

**SENATE JOURNAL
63RD LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 12, 2013

Senate Chambers
State Capitol

Senate convened at 1:02 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): 2/12/2013

Correctly printed: **SB 86, SB 179, SB 202, SB 211, SB 289, SB 290, SB 291, HB 32, HB 55, HB 60, HB 111.**

Correctly engrossed: **SB 185.**

Correctly enrolled: **SB 52, SB 60, SB 72, SB 121.**

Examined by the sponsor and found to be correct: **SB 15, SB 16, SB 30, SB 32, SB 39, SB 52, SB 60, SB 72, SB 87, SB 121.**

Signed by the Secretary of the Senate at 8:45 a.m., February 9, 2013: **SJR 2.**

Transmitted to the House: **SB 174, SB 183, SB 213, SJR 11.**

Signed by the President at 3:55 a.m., February 11, 2013: **SJR 2**

Signed by the Speaker at 4:05 p.m., February 11, 2013: **SJR 2.**

Delivered to the Secretary of State at 8:43 a.m., February 12, 2013: **SJR 2.**

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Arthun, Chair): 2/11/2013

SB 153, do pass. Report adopted.

SB 185, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AN HONORABLY DISCHARGED"

Insert: "A"

2. Page 2, line 3 through line 4.

Strike: "an honorably" on line 3 through "discharged" on line 4

Insert: "a"

3. Page 2, line 16 through line 17.

Following: "to" on line 16

Strike: "an" on line 16 through "honorably discharged" on line 17

Insert: "a"

4. Page 2, line 17.

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Following: "for which the"

Strike: "honorably discharged"

5. Page 2, line 23.

Strike: "an honorably discharged"

Insert: "a"

6. Page 3, line 26.

Strike: "honorably"

7. Page 3, line 27.

Following: "discharged"

Insert: "under honorable conditions as defined in 39-29-101"

8. Page 5, line 10.

Following: "section,"

Insert: "if"

9. Page 5, line 11.

Strike: "shall use the"

Insert: "uses a"

Following: "scoring procedure"

Insert: ", the employer shall follow the guidelines"

Following: "39-29-102"

Strike: ", if available, and if not available"

Insert: "if an applicant requests a veterans' or disabled veterans' preference. If a scoring procedure is not used, the employer shall"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

2/11/2013

SB 52, introduced by Keane

SB 60, introduced by Vuckovich

SB 72, introduced by Debby Barrett

SB 121, introduced by Fielder

House bills passed and transmitted to the Senate for concurrence:

2/11/2013

HB 224, introduced by C. Smith

HB 225, introduced by C. Smith

HB 232, introduced by Knudsen

HB 264, introduced by Ingraham

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HB 280, introduced by C. Smith
HB 333, introduced by Price
HB 347, introduced by Fitzpatrick

MOTIONS

SB 118 - Senator Thomas moved consideration of **SB 118** be passed to Saturday, February 16, 2013, the thirty-fifth legislative day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

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

SB 292, introduced by Tutvedt, referred to Public Health, Welfare and Safety.
SB 293, introduced by Tutvedt, referred to Local Government.
SB 294, introduced by Arntzen, Berry, Hunter, referred to Business, Labor, and Economic Affairs.
SB 295, introduced by Kaufmann, referred to Taxation.
SB 296, introduced by Thomas, referred to Public Health, Welfare and Safety.
SB 297, introduced by Arntzen, Knudsen, referred to Public Health, Welfare and Safety.

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

SJR 13, introduced by T. Brown, Ankney, Arntzen, Arthun, Ballance, Debby Barrett, Berry, Brenden, Buttrey, Driscoll, Fielder, Fiscus, Hamlett, Hollandsworth, Jackson, D. Jones, L. Jones, Larsen, Lewis, Mehlhoff, F. Moore, Olson, Priest, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Walker, Webb, Windy Boy, Wittich, referred to Education and Cultural Resources.

**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 Webb in the chair.

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

SB 209 - Senator Arthun moved **SB 209** do pass.

SB 209 - Senator Arthun moved **SB 209**, second reading copy, be amended as follows:

1. Page 3, line 2.

Following: "(c)"

Insert: "except as provided in subsection (2),"

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2. Page 3, line 5.

Following: line 4

Insert: "(2) A resort area district may not issue bonds to construct any single-purpose public facility, improvement, or capital project in an amount exceeding \$500,000 without the approval of a majority of the qualified electors residing within the boundaries of the resort area district voting at a special election at a time to be determined by the board. For the purpose of this subsection, the board may authorize a special election by majority vote."

Renumber: subsequent subsections

3. Page 3, line 5 through line 6.

Strike: "EXCEPT" on line 5 through "FIVE" on line 6

Insert: "and the"

4. Page 3, line 6.

Strike: "MEMBERS"

Amendment 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, Jones, Kaufmann, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Jergeson, Keane, Malek, Ripley, Tutvedt.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 209 - Senator Arthun moved **SB 209**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Brenden, D. Brown, Fielder, Keane, Murphy, Sales, Sonju, Vincent.

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Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 171 - Senator Vuckovich moved **SB 171** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Webb, Windy Boy, Mr. President.

Total 26

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Wanzenried, Wittich.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 40 - Senator Facey moved **HB 40** be concurred in. Motion carried as follows:

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

Total 46

Nays: Brenden, Priest, Rosendale, Sales.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 52 - Senator T. Brown moved **HB 52** be concurred in. Motion carried as follows:

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

Total 42

Nays: Boulanger, Fielder, Priest, Sales, Sonju, Walker, Wittich, Mr. President.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 106 - Senator Jergeson moved **SB 106** do pass. Motion carried as follows:

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

Total 46

Nays: Brenden, Sales, Sonju, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 225 - Senator Arntzen moved **SB 225** 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, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Wittich.

Total 44

Nays: Ripley, Sales, Vincent, Wanzenried, Windy Boy, Mr. President.

Total 6

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 9 - Senator Murphy moved **SB 9** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.

Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Jones, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Vincent, Walker, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 148 - Senator Tutvedt moved **HB 148** be concurred in. 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

SB 149 - Senator Thomas moved **SB 149** do pass. Motion carried as follows:

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Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.

Total 37

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Fielder, Kaufmann, Keane, Sesso, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.

Total 13

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 Webb 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, 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 48

Nays: Keane, Sales.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 86 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,

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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 211 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, Wittich, Mr. President.

Total 49

Nays: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 55 concurred in 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

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 202 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 35

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Moore, Priest, Ripley, Sales, Sonju, Thomas, Vincent, Walker, Webb, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 60 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 41

Nays: Boulanger, Priest, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 32 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll,

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Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 38

Nays: Arntzen, Boulanger, Brenden, D. Brown, Ripley, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 111 concurred in 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 179 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 33

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, Jackson, Malek, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.

Total 17

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

SB 197 - Senator Priest moved consideration of **SB 197** be passed to Thursday, February 14, 2013, the thirty-third legislative day. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, February 13, 2013, the thirty-second day. Motion carried.

Senate adjourned at 2:14 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate