SENATE JOURNAL
63RD LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 26, 2013 — 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 Arntzen, F. Moore, Murphy, Priest, and Walker, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/26/2013

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

Correctly printed: **SB 26**, **SB 70**, **SB 90**, **SB 94**, **SB 104**, **SB 107**, **SB 136**, **SB 141**, **SB 158**, **HB 20**, **HB 21**, **HB 42**, **HB 132**, **HB 139**.
Correctly engrossed: **SB 83**, **SB 101**, **SB 113**, **SB 133**.
Transmitted to the House: **SB 24**, **SB 55**, **SB 57**, **SB 61**, **SB 62**, **SB 67**, **SB 69**, **SB 99, SJR 4**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 1/25/2013
SB 165, do pass. Report adopted.
HB 25, be concurred in. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 1/25/2013
SB 23, introduced bill, be amended as follows:

1. Page 3, line 2.
Strike: "(a)"

2. Page 3, line 4.
Strike: "(i)"
Insert: "(a)"
Following: "commissioners"
Insert: "present and voting"

3. Page 3, line 6.
Strike: "(ii)"
Insert: "(b)"
Strike: "four"
Insert: "four-fifths of the"
Following: "county commissioners"

Insert: "present and voting"

4. Page 3, line 7.
Strike: "(iii)"
Insert: "(c)"
Following: "commissioners"
Insert: "present and voting"

5. Page 3, lines 9 and 10.
Strike: subsection (b) in its entirety

6. Page 3.
Following: line 10
Insert: "NEW SECTION. **Section 2. Effect on pending applications -- current regulations to apply -- exception.** (1) An application for a permit or other authorization for a use of land under this chapter must be reviewed under the regulations that are in effect at the time that an application submitted to the reviewing authority was determined to be complete or sufficient unless the date that the governing body provided notice of a public hearing under 76-2-205 to establish or revise a zoning district or zoning regulation precedes the date that the application was determined to be complete or sufficient.

(2) If an application for a permit or other authorization for a use of land under this chapter is submitted and determined to be complete or sufficient before the date that the governing body issues a notice for a hearing on proposed interim zoning under 76-2-206, the application must be reviewed under the interim zoning regulations that are adopted subsequent to the hearing."
Insert: "NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [section 2]."

And, as amended, do pass. Report adopted.

SB 40, introduced bill, be amended as follows:

1. Title, line 5 through line 7.
Strike: "PROVIDING" on line 5 through "INFORMATION;" on line 7

2. Title, line 7.
Following: "SECTIONS"
Insert: "76-3-504, 76-3-601, AND"
Following: "76-3-604"
Insert: ","
Strike: "AND 76-3-615,"

3. Page 1.
Following: line 10
Insert: "Section 1. Section 76-3-504, MCA, is amended to read:

"76-3-504. Subdivision regulations -- contents. (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);

(b) except as provided in 76-3-509, 76-3-609, or 76-3-616, require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(c) establish procedures consistent with this chapter for the submission and review of subdivision applications and amended applications;

(d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development. The regulations must prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques or other mitigation measures authorized under 76-3-608(4) and (5). Approved construction techniques or other mitigation measures may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in 50-60-901.

(f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(g) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:

(A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and

(B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and

(iv) the location and installation of public utilities;

(h) provide procedures for the administration of the park and open-space requirements of this chapter;

(i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.

(j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:

(A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

(B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

(C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

(ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:

(A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(l) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

(m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.

(n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;

(o) establish procedures describing how the governing body or its agent or agency will address information presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) requires a subdivider to meet with the authorized agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;

(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the authorized agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted as provided in 76-3-604;

(r) requires that the written decision required by 76-3-620 must be provided to the applicant within 30 working days following a decision by the governing body to approve, conditionally approve, or deny a subdivision.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.

~~(3) The governing body may establish deadlines for submittal of subdivision applications.~~"

"

Insert: "Section 2. Section 76-3-601, MCA, is amended to read:

"76-3-601. Submission of application and preliminary plat for review -- water and sanitation information required. (1) ~~Subject to the submittal deadlines established as provided in 76-3-504(3), the~~ The subdivider shall present to the governing body or to the agent or agency designated by the governing body the subdivision application, including the preliminary plat of the proposed subdivision, for local review. The preliminary plat must show all pertinent features of the proposed subdivision and all proposed improvements and must be accompanied by the preliminary water and sanitation information required under 76-3-622.

(2) (a) When the proposed subdivision lies within the boundaries of an incorporated city or town, the application and preliminary plat must be submitted to and approved by the city or town governing body.

(b) When the proposed subdivision is situated entirely in an unincorporated area, the application and preliminary plat must be submitted to and approved by the governing body of the county. However, if the proposed subdivision lies within 1 mile of a third-class city or town, within 2 miles of a second-class city, or within 3 miles of a first-class city, the county governing body shall submit the application and preliminary plat to the city or town governing body or its designated agent for review and comment. If the proposed subdivision is situated within a rural school district, as described in 20-9-615, the county governing body shall provide a summary of the information contained in the application and preliminary plat to school district trustees.

(c) If the proposed subdivision lies partly within an incorporated city or town, the application and preliminary plat must be submitted to and approved by both the city or town and the county governing bodies.

(d) When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings, reports, and other requirements whenever possible.

(3) The provisions of 76-3-604, 76-3-605, 76-3-608 through 76-3-610, and this section do not limit the authority of certain municipalities to regulate subdivisions beyond their corporate limits pursuant to 7-3-4444.""

Renumber: subsequent sections

4. Page 1, line 13 through line 18.
Strike: "The" on line 14 through "request" on line 18
Insert: "A subdivision application is considered to be received on the date of delivery to the reviewing agent or agency and when accompanied by the review fee submitted as provided in 76-3-602"

5. Page 1, line 19.
Strike: "from" through "submit the"
Insert: "of receipt of a subdivision"

6. Page 1, line 25 through line 29.
Strike: subsection (c) in its entirety

7. Page 3, line 27 through page 4, line 24.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 48, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SECTIONS"
Insert: "7-13-2275,"
Following: "7-13-4307,"
Insert: "69-7-111,"

2. Page 1.
Following: line 9
Insert: "Section 1. Section 7-13-2275, MCA, is amended to read:

"7-13-2275. Procedure relating to ordinances and resolutions -- rates, fees, and charges established. (1) The ayes and noes must be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. An ordinance or resolution may not be passed or become effective without the affirmative votes of at

least a majority of the total members of the board.

(2) The enacting clause of all ordinances passed by the board must be in these words: "Be it ordained by the board of directors of_____district as follows:"

(3) All resolutions and ordinances must be signed by the president of the board and attested by the secretary.

(4) (a) Except as provided in ~~subsection~~ subsections (5) and (6), prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing, or increasing rates, fees, or charges for services or facilities, the board shall order a public hearing.

(b) Notice of the public hearing must be published as provided in 7-1-2121. The published notice must contain:

(i) the date, time, and place of the hearing;

(ii) a brief statement of the proposed action; and

(iii) the address and telephone number of a person who may be contacted for further information regarding the hearing.

(c) The notice must also be mailed to all persons who own property in the district and to all customers of the district at least 7 days and not more than 30 days prior to the public hearing. The mailed notice must contain an estimate of the amount that the property owner or customer will be charged under the proposed ordinance or resolution.

(d) Any interested person, corporation, or company may be present, represented by counsel, and testify at the hearing.

(e) The hearing may be continued by the board as necessary. After the public hearing, the board may, by resolution, impose, establish, change, or increase rates, fees, or charges.

(5) A public hearing is not required for a cumulative rate increase of less than or equal to 5% within a 12-month period if the board provides notification of the increase to persons within the district on whom the rate will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing the increase.

(6)(a) If the establishment of or change in rates, fees, or charges proposed by a regional authority requires the authority to hold a public hearing pursuant to 75-6-326 and requires an increase to the rates, fees, or charges imposed by the district greater than the increase provided in subsection (5), the board shall:

(i) mail notice of the public hearing to be held by the authority to all customers of the district system at least 15 days prior to the public hearing; and

(ii) provide notification of the change to customers of the district system on whom the increased rates, fees, or charges will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing the increase.

(b) The district is not required to hold a public hearing on the increase.""

Renumber: subsequent sections

3. Page 3.

Following: line 21

Insert: "Section 4. Section 69-7-111, MCA, is amended to read:

"69-7-111. Municipal rate hearing required -- notice. (1) Except as provided in 75-5-516, ~~and~~ 75-6-108, and subsection (6), if the governing body of a municipality considers it advisable to regulate, establish, or change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it at a time and place specified.

(2) Notice of the hearing ~~shall~~ must be published in a newspaper as provided in 7-1-4127.

(3) (a) The notice ~~shall~~ must be published three times with at least 6 days separating each publication. The first publication may be no more than 28 days prior to the hearing, and the last publication may be no less than 3 days prior to the hearing.

(b) The notice must also be mailed at least 7 days and not more than 30 days prior to the hearing to persons served by the utility. The notice must be mailed within the prescribed time period. This notice must contain an estimate of the amount the customer's average bill will increase.

(4) The published notice must contain:

(a) the date, time, and place of the hearing;

(b) a brief statement of the proposed action; and

(c) the address and telephone number of a person who may be contacted for further information regarding the hearing.

(5) Notice of all hearings shall be mailed first class, postage prepaid, to the Montana consumer counsel.

(6)(a) If the proposed increase in the rates, fees, or charges imposed by the municipality is the result of the establishment of or change in rates, fees, or charges imposed by a regional authority of which the municipality is a customer and the authority is required to hold a public hearing pursuant to 75-6-326, the governing body of the municipality shall:

(i) mail notice of the public hearing to be held by the authority to all persons served by the municipality at least 15 days before the public hearing; and

(ii) provide notification to all persons served by the municipality at least 10 days prior to the enactment of the ordinance or adoption of the resolution implementing the increase.

(b) The municipality is not required to hold a public hearing in connection with the increase.

(7) If a regional authority is not required to hold a public hearing as provided in 75-6-326(9), the municipality is subject to the hearing requirements of this section.""

Renumber: subsequent sections

4. Page 4, line 25.
Strike: "Prior"
Insert: "Except as provided in subsection (9), prior"

5. Page 5, line 3.
Following: "and"
Insert: "to"
Strike: "body"
Insert: "bodies"

6. Page 5, line 4.
Strike: "7"
Insert: "25"
Strike: "30"
Insert: "40"

7. Page 5, line 8.

Strike: "adjustment to"
Insert: "increase in"

8. Page 5, line 10.
Following: "corporation,"
Insert: "governmental body,"

9. Page 5, line 15.
Following: "charges"
Insert: "of the authority"

10. Page 5.
Following: line 17
Insert: "(9) The authority is not required to hold a public hearing for a cumulative rate increase of less than or equal to 5% within a 12-month period if the governing body of the authority provides notification of the increase to rural customers and to the governing bodies of district customers and municipal customers on whom the rate will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing the increase."

And, as amended, do pass. Report adopted.

SB 77, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "$100,000"
Insert: "$80,000"

2. Title, line 5.
Strike: "MUNICIPAL"
Insert: "LOCAL GOVERNMENT AND SCHOOL"

3. Title, line 6.
Strike: "SECTION"
Insert: "SECTIONS 7-5-2301,"
Following: "7-5-4302,"
Insert: "AND 20-9-204,"

4. Page 1.
Following: line 9
Insert: "Section 1. Section 7-5-2301, MCA, is amended to read:

"7-5-2301. Competitive, advertised bidding required for certain large purchases or construction contracts. (1) Except as provided in 7-5-2304 and Title 18, chapter 2, part 5, a contract for the purchase of any vehicle, road machinery or other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in

excess of ~~$50,000~~ $80,000 may not be entered into by a county governing body without first publishing a notice calling for bids.

(2) The notice must be published as provided in 7-1-2121.

(3) Subject to 7-5-2309 and except as provided in Title 18, chapter 2, part 5, every contract subject to bidding must be let to the lowest responsible bidder.""

Renumber: subsequent section

5. Page 1, line 15.
Strike: "$100,000"
Insert: "$80,000"

6. Page 1.
Following: line 25
Insert: "Section 3. Section 20-9-204, MCA, is amended to read:

"20-9-204. Conflicts of interests, letting contracts, and calling for bids -- exceptions. (1) It is unlawful for a trustee to:

(a) have any pecuniary interest, either directly or indirectly, in any contract made by the trustee while acting in that official capacity or by the board of trustees of which the trustee is a member; or

(b) be employed in any capacity by the trustee's own school district, with the exception of officiating at athletic competitions under the auspices of the Montana officials association.

(2) For the purposes of subsection (1):

(a) "contract" does not include:

(i) merchandise sold to the highest bidder at public auctions;

(ii) investments or deposits in financial institutions that are in the business of loaning or receiving money when the investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or

(iii) contracts for professional services, other than salaried services, or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any board member and a determination of the lack of availability are entered in the minutes of the board meeting at which the contract is considered; and

(b) "pecuniary interest" does not include holding an interest of 10% or less in a corporation.

(3) (a) Except for district needs that must be met because of an unforeseen emergency, as defined in 20-3-322(5), or as provided in subsections (4) and (6) of this section, whenever any building, furnishing, repairing, or other work for the benefit of the district or purchasing of supplies for the district is necessary, the work done or the purchase made must be by contract if the sum exceeds ~~$50,000~~ $80,000.

(b) Except as provided in Title 18, chapter 2, part 5, each contract must be let to the lowest responsible bidder after advertisement for bids. The advertisement for bids under this subsection (3)(b) must be published in the newspaper that will give notice to the largest number of people of the district as determined by the trustees. The advertisement must be made once each week for 2 consecutive weeks, and the second publication must be made not less than 5 days or more than 12 days before consideration of bids. A contract not let pursuant to this section is void. The bidding requirements applicable to services performed for the benefit of the district under this section do

not apply to:

(i) a registered professional engineer, surveyor, real estate appraiser, or registered architect;

(ii) a physician, dentist, pharmacist, or other medical, dental, or health care provider;

(iii) an attorney;

(iv) a consulting actuary;

(v) a private investigator licensed by any jurisdiction;

(vi) a claims adjuster;

(vii) an accountant licensed under Title 37, chapter 50; or

(viii) a project, as defined in 18-2-501, for which a governing body, as defined in 18-2-501, enters into an alternative project delivery contract pursuant to Title 18, chapter 2, part 5.

(4) A district may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of subsection (3) if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

(5) This section may not require the board of trustees to let a contract for any routine and regularly performed maintenance or repair project or service that can be accomplished by district staff whose regular employment with the school district is related to the routine performance of maintenance for the district.

(6) Subsection (3) does not apply to the solicitation or award of a contract for an investment grade energy audit or an energy performance contract pursuant to Title 90, chapter 4, part 11, including construction and installation of conservation measures pursuant to the energy performance contract.""

And, as amended, do pass. Report adopted.

SB 132, introduced bill, be amended as follows:

1. Page 4, line 17.
Strike: "March 1"
Insert: "August 1"

And, as amended, do pass. Report adopted.

SB 146, introduced bill, be amended as follows:

1. Title, line 5.
Following: "THAT"
Insert: "CERTAIN"
Strike: "SUPPORTED BY"
Insert: "USED BY A GOVERNING BODY ONLY IF IT IS"

2. Page 2, line 23.
Following: "federal"
Strike: ","
Insert: "or"
Strike: ", or local"
Following: "written"
Insert: "or oral"

3. Page 2, line 25.
Strike: "governmental" through "available"
Insert: "comment or opinion may be included in the governing body's written statement under 76-3-620 only if the comment or opinion provides"
Following: "information"
Insert: "or a published study"

And, as amended, do pass. Report adopted.

SB 147, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "SURROUNDING"
Insert: "ADJACENT"

2. Page 1, line 24.
Strike: "surrounding"
Insert: "adjacent"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

January 16, 2013

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

Dear President Essmann:

In accordance with MCA 5-5-301 and 5-5-302, I submit to you the interim appointments made by Governor Schweitzer. As you are aware, these appointments were made after the 2011 legislative session and require Senate confirmation.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/25/2013

HB 72, introduced by MacDonald
HB 73, introduced by Flynn
HB 77, introduced by Ingraham
HB 104, introduced by Regier
HB 141, introduced by Noonan
HB 190, introduced by Knudsen
HB 212, introduced by Knudsen

FIRST READING AND COMMITMENT OF BILLS

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

SB 192, introduced by Wanzenried, referred to Finance and Claims.
SB 193, introduced by Jent, referred to Fish and Game.
SB 194, introduced by Blewett, Murphy, referred to Judiciary.
SB 195, introduced by Blewett, Zolnikov, Miller, referred to Judiciary.
SB 196, introduced by Rosendale, Augare, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, Facey, L. Jones, F. Moore, Osmundson, Reichner, Sales, Taylor, Thomas, Van Dyk, Walker, Wanzenried, Warburton, Windy Boy, Wittich, referred to Judiciary.
SB 197, introduced by Boulanger, Arthun, Brenden, Buttrey, Connell, Doane, Fielder, Galt, Kary, Knudsen, Lewis, Olson, Redfield, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Washburn, Webb, Welborn, White, Zolnikov, referred to Fish and Game.

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

SJR 7, introduced by Lewis, Taylor, referred to Judiciary.
SJR 8, introduced by Larsen, Arthun, Augare, Debby Barrett, Dick Barrett, B. Bennett, G. Bennett, Blewett, Boland, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Cook, Driscoll, Facey, Fielder, Flynn, Galt, Gibson, Greef, Hamlett, Harris, Hoven, Jackson, Jent, Jergeson, L. Jones, Keane, Lewis, Lieser, MacDonald, Malek, McChesney, McClafferty, F. Moore, Murphy, Noonan, Olson, Peterson, Phillips, Price, Priest, Ripley, Rosendale, Sales, Salomon, Schwaderer, Sesso, Shaw, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Vuckovich, Wanzenried, Webb, Wilmer, Windy Boy, Wittich, referred to Education and Cultural Resources.

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 Facey in the chair.

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

SB 49 - Senator Ripley moved **SB 49** do pass. Motion carried as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 123 - Senator Van Dyk moved **SB 123** do pass. Motion carried as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

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

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 116 - Senator Arthun moved **SB 116** do pass. Motion carried as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SJR 6 - Senator Olson moved **SJR 6** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 40

Nays: Barrett Debby, Sales, Wanzenried, Wittich, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
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:

SB 26 passed as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 70 passed as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 90 passed as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Webb.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 141 passed as follows:

Yeas: 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, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 175** Motion carried.

SB 175 (L. Jones, Chief Sponsor)
Senator Jergeson.

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the pages of the week for their service.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Essmann announced that a copy of the Governor's appointment confirmation letter has been placed on each Senator's desk and confirmation proceedings assigned to the appropriate committees for action.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, January 28, 2013. Motion carried.

Senate adjourned at 8:34 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate