

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

Helena, Montana
March 11, 2013

Senate Chambers
State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Van Dyk, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/11/2013

Correctly printed: **SR 10, SR 12, SR 13, HB 45, HB 59, HB 131, HB 194, HB 317, HB 318.**

Correctly enrolled: **SB 123, SB 164.**

Examined by the sponsor and found to be correct: **SB 164.**

Transmitted to the House: **HB 142, HB 179, HB 264.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/11/2013
HB 469, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/8/2013
HB 252, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/9/2013

HB 373, introduced by Reichner

HB 415, introduced by Hagan

HB 488, introduced by Gursky

HB 524, introduced by Clark

FIRST READING AND COMMITMENT OF BILLS

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

SB 382, introduced by Kaufmann, referred to Taxation.

SB 383, introduced by Wanzenried, Caferro, referred to Public Health, Welfare and Safety.

SB 384, introduced by Facey, referred to Judiciary.

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

HB 313, introduced by Schreiner, Calf Boss Ribs, O'Hara, Price, Wilmer, referred to Education and Cultural Resources.

HB 465, introduced by Blyton, Cook, Hollandsworth, Lenz, referred to Local Government.

**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 Kaufmann in the chair.

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

HB 337 - Senator F. Moore moved **HB 337** 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, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

HB 356 - Senator Augare moved **HB 356** 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 47

Nays: Priest, Mr. President.

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Total 2

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

HB 389 - Senator Malek moved **HB 389** 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, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 45

Nays: Rosendale, Sales, Vincent, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

HB 82 - Senator Facey moved **HB 82** 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, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

HB 305 - Senator Sonju moved **HB 305** be concurred in. Motion carried as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, 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, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 308 - Senator Facey moved **HB 308** 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, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Ripley, Rosendale, Taylor, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 136 - Senator Thomas moved **HB 136** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, 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, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: D. Brown, Walker, Wittich.
Total 3

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Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

HB 89 - Senator Dick Barrett moved **HB 89** be concurred in. Motion carried as follows:

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

Total 39

Nays: Boulanger, D. Brown, Fielder, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Wittich.

Total 10

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Kaufmann 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

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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:

HB 45 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, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 131 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, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 194 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

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Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 40

Nays: Caferro, Keane, Larsen, Priest, Sales, Sesso, Tropila, Wittich, Mr. President.

Total 9

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 84 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.

Total 41

Nays: Boulanger, Brenden, Murphy, Sales, Sonju, Webb, Wittich, Mr. President.

Total 8

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the week:

Elizabeth Armstrong, Belgrade
Allison Arthun, Wilsall
Addy-Mae Ferguson, Livingston
Kyu Lim Lee, Bozeman
Shaniah O'Brien, Townsend
Christine Patten, Helena

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MOTIONS

HB 258 - Senator Dick Barrett moved to reconsider action on **HB 258** and that **HB 258** be placed on second reading the next legislative day.

Senator Wittich clarified that the action requires two motions: the first to reconsider the indefinite postponement action, and a second motion related to specific placement of the bill.

HB 258 - Senator Dick Barrett withdrew his motion and moved to reconsider the indefinite postponement of **HB 258**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 35

Nays: Barrett Debby, Brenden, D. Brown, T. Brown, Jent, Lewis, Ripley, Rosendale, Sales, Taylor, Vincent, Walker, Wittich, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

Senator Dick Barrett moved to place **HB 258** on second reading the next legislative day.

HB 258 - Senator Priest moved a substitute motion to assign **HB 258** to the Judiciary committee. The motion **failed** as follows:

Yeas: Arthun, Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Jones, Larsen, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 22

Nays: Arntzen, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Windy Boy.

Total 27

Absent or not voting: None.

Total 0

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Excused: Van Dyk.

Total 1

HB 258 - Senator Buttrey moved a substitute motion that **HB 258** be re-referred to the Local Government committee. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Mr. President.

Total 45

Nays: Blewett, Tropila, Windy Boy, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SB 377 - Senator Sonju moved **SB 377** be moved from the Business, Labor, and Economic Affairs committee to the Judiciary committee. 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, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 47

Nays: Walker, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Van Dyk.

Total 1

SPECIAL ORDERS OF THE DAY

President Essmann discussed procedures related to committee reports on Senate resolutions containing appointments made by the Governor.

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A resolution which contains multiple appointments will be reported out of committee in a **Preliminary** standing committee report which will be printed and placed on members' desks. Senators have three days within which to request one or more individual appointments be segregated into a separate resolution. If no segregation is requested, the report will be finalized, placed on members' desks, and considered by the Senate under Special Orders of the Day on the next day's business.

If a request for segregation is made, the standing committee will segregate appointments before producing final committee reports.

A resolution which contains only one appointment will be reported out of committee in a standing committee report which will be placed on members' desks. The resolution will be considered by the Senate under Special Orders of the Day on the next day's business.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, March 12, 2013, the fifty-third legislative day. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate