

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

Helena, Montana  
March 6, 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 Senator Murphy, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair): 3/6/2013

Correctly printed: **SB 200, SB 301, SB 357, SB 376, SJR 15, SR 9, SR 12, SR 13, HB 28, HB 123, HB 190, HB 212.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Sonju, Chair): 3/6/2013  
**HB 264**, be concurred in. Report adopted.

**FISH AND GAME** (Brenden, Chair): 3/5/2013  
**HB 142**, be concurred in. Report adopted.  
**HB 179**, be concurred in. Report adopted.

**MOTIONS**

Senator Peterson moved **HB 304** be moved from the Education and Cultural Resources committee to the Judiciary committee. Without objection, so ordered.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 377**, introduced by Wanzenried, B. Bennett, Curtis, Gursky, Malek, McCarthy, Murphy, Noonan, Peppers, Wilmer, referred to Business, Labor, and Economic Affairs.  
**SB 378**, introduced by Kaufmann, referred to Taxation.  
**SB 379**, introduced by Kaufmann, referred to Taxation.

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

**SR 14**, introduced by T. Brown (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.  
**SR 15**, introduced by Arntzen (by request of the Senate Highways and Transportation Standing Committee), referred to Highways and Transportation.

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

**SJR 21**, introduced by Caferro, Ankney, Facey, Hagan, Harris, Hunter, Jent, Keane, Lynch, McChesney, O'Hara, referred to State Administration.

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

**HB 48**, introduced by McChesney (by request of the State Auditor), referred to Public Health, Welfare and Safety.

**HB 84**, introduced by Noonan (by request of the Select Committee on Efficiency in Government), referred to Public Health, Welfare and Safety.

**HB 256**, introduced by Hoven, referred to Energy and Telecommunications.

**HB 273**, introduced by McClafferty, referred to Fish and Game.

**HB 286**, introduced by Brockie, referred to Education and Cultural Resources.

**HB 330**, introduced by Fitzpatrick, Jent, referred to Judiciary.

**HB 395**, introduced by Wagoner, G. Bennett, Galt, Lavin, White, referred to Agriculture, Livestock and Irrigation.

**HB 396**, introduced by Lang, Galt, Hagan, Randall, Redfield, Warburton, referred to Fish and Game.

**HB 410**, introduced by Washburn, Ballance, G. Bennett, Blasdel, Blyton, Connell, Cook, Doane, Fiscus, Fitzpatrick, Galt, Glimm, Greef, Halvorson, Hertz, Hollandsworth, Ingraham, Laszloffy, Lavin, D. Moore, O'Hara, Redfield, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, White, referred to State Administration.

**HB 411**, introduced by Harris, Osmundson, Peterson, referred to State Administration.

**HB 448**, introduced by Brodehl, referred to State Administration.

**HB 461**, introduced by Lieser, Ankney, B. Bennett, Coffin, Curtis, Gursky, Pomnichowski, Steenberg, Whitford, referred to State Administration.

**HB 544**, introduced by Reichner, referred to Public Health, Welfare and Safety.

**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 Jent in the chair.

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

**HB 261** - Senator Olson moved **HB 261** 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, 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.

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

**SB 294** - Senator Arntzen moved **SB 294** 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, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Stewart-Peregoy.

Total 1

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

**SB 191** - Senator T. Brown moved **SB 191** 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, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 43

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

Total 6

Absent or not voting: None.

Total 0

Excused: Murphy.

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Total 1

**SB 58** - Senator Kaufmann moved **SB 58** do pass.

**SB 58** - Senator Windy Boy moved **SB 58**, second reading copy, be amended as follows:

1. Page 1, line 27.

**Strike:** "\$1"

**Insert:** "\$5"

Amendment **not** adopted as follows:

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

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

**SB 58** - Thereupon, the Senate reverted to the original motion of Senator Kaufmann which passed as follows:

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

Total 34

Nays: Boulanger, Brenden, T. Brown, Jackson, Priest, Rosendale, Sales, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: Murphy.

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Total 1

**SB 231** - Senator Augare moved **SB 231** do pass. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 28

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Murphy.  
Total 1

Senator Murphy present at this time.

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Jent moved the Committee of the Whole report be adopted. Report adopted 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, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 47

Nays: Brenden, Ripley, Sales.  
Total 3

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 301** passed 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, 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: Boulanger.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 190** 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

**HB 212** concurred in as follows:

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

Total 45

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

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 357** passed as follows:

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

Total 44

Nays: Brenden, T. Brown, Rosendale, Walker, Wittich, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SR 9** adopted as follows:

Yeas: Arntzen, Augare, 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, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 32

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

Total 18

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 200** passed as follows:

Yeas: Arntzen, Arthun, Augare, 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, Windy Boy, Wittich, Mr. President.

Total 45

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

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 15** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, 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: Barrett Dick, Jent, Van Dyk, Wanzenried.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 28** concurred in as follows:

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

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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 123** concurred in 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, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 47

Nays: Brenden, Sales, Vincent.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, March 7, 2013, the forty-ninth legislative day. Motion carried.

Senate adjourned at 1:45 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate