

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

Helena, Montana
March 16, 2013

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Pro Tempore Debby Barrett presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brenden, Caferro, Jent, Priest, Wanzenried, Webb, and Mr. President, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

3/16/2013

Correctly printed: **SB 386, SB 387, SB 388, SB 389, SJR 20, SR 15, HB 16, HB 72, HB 140, HB 224, HB 226, HB 232, HB 278, HB 330, HB 333, HB 360, HJR 11.**

Examined by the sponsor and found to be correct: **SR 10.**

Transmitted to the House: **SB 376, HB 206, HB 351.**

Signed by the Secretary of the Senate at 7:15 a.m., March 16, 2013: **SB 12, SB 23, SB 41, SB 86, SB 92, SB 145, SB 211, SB 213, SJR 3, SJR 6.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

3/14/2013

HJR 12, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair):

3/15/2013

HB 162, be amended as follows:

1. Page 1, line 11.

Strike: "insurance providing"

Following: "benefits"

Insert: "coverage"

2. Page 1, line 14.

Following: line 13

Insert: "(2) The department shall comply with the Montana Procurement Act, Title 18, chapter 4, prior to offering as an optional health plan a high-deductible health plan with a health savings account."

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

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STATE ADMINISTRATION (Arthun, Chair): 3/15/2013
HB 91, be concurred in. Report adopted.
HB 105, be concurred in. Report adopted.
HB 110, be concurred in. Report adopted.
HB 124, be concurred in. Report adopted.
HB 125, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/15/2013

SB 3, introduced by Essmann
SB 21, introduced by Arthun
SB 35, introduced by Keane
SB 44, introduced by Keane
SB 55, introduced by Kaufmann

Senate joint resolutions concurred in and returned to the Senate: 3/15/2013

SJR 4, introduced by Keane
SJR 8, introduced by Larsen

House bills passed and transmitted to the Senate for concurrence: 3/15/2013

HB 3, introduced by Ankney
HB 402, introduced by Hunter
HB 566, introduced by Woods

Senators Caferro and Jent present at this time.

**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 D. Brown in the chair.

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

SB 226 - Senator F. Moore moved **SB 226** do pass. Motion carried 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

Senators F. Moore and Peterson expressed a conflict of interest before voting.

SB 348 - Senator Thomas moved **SB 348** do pass. Motion carried as follows:

Yeas: Arntzen, 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, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.

Total 36

Nays: Arthun, Boulanger, Ripley, Rosendale, Sales, Sonju, Vincent, Walker, Wittich.

Total 9

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 422 - Senator Buttrey moved **HB 422** 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, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 45

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 245 - Senator Boulanger moved **HB 245** be concurred in. Motion carried 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, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Windy Boy, Wittich.

Total 41

Nays: T. Brown, Moore, Sales, Vincent.

Total 4

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 368 - Senator Malek moved **HB 368** be concurred in. Motion carried as follows:

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

Total 43

Nays: Caferro, Ripley.

Total 2

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 371 - Senator Taylor moved **HB 371** be concurred in. Motion carried as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Windy Boy.
Total 39

Nays: Caferro, Keane, Sales, Sonju, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

SJR 14 - Senator Olson moved **SJR 14** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, 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, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 43

Nays: Caferro, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HJR 2 - Senator Buttrey moved **HJR 2** 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, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 40

Nays: Ripley, Sales, Vincent, Walker, Wittich.
Total 5

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Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

SB 40 - House Amendments - Senator Buttrey moved House amendments to **SB 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 44

Nays: Phillips.

Total 1

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

SB 101 - House Amendments - Senator Facey moved House amendments to **SB 101** be **not** 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, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy.

Total 44

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

Senator Wittich moved the committee rise and report. Motion carried. Committee arose.

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Senate resumed. President Pro Tempore Debby Barrett presiding. Chair D. Brown 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, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 44

Nays: Rosendale.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

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 399 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 273 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 347 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 44

Nays: Tropila.

Total 1

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 367 concurred in 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, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.

Total 38

Nays: Boulanger, Ripley, Sales, Sonju, Vincent, Walker, Wittich.

Total 7

Absent or not voting: None.

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Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 224 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 44

Nays: Tropila.

Total 1

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 330 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, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

HB 333 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,

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Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

SJR 20 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Windy Boy.

Total 33

Nays: Arthun, Boulanger, D. Brown, Fielder, Keane, Ripley, Rosendale, Sesso, Sonju, Taylor, Vincent, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair):

3/15/2013

HB 291, be amended as follows:

1. Title, page 1, line 4.

Strike: "AND"

2. Title, page 1, line 5.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

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Following: line 21

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 359, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Murphy, Vice Chair):

3/15/2013

SR 8, be adopted. Report adopted.

SPECIAL ORDERS OF THE DAY

SR 15 - Senator Arntzen moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 15**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Windy Boy, Wittich.
Total 38

Nays: Boulanger, Jackson, Lewis, Sales, Sonju, Taylor, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

SR 16 - Senator Tutvedt moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 16**. Motion 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, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 44

Nays: Sales.
Total 1

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Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.

Total 5

Senator Taylor thanked the remaining pages for their service this week.

MOTIONS

Senator Walker moved to change his vote on **HB 245** from No to Yes. The motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, March 18, 2013, the fifty-eighth legislative day. Motion carried.

Senate adjourned at 9:08 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President Pro Tempore of the Senate