

**SENATE JOURNAL
62ND LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 5, 2011

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Larsen, excused. Quorum present.

BILLS AND JOURNALS:

2/5/2011

Correctly printed: **SB 117, SB 132, SB 189, SB 192, SB 195, SB 216, SB 238, SB 246, SB 256, HB 22, SJR 9.**

Correctly engrossed: **SB 3, SB 15, SB 43, SB 96, SB 213, SB 217, SB 218, SB 226.**

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman):
SB 222, do pass. Report adopted.

2/4/2011

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/4/2011

HB 99, introduced by Ingraham
HB 180, introduced by Edmunds
HB 254, introduced by Vance
HB 272, introduced by Flynn

MOTIONS

Senator Essmann moved the Republicans caucus. Without objection, so ordered.

Senator Williams moved the Democrats caucus. Without objection, so ordered.

Senate recessed.

Senate reconvened.

FIRST READING AND COMMITMENT OF BILLS

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

SB 271, introduced by Gallus, referred to Finance and Claims.

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SB 272, introduced by Murphy, Arntzen, Steinbeisser, Windy Boy, Roberts, Moss, Klock, Pease-Lopez, F. Smith, K. Peterson, Belcourt, Jackson, Essmann, Evans, Augare, Hutton, Read, referred to Business, Labor, and Economic Affairs.

SB 273, introduced by C. Williams, referred to Taxation.

SB 274, introduced by Lake, referred to Taxation.

SB 275, introduced by Zinke, referred to Business, Labor, and Economic Affairs.

SB 276, introduced by Facey, referred to Judiciary.

SB 277, introduced by Moore, Brown, referred to Agriculture, Livestock and Irrigation.

SB 278, introduced by Mowbray, Sonju, Vincent, Buttrey, Larsen, Welborn, Tutvedt, Reinhart, Hollenbaugh, Blasdel, referred to Highways and Transportation.

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

HB 101, introduced by MacDonald (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 107, introduced by Hollenbaugh (by request of the Department of Natural Resources and Conservation), referred to Taxation.

HB 169, introduced by Klock, referred to Energy and Telecommunications.

HB 172, introduced by Washburn, referred to Fish and Game.

HB 178, introduced by Howard, O'Hara, Salomon, O'Neil, Miller, Ingraham, Loney, Vance, Wagner, Knox, Lavin, Skees, Yates, MacLaren, Randall, Roberts, Blasdel, referred to Highways and Transportation.

HB 182, introduced by Arntzen, referred to Education and Cultural Resources.

HB 187, introduced by Connell, Howard, Regier, Hale, Flynn, referred to Highways and Transportation.

HB 208, introduced by Welborn, McChesney, Ankney, O'Hara, Debby Barrett, referred to Education and Cultural Resources.

HB 210, introduced by McChesney, referred to Highways and Transportation.

HB 225, introduced by Welborn, referred to Fish and Game.

HB 229, introduced by McNutt, referred to Highways and Transportation.

HB 233, introduced by O'Hara, referred to Energy and Telecommunications.

HB 259, introduced by Loney, Cuffe, Evans, Regier, Stahl, referred to Highways and Transportation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

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

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SJR 8 - Senator Hawks moved **SJR 8** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Brenden, Buttrey, Hinkle, Olson, Priest, Ripley, Shockley, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 34 - Senator Essmann moved **SB 34** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 149 - Senator Essmann moved **SB 149** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Kaufmann, Moss.

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Total 2

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

SB 151 - Senator Brown moved **SB 151** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Branae, Brenden, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 34

Nays: Barrett, Blewett, Caferro, Erickson, Essmann, Jackson, Kaufmann, Keane, Olson, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

SB 153 - Senator Jent moved **SB 153** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Caferro.

Total 1

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

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SB 180 - Senator Sonju moved consideration of **SB 180** be placed at the bottom of the second reading board. Motion carried.

SB 172 - Senator Lake moved **SB 172** do pass.

SB 172 - Senator Zinke moved **SB 172**, second reading copy, be amended as follows:

1. Page 4.

Following: line 24

Insert: "(m) battery energy storage systems manufactured or produced from materials from a source in the United States that are owned and operated by an electrical energy storage producer, electrical energy producer, or energy trading entity or by the owner or operator of an electrical vehicle charging site;"

Page 5, line 1

Strike: "(i)(s)"

Insert: "(1)(t)"

Page 5, line 27

Strike: "(1)(y)"

Insert: "(1)(z)"

Page 7, line 22

Strike: "(1)(w), ~~(1)(t)~~ (1)(x), or ~~(1)(u)~~ (1)(y)"

Insert: "(1)(x), (1)(y), or (1)(z)"

Page 7, lines 24 and 25

Strike: "(1)(w), ~~(1)(t)~~ (1)(x), or ~~(1)(u)~~ (1)(y)"

Insert: "(1)(x), (1)(y), or (1)(z)"

Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Vincent.

Total 1

Absent or not voting: None.

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Total 0

Excused: Larsen.

Total 1

SB 172 - Senator Lake moved **SB 172**, as amended, do pass. Motion carried as follows:

Yeas: Brenden, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 29

Nays: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Buttrey, Essmann, Gillan, Hinkle, Kaufmann, Moore, Moss, Priest, Shockley, Sonju, Van Dyk, Vincent, Walker, Wittich.

Total 20

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

SB 176 - Senator Hutton moved **SB 176** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

SB 194 - Senator Brenden moved **SB 194** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

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Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 47

Nays: Tropila, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

Senator Tutvedt assumed the chair.

SB 180 - Senator Sonju moved **SB 180** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 41

Nays: Balyeat, Blewett, Caferro, Erickson, Hamlett, Kaufmann, Shockley, Stewart-Peregoy.

Total 8

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 43

Nays: Erickson, Kaufmann, Stewart-Peregoy, Wanzenried, Williams, Windy Boy.

Total 6

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Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

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 117 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Paired: Brown, Aye; Larsen, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 132 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Larsen.

Total 1

SB 189 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

Senator Windy Boy questioned the vote of excused Senator Larsen on **SB 117**. President Peterson clarified that Senator Brown and Senator Larsen were voting pairs.

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of January 31-February 5, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, February 7, 2011. Motion carried.

Senate adjourned at 10:14 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate