

**SENATE JOURNAL
63RD LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 5, 2013

Senate Chambers
State Capitol

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

Roll Call. All members present, except Senators Augare and Priest, excused. Quorum present.

Senator Sesso moved the Senate recess to take part in the historical re-enactment activities of the House of Representatives. Without objection, so ordered.

Senate recessed at 1:04 p.m.; Senate reconvened at 1:59 p.m.

MESSAGES FROM THE GOVERNOR

March 5, 2013

The Honorable Mark Blasdel
Speaker of the House

The Honorable Jeff Essmann
President of the Senate

Dear Speaker Blasdel and President Essmann,

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto HB 18, "AN ACT CLARIFYING THE DISTRIBUTIONS AND AMOUNTS TO BE TRANSFERRED FROM THE STATE GENERAL FUND TO THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTIONS 7-14-112, 10-2-112, 10-2-603, 10-3-801, 15-1-122, AND 15-35-108, MCA; AND PROVIDING AN EFFECTIVE DATE."

HB 18 was introduced at the recommendation of the Legislative Finance Committee to clarify the distribution mechanism for fund transfers from the general fund to the research and commercialization state special revenue account. HB 18 is an internal accounting fix that does not change the statutory appropriation to the research and commercialization state special revenue account. This technical fix unfortunately creates a conflict with HB 454 which will use spendable interest from the Permanent Fund of the Coal Tax Trust to help offset the costs of local governments. The Board of Research and Commercialization plays an important role in ensuring that work done at the Montana University System can translate into the market place, which is why I've proposed maintaining present law funding for the board in my Executive Budget.

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As outlined in the budget I submitted to the Legislature, I believe we have an obligation to address our long-term liabilities and honor the promises made by our predecessors. This obligation includes fixing our retirement systems. HB 454, which is supported by a broad coalition including public employers and employees from across Montana, will temporarily increase employee and employer contributions to the public employee retiree system until the system is determined to be actuarially sound. It utilizes some of the spendable interest from the Permanent Fund of the Coal Tax Trust, coal severance tax revenues and state land revenues to assist local governments in meeting their financial obligations. Article VIII, section 15 of the Montana Constitution compels us to act, and HB 454 provides a comprehensive solution of shared sacrifice to shore up our public employee retirement system without raising taxes.

Because HB 18 interferes with the comprehensive proposal to bring our retirement systems back to sound actuarial footing, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

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

SB 376, introduced by Jent, referred to Joint Select Committee on Pensions.

**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 Malek in the chair.

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

SB 301 - Senator Murphy moved **SB 301** do pass. Motion carried as follows:

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

Total 46

Nays: Sonju, Vincent, Wittich.

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Total 3

Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

HB 190 - Senator F. Moore moved **HB 190** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

HB 212 - Senator F. Moore moved **HB 212** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, 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, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Brenden, Ripley, Rosendale, Sales, Vincent, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

SB 357 - Senator Facey moved **SB 357** do pass. Motion carried as follows:

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

Total 36

Nays: Boulanger, Brenden, T. Brown, Fielder, Priest, Ripley, Rosendale, Sales, Taylor, Walker, Webb, Wittich, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

SR 9 - Senator Windy Boy moved **SR 9** be adopted. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 30

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Jackson, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.

Total 19

Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

SB 200 - Senator Vincent moved **SB 200** do pass. Motion carried as follows:

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

Total 43

Nays: Barrett Dick, Driscoll, Kaufmann, Phillips, Stewart-Peregoy, Windy Boy.

Total 6

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Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

SJR 15 - Senator Fielder moved **SJR 15** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, 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, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: Facey, Van Dyk, Wanzenried.

Total 3

Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

HB 28 - Senator Wittich moved **HB 28** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Augare.

Total 1

HB 123 - Senator Wanzenried moved **HB 123** be concurred in. Motion carried as follows:

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

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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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

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

Yeas: Arntzen, Arthun, 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, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Phillips, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

FIRST READING AND COMMITMENT OF BILLS

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

SR 12, introduced by Olson, referred to Energy and Telecommunications.

SR 13, introduced by Olson, referred to Energy and Telecommunications.

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., Wednesday, March 6, 2013, the forty-eighth legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate