

**SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
April 20, 2013

Senate Chambers
State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare, L. Jones, Sales, and Vincent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

4/20/2013

Correctly printed: **SJR 29, SJR 33, SR 64, SR 65, SR 66, SR 67, SR 75, HB 251, HB 555, HJR 26.**

Correctly engrossed: **HB 205.**

Correctly enrolled: **SB 347.**

Transmitted to the House: **SB 410, SJR 29, SJR 33, HB 48, HB 74, HB 205, HB 417, HB 555.**

Examined by the sponsor and found to be correct: **SB 370, SJR 22, SJR 24, SR 43, SR 51, SR 52, SR 53, SR 60.**

Signed by the Secretary of the Senate at 4:25 p.m., April 18, 2013: **SB 28, SB 108, SB 355.**

Signed by the President at 10:15 a.m., April 19, 2013: **SB 28, SB 108, SB 355.**

Signed by the Speaker at 4:00 p.m., April 19, 2013: **SB 108, SB 355.**

Signed by the Speaker at 4:10 p.m., April 19, 2013: **SB 31, SB 178, SB 203.**

Signed by the Speaker at 7:30 a.m., April 20, 2013: **SB 28.**

Signed by the Secretary of the Senate at 8:30 a.m., April 20, 2013: **SB 347.**

Signed by the President at 8:35 a.m., April 20, 2013: **SB 347.**

Signed by the Speaker at 8:40 a.m., April 20, 2013: **SB 347.**

Delivered to the Governor at 8:45 a.m., April 20, 2013: **SB 347.**

Delivered to the Governor at 10:20 a.m., April 20, 2013: **SB 28, SB 31, SB 108, SB 178, SB 203, SB 355.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair):

4/19/2013

HJR 22, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair):

4/19/2013

SB 335, do pass. Report adopted.

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

4/19/2013

SR 77, preliminary report, be adopted. Report adopted.

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STATE ADMINISTRATION (Arthun, Chair):
HJR 21, be concurred in. Report adopted.

4/19/2013

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 342**
Report No. 001, April 20, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered House amendments to **Senate Bill 342** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 342** (reference copy -- salmon) be amended as follows:

1. Page 2, line 14 through line 28.

Strike: subsections (3) and (4) in their entirety

Renumber: subsequent subsections

2. Page 3, line 5.

Strike: "(8)"

Insert: "(6)"

3. Page 3, line 9 through line 10.

Strike: "attainment" on line 9 through "and" on line 10

4. Page 3, line 10.

Following: "progress"

Insert: ", and other criteria determined by the state-tribal economic development commission pursuant to subsection (2)(a)"

5. Page 4, following line 14.

Insert: "COORDINATION SECTION. Section 5. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved and if House Bill No. 2 contains an appropriation for native language preservation, then [section 2 of this act] is void."

Renumber: subsequent sections

For the Senate:

Lewis, Chair

Arntzen

Windy Boy

For the House:

Hollandsworth, Vice Chair

Brockie

Salomon

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FREE CONFERENCE COMMITTEE
on **House Bill 97**
Report No. 001, April 19, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 97** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 97** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10 through line 13.

Strike: "PROVIDING" on line 10 through "SYSTEMS;" on line 13

2. Page 9, line 7 through line 8.

Strike: "(VI)" through "125;"

Renumber: subsequent subsection

3. Page 10, line 11 through line 12.

Strike: subsection (B) in its entirety

Renumber: subsequent subsection

4. Page 11, line 2 through line 3.

Strike: "(II)" on line 2 through "125;" on line 3

Renumber: subsequent subsection

5. Page 12, line 3 through line 4.

Strike: "(II)" on line 3 through "125;" on line 4

Renumber: subsequent subsection

6. Page 13, line 10 through line 11.

Strike: "(II)" on line 10 through "125;" on line 11

Renumber: subsequent subsection

7. Page 14, line 17 through line 18.

Strike: "(III)" on line 17 through "125;" on line 18

Renumber: subsequent subsection

8. Page 16, line 7 through line 8.

Strike: "(III)" on line 7 through "125;" on line 8

Renumber: subsequent subsection

For the Senate:

Sales, Chair

Jent

Vincent

For the House:

Wilmer, Vice Chair

Blyton

Lenz

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CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 277**
Report No. 001, April 19, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 277** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 277** (reference copy -- salmon) be amended as follows:

1. Page 1, line 25.

Following: "~~period~~"

Insert: "in any 24-year period"

2. Page 1, line 26.

Following: "~~both~~"

Insert: ", whether as a state representative or as a state senator, or both"

For the Senate:

Sales, Chair

Hamlett

Webb

For the House:

McChesney, Vice Chair

Greef

Hansen

MESSAGES FROM THE GOVERNOR

April 19, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Essmann:

On Friday, April 19, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 209 - Arthun

Senate Bill 271 - Thomas

Sincerely,

STEVE BULLOCK
Governor

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MESSAGES FROM THE OTHER HOUSE

SB 96 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 96**:

4/19/2013

Representative G. Bennett, Vice Chair
Representative Lavin
Representative McClafferty

SB 282 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 282**:

4/19/2013

Representative Osmundson, Vice Chair
Representative Coffin
Representative Hansen

SB 305 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 305**:

4/19/2013

Representative Randall, Vice Chair
Representative Lang
Representative Pease-Lopez

SB 342 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 342**:

4/19/2013

Representative Hollandsworth, Vice Chair
Representative Brockie
Representative Salomon

HB 298 - The House failed to reach a two-thirds vote to accept **HB 298**, an appropriation bill amended by the Senate and transmitted beyond the deadline for appropriation bills. 4/19/2013

MOTIONS

Senator Wittich moved that the Senate, in accordance with Senate rule S60-10, amend rule S50-220 concerning the Call of the Senate. President Essmann, as required under S60-10, referred the motion to the Rules Committee.

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**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 Priest in the chair.

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

HB 284 - Senator Debby Barrett moved **HB 284** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Vuckovich, Webb, Mr. President.
Total 27

Nays: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Facey, Jent, Kaufmann, Malek, Olson, Phillips, Ripley, Tropila, Tutvedt, Van Dyk, Walker, Wanzenried, Windy Boy, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

SJR 31 - Senator Phillips moved **SJR 31** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 30

Nays: Boulanger, Brenden, Buttrey, Jackson, Lewis, Murphy, Olson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

HB 457 - Senator Webb moved **HB 457** be concurred in. Motion carried as follows:

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Yeas: Arntzen, Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 27

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Hamlett, Jackson, Keane, Lewis, Moore, Priest, Ripley, Sesso, Sonju, Taylor, Thomas, Walker, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

HB 497 - Senator F. Moore moved consideration of **HB 497** be passed for the day. Without objection, so ordered.

SB 69 - House Amendments - Senator Walker moved House amendments to **SB 69** 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, 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 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

SJ 32 - Senator Arntzen moved consideration of **SJ 32** be passed for the day. Without objection, so ordered.

HB 301 - Conference Committee Report No. 1 - Senator F. Moore moved the Conference Committee report to **HB 301** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Moore, Murphy,

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Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Brenden, D. Brown, Fielder, Keane, Lewis, Malek, Walker, Webb, Wittich, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

HB 395 - Conference Committee Report No. 1 - Senator T. Brown moved the Conference Committee report to **HB 395** be adopted. 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, Kaufmann, Keane, Larsen, Lewis, 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 45

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

Senator Tutvedt excused at this time.

SJR 38 - Senator Windy Boy moved **SJR 38** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: Boulanger, Brenden, Fielder, Jackson, Ripley, Rosendale, Wittich.
Total 7

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Absent or not voting: None.

Total 0

Excused: Augare, Jones, Sales, Tutvedt, Vincent.

Total 5

Senator Tutvedt present at this time.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Priest 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, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 43

Nays: Sonju, Tropila, Wanzenried.

Total 3

Absent or not voting: None.

Total 0

Excused: Augare, Jones, Sales, Vincent.

Total 4

MOTIONS

Senator Ripley moved **HB 284** be re-referred to the Finance and Claims committee. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Driscoll, Facey, Fielder, Jackson, Jent, Kaufmann, Malek, Olson, Phillips, Ripley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.

Total 24

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Hamlett, Jergeson, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sesso, Sonju, Taylor, Thomas, Webb, Mr. President.

Total 22

Absent or not voting: None.

Total 0

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Excused: Augare, Jones, Sales, Vincent.

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:

SJR 29 passed as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 28

Nays: Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Lewis, Moore, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: Augare, Jones, Sales, Vincent.

Total 4

SJR 33 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 41

Nays: Jent, Jergeson, Kaufmann, Keane, Wanzenried.

Total 5

Absent or not voting: None.

Total 0

Excused: Augare, Jones, Sales, Vincent.

Total 4

HB 205 concurred in as follows:

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Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 28

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 19

Paired: Jones, Aye; Keane, No.

Absent or not voting: None.

Total 0

Excused: Augare, Sales, Vincent.

Total 3

HB 555 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, 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 43

Nays: Caferro, Kaufmann, Keane.

Total 3

Absent or not voting: None.

Total 0

Excused: Augare, Jones, Sales, Vincent.

Total 4

SB 201, as amended by the House, passed 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, 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 46

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 3:30 p.m., Monday, April 22, 2013, the eighty-fifth legislative day. Motion carried.

Senate adjourned at 8:53 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate