (Buttrey, Chair): 2/1/2013

Correctly printed: **SB 27, SB 108, SB 122, SB 136, SB 137, SB 138, SB 147, SB 154, SB 159, SB 162, SB 215, SB 216, SB 217, HB 34, HB 35, HB 51, HB 92.**

Correctly engrossed: **SB 11, SB 83, SR 3.**

Transmitted to the House: **SB 28, SB 31, SB 113, SB 145, SB 146, SB 165, SJR 3, HB 21, HB 132, HB 139.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/1/2013

SB 173, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "AND RESERVES"

Following: "GENERATED BY"

Insert: "INCOME ON"

2. Page 3, line 14.

Strike: "and reserves"

3. Page 4, line 19.

Strike: "and reserves"

4. Page 5, line 2.

Following: "1990"

Insert: ", and all funds to pay for those claims must be paid from the state fund's equity or surplus as that term is used in 39-71-2323"

5. Page 5, line 13.

Strike: "and reserves"

And, as amended, do pass. Report adopted.

HB 56, be concurred in. Report adopted.

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ENERGY AND TELECOMMUNICATIONS (Olson, Chair):
SB 164, introduced bill, be amended as follows:

1/31/2013

1. Title, page 1, line 5 through line 7.

Strike: "MODIFYING" on line 5 through "REQUIREMENT;" on line 7

2. Title, page 1, line 8.

Strike: "SECTIONS" through the first "AND"

Insert: "SECTION"

3. Page 1, line 13 through page 4, line 13.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 4, line 18.

Following: "utilities"

Insert: ", except as provided in subsection (13),"

5. Page 4, line 23.

Following: "utility"

Insert: ", except as provided in subsection (13),"

6. Page 4, line 25.

Strike: "Except" through "beginning"

Insert: "Beginning"

7. Page 5, line 1 through line 4.

Strike: subsection (d) in its entirety

8. Page 5, line 6.

Following: "utility"

Insert: ", except as provided in subsection (13),"

9. Page 5, line 9.

Strike: "73"

Insert: "75"

10. Page 5, line 12.

Strike: "subsections"

Insert: "subsection"

Strike: "and (3)(d)"

11. Page 7.

Following: line 3

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Insert: "(13) A public utility that served 50 or fewer retail customers in Montana on December 31, 2012, is exempt from the requirements of subsections (2) through (4)."

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair):

2/1/2013

SB 150, do pass. Report adopted.

SB 194, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/31/2013

HB 18, introduced by Hollenbaugh

HB 28, introduced by Bangerter

HB 38, introduced by Ingraham

HB 81, introduced by Ankney

HB 140, introduced by Berry

HB 182, introduced by Ballance

HB 188, introduced by Regier

MOTIONS

Senator Lewis moved **SJR 7** be moved from the Judiciary committee to the Local Government committee. Senators Blewett and Jent objected. The motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Arthun moved **SB 205** and **SB 206** be moved from the Judiciary committee to the State Administration committee. Without objection, so ordered.

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SPECIAL ORDERS OF THE DAY

The Little Fiddlers from Dillon, Montana, entertained the members of the Senate.

FIRST READING AND COMMITMENT OF BILLS

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

- SB 218**, introduced by Taylor, Tutvedt, referred to Public Health, Welfare and Safety.
- SB 219**, introduced by Taylor, referred to State Administration.
- SB 220**, introduced by Dick Barrett, B. Bennett, Blewett, Driscoll, Gursky, Hagstrom, Hill, Kaufmann, Larsen, Lieser, MacDonald, Malek, McClafferty, Miller, D. Moore, Pomnichowski, Van Dyk, Wanzenried, Williams, Wilson, referred to Judiciary.
- SB 221**, introduced by Caferro, referred to Business, Labor, and Economic Affairs.
- SB 222**, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.
- SB 223**, introduced by Caferro, referred to Public Health, Welfare and Safety.
- SB 224**, introduced by Debby Barrett, referred to State Administration.
- SB 225**, introduced by Arntzen, Fitzpatrick, referred to Highways and Transportation.
- SB 226**, introduced by F. Moore, referred to Highways and Transportation.
- SB 227**, introduced by Walker, Arthun, Blasdel, F. Moore, Priest, Sales, C. Smith, Taylor, Vance, Webb, referred to State Administration.
- SB 228**, introduced by Wanzenried, referred to Taxation.
- SB 229**, introduced by Hamlett, referred to Natural Resources.
- SB 230**, introduced by Wanzenried, Taylor, referred to Business, Labor, and Economic Affairs.
- SB 231**, introduced by Augare, Brockie, Calf Boss Ribs, Pease-Lopez, Peppers, B. Smith, Stewart-Peregoy, Whitford, Windy Boy, referred to Taxation.
- SB 232**, introduced by Augare, Brockie, Calf Boss Ribs, Pease-Lopez, Peppers, B. Smith, Stewart-Peregoy, Whitford, Windy Boy, referred to Taxation.

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

- HB 26**, introduced by Washburn, referred to Fish and Game.
- HB 32**, introduced by Hollandsworth (by request of the Department of Revenue), referred to Taxation.
- HB 111**, introduced by Miller (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
- HB 136**, introduced by McClafferty (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
- HB 142**, introduced by Connell (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
- HB 148**, introduced by Connell, referred to Local Government.
- HB 164**, introduced by Curtis, referred to State Administration.

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**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 D. Brown in the chair.

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

SB 148 - Senator L. Jones moved **SB 148** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, 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

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172 - Senator Walker moved **SB 172** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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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SB 161 - Senator Tropila moved **SB 161** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.

Total 39

Nays: Arthun, Boulanger, T. Brown, Buttrey, Murphy, Olson, Sales, Sonju, Thomas, Tutvedt, Webb.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 18 - Senator Hamlett moved **SB 18** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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

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

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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,

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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

Senator Jergeson arose on a point of personal privilege. With reference to Mason's Manual of Legislative Procedure, the Senator cautioned members that questions of integrity and the background of members should not be allowed during second reading debate.

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 162 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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 147 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

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Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 137 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.

Total 37

Nays: Augare, Blewett, Facey, Jent, Kaufmann, Sales, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 154 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 122 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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

HB 92 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, 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, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Barrett Debby, Sonju.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 108 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 46

Nays: Priest, Vincent, Wittich, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 112**. Without objection, so ordered.

SB 112 (Blewett, Chief Sponsor)
Senators Debby Barrett, Olson, Sonju, Thomas, and Walker.
Representatives O'Hara, Pierson, Reichner, and C. Smith.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, February 2, 2013, the twenty-third legislative day. Motion carried.

Senate adjourned at 2:09 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate