

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

Helena, Montana  
March 9, 2013

Senate Chambers  
State Capitol

Senate convened at 8:01 a.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Larsen, F. Moore, Priest, and Rosendale, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair): 3/9/2013

Correctly printed: **HB 26, HB 27, HB 66, HB 68, HB 70, HB 82, HB 89, HB 136, HB 142, HB 270, HB 305, HB 308, HB 337, HB 356, HB 389.**

Correctly engrossed: **SB 84, HB 179, HB 206, HB 264, HB 463.**

Transmitted to the House: **HB 199, HB 243.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Peterson, Chair): 3/8/2013  
**HB 317**, be concurred in. Report adopted.  
**HB 318**, be concurred in. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chair): 3/7/2013  
**SR 12**, be adopted. Report adopted.  
**SR 13**, be adopted. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair): 3/8/2013  
**SR 10**, preliminary report, be adopted. Report adopted.  
**HB 59**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 3/8/2013

**SB 123**, introduced by Van Dyk  
**SB 164**, introduced by Keane

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/8/2013

**SB 41**, introduced by Buttrey

**House bills** passed and transmitted to the Senate for concurrence:

3/8/2013

**HB 313**, introduced by Schreiner

**HB 465**, introduced by Blyton

**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:

**HB 45** - Senator Murphy moved consideration of **HB 45** be passed for the day. Motion withdrawn.

**HB 45** - Senator Driscoll moved **HB 45** 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, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Larsen, Moore, Priest, Rosendale.  
Total 4

**HB 131** - Senator Blewett moved **HB 131** 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, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.

Total 0

Excused: Larsen, Moore, Priest, Rosendale.

Total 4

**HB 194** - Senator Augare moved **HB 194** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy.

Total 38

Nays: D. Brown, Caferro, Keane, Sales, Tropila, Wanzenried, Wittich, Mr. President.

Total 8

Absent or not voting: None.

Total 0

Excused: Larsen, Moore, Priest, Rosendale.

Total 4

**HB 258** - Senator Dick Barrett moved **HB 258** be concurred in. Motion **failed** as follows:

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

Total 21

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jent, Jones, Lewis, Murphy, Olson, Peterson, Ripley, Sales, Sonju, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Wittich, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Larsen, Moore, Priest, Rosendale.

Total 4

**HB 258** - Senator Wittich moved **HB 258** be **indefinitely postponed**. Motion carried as follows:

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

Total 27

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Larsen, Moore, Priest, Rosendale.  
Total 4

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, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Murphy, Olson, Peterson, Ripley, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 36

Nays: Barrett Dick, Boulanger, Caferro, Facey, Kaufmann, Keane, Phillips, Sesso, Van Dyk, Wanzenried.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Larsen, Moore, Priest, Rosendale.  
Total 4

### **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:

**HB 264** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 44

Nays: Facey, Van Dyk.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Larsen, Moore, Priest, Rosendale.  
Total 4

**HB 142** 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, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Larsen, Moore, Priest, Rosendale.  
Total 4

**HB 179** 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, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Larsen, Moore, Priest, Rosendale.  
Total 4

### **SPECIAL ORDERS OF THE DAY**

Senator Taylor thanked the pages for their service this week.

## **ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, March 11, 2013, the fifty-second legislative day. Motion carried.

Senate adjourned at 8:43 a.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate