

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 3, 2011

Senate Chambers  
State Capitol

Senate convened at 1:00 p.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:**

3/3/2011

Correctly printed: **SB 1, SB 219, SB 283, HB 44, HB 57, HB 74, HB 84, HB 132, HB 182, HB 204, HB 208, HB 294.**

Correctly engrossed: **HB 19.**

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-first, thirty-second, thirty-third, thirty-fourth, and thirty-fifth legislative days, find the same to be correct.

Senator Brown, Chair

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Lewis, Chairman):

3/3/2011

**HB 38**, be concurred in. Report adopted.

**HB 42**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "TO THE"

**Strike:** "STATE GENERAL FUND"

**Insert:** "GUARANTEE ACCOUNT"

2. Page 3, line 15.

**Strike:** "2015"

**Insert:** "2017"

3. Page 3, line 25.

**Strike:** "2015"

**Insert:** "2017"

4. Page 4, line 20.

**Strike:** "2015"

**Insert:** "2017"

5. Page 4, line 23.

**Strike:** "2015"

**Insert:** "2017"

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

6. Page 4, line 26.

**Strike:** "\$6"

**Insert:** "\$8.5"

**Following:** "to the"

**Strike:** "state general fund"

**Insert:** "guarantee account provided for in 20-9-622"

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

**JUDICIARY** (Murphy, Chairman): 3/3/2011  
**HB 65**, be concurred in. Report adopted.  
**HB 97**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Sonju, Chairman): 3/2/2011  
**HB 39**, be concurred in. Report adopted.  
**HB 263**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Barrett, Chairman): 3/2/2011  
**HB 58**, be concurred in. Report adopted.  
**HB 76**, be concurred in. Report adopted.  
**HB 101**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Shockley, Chairman): 3/2/2011  
**HB 156**, be concurred in. Report adopted.

**MOTIONS**

Senator Barrett moved **HB 295** be moved from the Natural Resources committee to the Energy and Telecommunications committee. Without objection, so ordered.

Senator Ripley moved **HB 132** be moved from the third reading board to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 392**, introduced by Gillan, Wilmer, Hiner, Gallus, Dick Barrett, Larsen, Hamlett, Malek, Moss, Sesso, Branae, Vuckovich, Hands, C. Williams, Reinhart, F. Smith, Van Dyk, Blewett, Jent, McClafferty, Hollenbaugh, Keane, McChesney, Schmidt, Augare, Court, Tropila, Stewart-Peregoy, referred to Taxation.

**SB 393**, introduced by Van Dyk, Blewett, Kaufmann, Larsen, Moss, Hunter, Swanson, Wanzenried, Sands, C. Williams, Gillan, Branae, McChesney, Squires, Boland, Hamlett, Windy Boy, Jent, Stewart-Peregoy, Hiner, Sesso, Hill, MacDonald, Augare, Hawks, Reinhart, Mehlhoff, Hands,

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Noonan, Driscoll, Phillips, Court, Hollenbaugh, B. Bennett, F. Smith, Menahan, McClafferty, referred to Taxation.

**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 Hinkle in the chair.

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

**SB 110** - Senator Brenden moved **SB 110** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Larsen.  
Total 1

**SB 199** - Senator Balyeat moved **SB 199** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Larsen.  
Total 1

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

**SB 244** - Senator Lake moved **SB 244** do pass. Motion carried as follows:

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

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**SB 266** - Senator Olson moved **SB 266** do pass. Motion carried as follows:

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

Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Moss, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.

Total 16

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 Essmann moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 39

Nays: Blewett, Erickson, Facey, Jent, Kaufmann, Keane, Van Dyk, Wanzenried, Williams, Windy Boy.

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Total 10

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**MOTIONS**

Senator Essmann moved **SB 110** and **SB 199** be re-referred to the Finance and Claims committee. Without objection, so ordered.

**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 74** concurred in 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

**HB 182** concurred in as follows:

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

Total 44

Nays: Balyeat, Hinkle, Priest, Sonju, Wittich.

Total 5

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**HB 204** concurred in 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, 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: Lake.

Total 1

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**HB 208** concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Zinke, Mr. President.

Total 32

Nays: Augare, Blewett, Caferro, Erickson, Essmann, Facey, Gallus, Hinkle, Jent, Kaufmann, Keane, Priest, Sonju, Stewart-Peregoy, Tropila, Williams, Wittich.

Total 17

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**HB 294** concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried,

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Windy Boy, Mr. President.

Total 43

Nays: Gallus, Kaufmann, Van Dyk, Williams, Wittich, Zinke.

Total 6

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**SB 1** passed as follows:

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

Total 41

Nays: Balyeat, Blewett, Hawks, Hinkle, Sonju, Van Dyk, Wittich, Zinke.

Total 8

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**SB 219** passed as follows:

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

Total 45

Nays: Arthun, Hinkle, Sonju, Steinbeisser, Wittich.

Total 5

Paired: Larsen, Aye; Steinbeisser, No.

Absent or not voting: None.

Total 0

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Excused: None.

Total 0

**SB 283** 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

**SB 303** passed as follows:

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

Total 27

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

Total 23

Paired: Brown, Aye; Larsen, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, March 4, 2011. Motion carried.



SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Senate adjourned at 1:56 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate