# SENATE JOURNAL
# 63RD LEGISLATURE
# THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 19, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Blewett and Jent, excused. Quorum present.

Correctly printed: **SB 19**, **SB 56**, **SB 191**, **SB 236**, **SB 291**, **SB 348**, **SB 349**, **SJR 13**, **SR 9**, **SR 10**, **HB 18**, **HB 114**, **HB 115**, **HB 138**, **HB 141**, **HB 202**.
Correctly engrossed: **SB 54**, **SB 199**, **SB 203**, **SB 233**, **SB 257**, **SB 278**.
Correctly enrolled: **SB 5**, **SB 36**, **SB 75**, **SB 141**.
Examined by the sponsor and found to be correct: **SB 5**, **SB 36**, **SB 75**, **SB 141**.
Transmitted to the House: **SB 118**, **SB 198**, **SB 230**, **SB 252**, **HB 36**, **HB 152**, **HB 155**, **HB 192**.
Signed by Secretary of the Senate at 3:20 p.m., February 19, 2013: **SB 5**, **SB 36**, **SB 75**, **SB 141**.

## REPORTS OF STANDING COMMITTEES

**PUBLIC HEALTH, WELFARE AND SAFETY** (Priest, Chair): 2/15/2013
**SB 181**, do pass. Report adopted.
**SB 270**, introduced bill, be amended as follows:

1. Page 2, line 4.
**Following:** "7,"
**Insert:** "10,"

And, as amended, do pass. Report adopted.

**HB 28**, be concurred in. Report adopted.
**HB 123**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Arthun, Chair): 2/18/2013
**SB 185**, do pass. Report adopted.
**SB 224**, introduced bill, be amended as follows:

1. Title, page 1, line 7.
**Following:** "RULES;"
**Insert:** "ALLOWING AN ADMINISTRATIVE RULE REVIEW COMMITTEE TO GRANT AN EXTENSION TO THE DEADLINE;"

2. Title, page 1, line 7.
**Following:** "2-4-302"
**Insert:** ","
**Strike:** "AND"

**Following:** "2-4-305,"
**Insert:** "AND 2-4-402,"

3. Page 1, line 19.
**Following:** "(b)"
**Strike:** "If legislation"
**Insert:** "(i) Except as provided in subsection (1)(b)(ii), if legislation adopted in the most recent legislative session"

4. Page 1, line 20.
**Strike:** "120"
**Insert:** "180"

5. Page 1, following line 22.
**Insert:** "(ii) An agency may request an extension to the deadline provided in subsection (1)(b)(i) from the appropriate administrative rule review committee."

6. Page 7, following line 1.
**Insert: "Section 3.** Section 2-4-402, MCA, is amended to read:

**"2-4-402. Powers of committees -- duty to review rules.** (1) The administrative rule review committees shall review all proposed rules filed with the secretary of state.

(2) The appropriate administrative rule review committee may:

(a) request and obtain an agency's rulemaking records for the purpose of reviewing compliance with 2-4-305;

(b) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit those recommendations to the department proposing the rule and submit oral or written testimony at a rulemaking hearing;

(c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(d) institute, intervene in, or otherwise participate in proceedings involving this chapter in the state and federal courts and administrative agencies;

(e) review the incidence and conduct of administrative proceedings under this chapter;

(f) grant an extension to the deadline provided in 2-4-302(1)(b)."""
**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 258**, do pass. Report adopted.
**SB 266**, do pass. Report adopted.

**TAXATION** (Tutvedt, Chair): 2/15/2013
**SB 34**, introduced bill, be amended as follows:

1. Page 2, line 2 through line 3.

**Strike:** "an" on line 2 through "is" on line 3

2. Page 2, line 4.
**Following:** "(i)"
**Insert:** "an employee benefit plan that is"

3. Page 2, line 5.
**Strike:** "under"

4. Page 2, line 6.
**Following:** "(iii)"
**Insert:** "a policy or certificate"

5. Page 2, line 11.
**Following:** line 10
**Insert:** "(3) “Match” means a search of the death master file that results in a match of the social security number or the name and date of birth of an insured, annuitant, or retained asset account owner."
**Renumber:** subsequent subsections

6. Page 2, line 12.
**Strike:** "an employee benefit plan that is"

7. Page 2, line 13.
**Following:** "(a)"
**Insert:** "an employee benefit plan that is"

8. Page 2, line 14.
**Strike:** "under"

9. Page 2, line 15.
**Following:** "(c)"
**Insert:** "a policy or certificate of insurance"
**Strike:** the second "or"

10. Page 2, line 16.
**Following:** "death insurance"
**Insert:** "; or
(e) a policy issued to a group master policyholder for which the insurer does not provide recordkeeping services"

11. Page 3, line 19.
**Strike:** "good faith"
**Insert:** "reasonable"

And, as amended, do pass. Report adopted.

**SB 239**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
**Strike:** "ADDING" on line 7 through "PLAN;" on line 8

2. Title, page 1, line 8.
**Following:** "PLAN;"
**Insert:** "PROVIDING THAT ANY PORTION OF THE INCREMENT REMITTED TO A TAXING BODY MUST BE USED TO REDUCE AD VALOREM TAXES AND MAY NOT REDUCE FUTURE LEVY AUTHORITY;"

3. Title, page 1, line 10.
**Following:** "7-15-4284,"
**Insert:** "7-15-4285,"
**Following:** "7-15-4286,"
**Insert:** "7-15-4287,"
**Following:** "7-15-4288,"
**Insert:** "7-15-4289,"
**Following:** "7-15-4290,"
**Insert:** "7-15-4291,"

4. Title, page 1, line 11.
**Following:** "7-15-4304,"
**Insert:** "7-15-4305, 7-15-4306, 7-15-4322,"

5. Page 1, line 21.
**Strike:** "municipalities"
**Insert:** "local governments"

6. Page 1, line 23.
**Strike:** "municipalities"
**Insert:** "local governments"

7. Page 2, line 1.
**Strike:** "municipality"
**Insert:** "local government"

8. Page 2, line 13.
**Strike:** "municipality"
**Insert:** "local governments"

9. Page 2, line 15.
**Strike:** "municipality"

**Insert:** "local government"

10. Page 2, line 16.
**Strike:** "municipality"
**Insert:** "local government"

11. Page 2, line 20.
**Following:** "(a) ""
**Insert:** "secondary"

12. Page 2, line 23.
**Following:** "(b) ""
**Insert:** "secondary"
**Following:** "produces"
**Insert:** "secondary"

13. Page 2, line 28.
**Strike:** "**urban renewal area and**"

14. Page 2, line 29.
**Strike:** "municipality"
**Insert:** "local government"

15. Page 3, line 1.
**Strike:** "municipality"
**Insert:** "local government"

16. Page 3, line 3.
**Strike:** "municipality"
**Insert:** "local government"

17. Page 3, line 13.
**Strike:** "municipal"
**Insert:** "local government"

18. Page 4, line 16.
**Strike:** ""Municipality""
**Insert:** ""Local government""

19. Page 5, line 7.
**Strike:** "municipality"
**Insert:** "local government"

20. Page 5, line 13.
**Following:** line 12

**Insert: "Section 8.** Section 7-15-4285, MCA, is amended to read:

**"7-15-4285. Determination and report of original, actual, and incremental taxable values.** The department of revenue shall, upon receipt of a qualified tax increment provision and each succeeding year, calculate and report to the ~~municipality~~ local government and to any other affected taxing body in accordance with Title 15, chapter 10, part 2, the base, actual, and incremental taxable values of the property.""

**Renumber:** subsequent sections

21. Page 5, line 25.
**Strike:** "municipality"
**Insert:** "local government"

22. Page 5, line 28.
**Insert: "Section 10.** Section 7-15-4287, MCA, is amended to read:

**"7-15-4287. Provision for use of portion of tax increment.** (1) At the time of adoption of a tax increment provision or at any time subsequent thereto, the governing body of the ~~municipality~~ local government may provide that a portion of the tax increment from the incremental taxable value ~~shall~~ be released from segregation by an adjustment of the base taxable value, provided that:

(a) all principal and interest then due on bonds for which the tax increment has been pledged ~~has~~ have been fully paid; and

(b) the tax increment resulting from the smaller incremental value is determined by the governing body to be sufficient to pay all principal and interest due later on the bonds.

(2) The adjusted base value determined under subsection (1) ~~shall~~ must be reported by the clerk to the officers and taxing bodies to which the increment provision is reported.

(3) Thereafter, the adjusted base value is used in determining the mill rates of affected taxing bodies unless the tax increment resulting from the adjustment is determined to be insufficient for this purpose. In this case, the governing body ~~must~~ shall reduce the base value to the amount originally determined or to a higher amount necessary to provide tax increments sufficient to pay all principal and interest due on the bonds.""

**Renumber:** subsequent sections

23. Page 6, line 1.
**Strike:** "municipality"
**Insert:** "local government"

24. Page 6, line 22.
**Strike:** "municipality"
**Insert:** "local government"

25. Page 7, line 3.
**Following:** "to"
**Insert:** "secondary"

26. Page 7, line 7.

**Following:** line 6
**Insert: "Section 12.** Section 7-15-4289, MCA, is amended to read:

**"7-15-4289. Use of tax increments for bond payments.** The tax increment may be pledged to the payment of the principal of premiums, if any, and interest on bonds ~~which~~ that the ~~municipality~~ local government may issue for the purpose of providing funds to pay ~~such~~ those costs.""
**Renumber:** subsequent sections

27. Page 7, line 24.
**Strike:** "municipality"
**Insert:** "local government"

28. Page 7, line 27.
**Strike:** "municipality"
**Insert:** "local government"

29. Page 7, line 30.
**Strike:** "municipality"
**Insert:** "local government"

30. Page 8, line 2.
**Strike:** "municipality"
**Insert:** "local government"

31. Page 8, line 5.
**Following:** line 4
**Insert: "Section 14.** Section 7-15-4291, MCA, is amended to read:

**"7-15-4291. Agreements to remit unused portion of tax increments.** (1) The ~~municipality~~ local government may also enter into agreements with the other affected taxing bodies to remit to ~~such~~ those taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 or pledged to the payment of the principal of premiums, if any, and interest on the bonds referred to in 7-15-4289.

(2) Any portion of the increment remitted to a taxing body must be treated as budgeted ad valorem taxes and used to reduce ad valorem taxes by the taxing body receiving the remittance and may not reduce the future levy authority of the taxing body receiving the remittance. This subsection applies to all tax increment financing districts created after December 31, 1979.""
**Renumber:** subsequent sections

32. Page 8, line 16.
**Strike:** "municipality"
**Insert:** "local government"

33. Page 8, line 19.
**Following:** "project"

**Insert:** "or targeted economic development district project"
**Strike:** "municipality"
**Insert:** "local government"

34. Page 8, line 24.
**Following:** "plan"
**Insert:** "or targeted economic development district comprehensive development plan"

35. Page 9, line 11.
**Strike:** "local governing body"

36. Page 9, line 12.
**Following:** "~~municipality~~"
**Insert:** "local government"

37. Page 9, line 16.
**Strike:** "municipality"
**Insert:** "local government"

38. Page 9, line 18.
**Strike:** "municipality"
**Insert:** "local government"

39. Page 10, line 6.
**Strike:** "municipality"
**Insert:** "local government"

40. Page 10, line 27.
**Strike:** "municipality"
**Insert:** "local government"

41. Page 11, line 3.
**Strike:** "municipality"
**Insert:** "local government"

42. Page 11, line 4.
**Strike:** "municipality's"
**Insert:** "local government's'"

43. Page 11, line 10.
**Following:** "A"
**Insert:** "local government or"

44. Page 11, line 17.
**Following:** "credit of the"

**Insert:** "local government or"

45. Page 11, line 19.
**Following:** "of the"
**Insert:** "local government or"

46. Page 11, line 22.
**Following:** "by the"
**Insert:** "local government or"

47. Page 11, line 24.
**Following:** "funds of the"
**Insert:** "local government or"
**Following:** "revenue of the"
**Insert:** "local government or"

48. Page 11, line 28.
**Following:** "projects of the"
**Insert:** "local government or"

49. Page 12, line 2.
**Following:** "body of the"
**Insert:** "local government or"

50. Page 12, line 10.
**Following:** "the"
**Insert:** "local government or"

51. Page 12, line 14.
**Following:** "bonds by the"
**Insert:** "local government or"

52. Page 12, line 20.
**Following:** "upon the"
**Insert:** "local government or"

53. Page 12, line 24.
**Following:** "applicable, the"
**Insert:** "local government or"

54. Page 13, line 1.
**Following:** "issued by the"
**Insert:** "local government or"

55. Page 13, line 7.

**Insert: "Section 21.** Section 7-15-4305, MCA, is amended to read:

**"7-15-4305. Validity and sufficiency of signatures on bonds.** In case any of the public officials of the local government or municipality whose signatures appear on any bonds or coupons issued under ~~this part and~~ part 42 ~~shall~~ and this part cease to be ~~such~~ officials before the delivery of ~~such~~ the bonds, ~~such~~ their signatures ~~shall, nevertheless, be~~ remain valid and sufficient for all purposes the same as if ~~such~~ the officials had remained in office until ~~such~~ delivery of the bonds.""

**Insert: "Section 22.** Section 7-15-4306, MCA, is amended to read:

**"7-15-4306. Bonds as legal investments.** (1) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business~~;~~, all insurance companies, insurance associations, and other persons carrying on an insurance business~~;~~, and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, money, or other funds belonging to them or within their control in any bonds or other obligations issued by a local government or municipality pursuant to ~~this part and~~ part 42 and this part, provided that ~~such~~ the bonds and other obligations ~~shall~~ must be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of ~~such~~ bonds or other obligations, money in an amount ~~which~~ that, ~~(~~together with any other money irrevocably committed to the payment of interest on ~~such~~ the bonds or other obligations~~)~~, will suffice to pay the principal of ~~such~~ the bonds or other obligations with interest to maturity ~~thereon, which~~ on the bonds. The money under the terms of ~~said~~ the agreement is required to be used for the purpose of paying the principal of and the interest on ~~such~~ the bonds or other obligations at their maturity.

(2) ~~Such~~ The bonds and other obligations ~~shall~~ must be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of ~~any such~~ the bonds or other obligations.

(3) Nothing contained in this section with regard to legal investments ~~shall~~ may be construed as relieving any person of any duty of exercising reasonable care in selecting securities.""

**Insert: "Section 23.** Section 7-15-4322, MCA, is amended to read:

**"7-15-4322. Details relating to urban renewal bonds.** (1) Bonds issued under 7-15-4301 may be issued in one or more series and must bear a date or dates, be payable upon demand or mature at a time or times, bear interest as provided in 17-5-102, be in denomination or denominations, be in ~~form (~~either coupon or registered~~)~~ form, carry conversion or registration privileges, have rank or priority, be executed in a manner, be payable in a medium of payment at a place or places, be subject to terms of redemption ~~(~~with or without premium~~)~~, be secured in a manner, and have other characteristics as may be provided by the resolution, ordinance, or trust indenture or a mortgage authorized pursuant to the resolution, ordinance, or trust indenture.

(2) (a) The bonds may be sold at not less than 97% of par, at public or private sale~~,~~ or may be exchanged for other bonds on the basis of par.

(b) The bonds may be sold to the federal government at private sale at not less than par, and if less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may be sold~~,~~ at public or private sale~~,~~ at not less than 97% of par at an interest cost to the local government or municipality of not to exceed the interest cost of the portion

of the bonds sold to the federal government.""
**Renumber:** subsequent sections

56. Page 13, line 19.
**Following:** "issued, the"
**Insert:** "local government or"

57. Page 13, line 24.
**Following:** "**districts.**"
**Insert:** "(1)"

58. Page 13, line 27.
**Following:** "except that the"
**Insert:** "local government or"

59. Page 14, line 3.
**Following:** line 2
**Insert:** "(2) Technology districts, aerospace transportation and technology districts, and industrial districts established under Title 7, chapter 15, part 42, that were initiated prior to [the effective date of this act] may continue to operate and issue bonds under the laws governing the districts and financial operations of the districts as those laws read on December 31, 2012. A technology district, aerospace transportation and technology district, or industrial district is considered initiated if the local governing body has adopted an ordinance for a district and has held a public hearing for creation of the district.

(3) For operation of existing technology districts, aerospace transportation and technology districts, and industrial districts established under Title 7, chapter 15, part 42, that were initiated prior to [the effective date of this act], any portion of the increment remitted to a taxing body under 7-15-4291 must be treated as budgeted ad valorem taxes and used to reduce ad valorem taxes by the taxing body receiving the remittance and may not reduce the future levy authority of the taxing body receiving the remittance."

And, as amended, do pass. Report adopted.

**SB 240**, do pass. Report adopted.

## MESSAGES FROM THE GOVERNOR

February 18, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Monday, February 18, 2013, I signed the following Senate bills:

**Senate Bill 15** - Wanzenried
**Senate Bill 16** - Dick Barrett
**Senate Bill 30** - Buttrey
**Senate Bill 39** - Vincent
**Senate Bill 52** - Keane
**Senate Bill 60** - Vuckovich
**Senate Bill 72** - Debby Barrett

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

## MESSAGES FROM THE OTHER HOUSE

**Senate bills** concurred in and returned to the Senate: 2/18/2013

**SB 5**, introduced by Buttrey
**SB 36**, introduced by Murphy
**SB 75**, introduced by Priest
**SB 141**, introduced by Olson

**House bills** passed and transmitted to the Senate for concurrence: 2/18/2013

**HB 360**, introduced by White
**HB 362**, introduced by Berry
**HB 363**, introduced by Berry

**Senate amendments to House bill** concurred in: 2/18/2013

**HB 148**, introduced by Connell

## MOTIONS

Senator Larsen moved to take **SB 195** from second reading this date and place it on second reading tomorrow, February 20, 2013, the thirty-eighth legislative day. Without objection, so ordered.

## FIRST READING AND COMMITMENT OF BILLS

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

**SB 350**, introduced by Tutvedt, Hollandsworth, Peterson, referred to Taxation.
**SB 351**, introduced by Olson, referred to Public Health, Welfare and Safety.
**SB 352**, introduced by Thomas, Jergeson, referred to Public Health, Welfare and Safety.
**SB 353**, introduced by Walker, referred to Select Committee on Pensions.
**SB 354**, introduced by Hamlett, referred to Natural Resources.
**SB 355**, introduced by Hamlett, Brenden, Keane, Larsen, referred to Natural Resources.
**SB 356**, introduced by Arntzen, referred to Education and Cultural Resources.
**SB 357**, introduced by Facey, referred to Business, Labor, and Economic Affairs.
**SB 358**, introduced by Walker, referred to Public Health, Welfare and Safety.
**SB 359**, introduced by Fielder, Arntzen, Boulanger, Murphy, Thomas, referred to Education and Cultural Resources.
**SB 360**, introduced by Fielder, Arthun, Boulanger, Murphy, Thomas, referred to Fish and Game.
**SB 361**, introduced by Tutvedt, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 18**, introduced by Thomas, referred to Taxation.

## 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 Sales in the chair.

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

**HB 94** - Senator Facey moved **HB 94** be concurred in. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 94** - Senator Wittich moved **HB 94** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**SB 212** - Senator Hamlett moved **SB 212** do pass. Motion carried as follows:

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

Nays: Arthun, Boulanger, Moore, Priest, Sales, Sonju, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**SB 125** - Senator Olson moved **SB 125** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Buttrey, Caferro, Driscoll, Facey, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich,

Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**SB 107** - Senator Facey moved **SB 107** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Boulanger, Brenden, D. Brown, Jackson, Lewis, Ripley, Rosendale, Sales, Thomas, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 169** - Senator Olson moved **HB 169** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 193** - Senator Tutvedt moved **HB 193** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**SB 245** - Senator Arthun moved **SB 245** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**SB 217** - Senator Hamlett moved **SB 217** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

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

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Rosendale, Sales, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

## 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 114** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, 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, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Priest, Walker, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 115** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 42

Nays: Keane, Priest, Walker, Wanzenried, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 138** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 44

Nays: Boulanger, Sales, Wittich, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 141** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, T. Brown, Buttrey,

Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vuckovich, Webb, Windy Boy, Mr. President.
Total 35

Nays: Boulanger, D. Brown, Fielder, Jackson, Kaufmann, Malek, Sales, Thomas, Van Dyk, Vincent, Walker, Wanzenried, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 202** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**HB 18** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 39

Nays: Barrett Debby, Boulanger, D. Brown, Fielder, Sales, Sonju, Vincent, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**SB 236** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Driscoll, Facey, Taylor, Van Dyk, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

**SB 56** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

## ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, February 20, 2013, the thirty-eighth legislative day. Motion carried.

Senate adjourned at 2:02 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate