SENATE JOURNAL
63RD LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 22, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/22/2013

Correctly printed: **SB 34**, **SB 160**, **SB 176**, **SB 181**, **SB 185**, **SB 224**, **SB 259**, **SB 262**, **SB 270**, **SB 292**, **SB 296**, **SB 366**, **SB 367**, **SB 368**, **SB 369**, **SB 370**, **SB 371**, **SJR 15**, **SJR 19**.
Correctly engrossed: **SB 127**, **SB 135**, **SB 153**, **SB 173**, **SB 182**, **SB 195**, **SB 207**, **SB 223**, **SB 231**, **SB 237**, **SB 242**, **SB 247**, **SB 269**, **SB 275**, **SB 288**, **SB 312**, **SB 316**, **SB 319**, **SB 332**, **SB 343**, **SB 357**.
Correctly enrolled: **SB 47**.
Examined by the sponsor and found to be correct: **SB 47**.
Transmitted to the House: **SB 203**, **SB 233**, **SB 249**, **SB 278**, **SB 291**, **HB 63**, **HB 77**, **HB 81**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 2/21/2013
SB 336, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/22/2013
SB 343, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "EXPANDING THE NUMBER OF"
Insert: "REQUIRING TWO"

2. Title, page 1, line 6 through line 11.
Strike: "WHO ARE" on page 6
Insert: "TO BE"
Strike: "DIRECTING" on line 6 through "AUTHORITY;" on line 11

3. Title, page 1, line 12 through line 13.
Strike: "REQUIRING" on line 12 through "MANICURING;" on line 13
Strike: ", 37-31-203," on line 13
Insert: "AND"
Strike: "AND 37-31-311," on line 13

4. Page 2, line 3 through line 4.

Strike: "Not" through "three" on line 3
Insert: "Two"
Strike: "may" on line 3
Insert: "must"
Following: "be" on line 3
Strike: "members of or"
Strike: ", and" on line 3 through "school" on line 4

5. Page 2, line 12 through line 13.
Strike: subsection (6) in its entirety
Renumber: subsequent subsection

6. Page 2, line 17 through page 3, line 6.
Strike: section 2 in its entirety
Renumber: subsequent sections

7. Page 3, line 20.
Following: "(d)"
Insert: "(i)"

8. Page 3, line 21.
Following: "training"
Insert: ";"
Following: "or"
Insert: "(ii)"

9. Page 3, line 22.
Following: "practice."
Insert: "A person who qualifies for a license under this subsection (2)(d)(ii) has 2 years to complete board-approved coursework related to teaching methodology before a license to teach is renewed."

10. Page 3, line 24 through page 6, line 10.
Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

SB 357, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "INSURANCE;"
Insert: "AND"

2. Page 2, line 20.
Strike: "or"

3. Page 2, line 21.
Following: "33-17-211"
Insert: "; or
(f) a casualty insurance producer, for the purposes of a separate exam for prepaid legal insurance, if the casualty insurance producer sells prepaid legal insurance as of [the effective date of this act] and continues to maintain a license in good standing as a casualty insurance producer"

And, as amended, do pass. Report adopted.

HB 190, be concurred in. Report adopted.
HB 212, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 2/21/2013
SB 153, introduced bill, be amended as follows:

1. Page 2, line 13.
Strike: "Pondera,"
Insert: "Prairie,"

2. Page 2, line 15.
Following: "Fallon,"
Insert: "Musselshell,"
Following: "Powder River,"
Strike: "Prairie,"

3. Page 2, line 17.
Following: "~~Deer Lodge,~~"
Insert: "Deer Lodge,"

4. Page 2, line 18.
Strike: "Musselshell,"

5. Page 2, line 19.
Strike: "Deer Lodge,"
Following: "~~Powell,~~"
Insert: "Powell,"

6. Page 2, line 21.
Strike: "Powell,"
Insert: "Pondera,"

And, as amended, do pass. Report adopted.

SB 247, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "ALLOWING" on line 5 through "ACCOUNTS;" on line 7
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 69-8-603"

2. Page 5, line 29 through page 6, line 29.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 312, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "state"
Insert: "."

2. Page 1, line 18.
Strike: line 18

And, as amended, do pass. Report adopted.

SB 325, do pass. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 2/21/2013
SB 127, introduced bill, be amended as follows:

1. Page 4, line 30.
Following: "of"
Insert: "express"

2. Page 5, line 1.
Following: "employee"
Insert: ", including conduct that would be considered by a reasonable person to be:
(A) unprofessional or inappropriate;
(B) a conflict of interest;
(C) a breach of public trust;
(D) unacceptable customer service;
(E) disrespectful toward the employer, coworkers, supervisors, managers, subordinates, clients, or customers;
(F) a failure to maintain the qualification, certification, licensure, or training requirements identified for the position;
(G) a failure to utilize leave and related employee benefits in the manner for which they were intended;

(H) a failure to resolve work-related issues and disputes in a professional manner;
(I) a failure to make work-related decisions or take actions that are in the best interest of the employer; and
(J) a failure to act in a manner that supports the mission of the employer"

And, as amended, do pass. Report adopted.

SB 135, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
Following: "REPORT" on line 5
Strike: remainder of line 5 through "LEGISLATURE;" on line 7
Insert: "TO THE LEGISLATURE IF FEDERAL GRANTS AWARDED ARE NOT AT LEAST 90% OF THE AMOUNT ANTICIPATED AND WITH CONTINGENCY PLANS IF ANTICIPATED FEDERAL FUNDS ARE REDUCED; AMENDING SECTION 17-3-102, MCA;"

2. Page 1, line 12 through page 2, line 21.
Strike: sections 1 through 3 in their entirety
Insert: "Section 1. Section 17-3-102, MCA, is amended to read:
"17-3-102. Definitions. As used in this part, the following definitions apply:
(1) "Application" means the form specified by a federal agency.
(2) "Federal assistance programs" means any financial assistance made to a state agency by an agency of the United States government, whether a grant, loan, gift, contract, or in any other form.
(3) "Grantee agency" means any agency of state government receiving federal funds.
(4) "Indirect costs" means costs that benefit more than one agency or program and that are not readily assignable to the agency or program specifically benefiting.
(5) "Service agency" means state agencies that provide goods, facilities, and services to a grantee agency.
(6) "State agency" means any agency of state government eligible to apply for and receive federal funds.
(7) "University system unit" means a unit within the Montana university system provided for in 20-25-201.""

Insert: "NEW SECTION. **Section 2. Federal reporting requirements.** For each federal grant in excess of $1 million, each state agency and university system unit shall report in electronic form to the legislative fiscal division for consideration by the legislative finance committee:
(1) whenever grants received in any year are less than 90% of anticipated amounts as appropriated by the legislature for that year. The report must include a short description of the impact of the discrepancy and how it was addressed by the agency or university system unit.
(2) by October 1 of each odd-numbered fiscal year, a plan for operating the agency or university system unit if there is a reduction of 5%, 10%, and 20% in the anticipated federal funds that the agency or university system receives."
Renumber: subsequent sections

3. Page 2, line 23.
Following: "**instruction**."
Strike: "[Sections 1 through 3] are"
Insert: "[Section 2] is"

4. Page 2, line 24.
Strike: "2" in two places
Insert: "17" in two places
Strike: "[sections 1 through 3]"
Insert: "[section 2]"

And, as amended, do pass. Report adopted.

SB 173, introduced bill, be amended as follows:

1. Title, page 1, line 14.
Following:"FUND;"
Insert: "REQUIRING A ONE-TIME TRANSFER FROM THE STATE FUND'S ASSETS TO ITS POLICYHOLDERS; "

2. Page 5.
Following: line 19
Insert: "NEW SECTION. **Section 6. Fund payment.** Prior to June 30, 2015, the state compensation insurance fund created in 39-71-2313 shall pay to its policyholders of record who pay for workers' compensation premiums for plan year 2014 $7 million out of its surplus generated by income on premiums paid to the state fund based on wages payable on or after July 1, 1990. The payment must be proportionately distributed based on premium payments due for plan year 2014. The payment is not a dividend. The state fund may determine the method of payment."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 269, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: ":"AN ACT"
Insert: "GENERALLY REVISING BUDGET LAWS;"

2. Title, page 1, line 5 and line 6.
Following: "BUDGET;" on line 5
Strike: remainder of line 5 through "INFORMATION;" on line 6

3. Page 2, line 5.
Following: "books,"
Strike: "spreadsheets, analysis,"

4. Page 4, line 10.
Following: "~~proposal.~~"
Insert: "The distinction between new proposals and present law adjustments to the base budget is determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal."

5. Page 5, line 30.
Following: "~~proposal.~~"
Insert: "The distinction between new proposals and present law adjustments to the base budget is determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal."

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 2/21/2013
SB 256, do pass. Report adopted.
SB 305, do pass. Report adopted.
SB 328, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/21/2013
SB 275, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "issue a document to the person confirming"
Insert: "verify"

2. Page 1, line 14 through line 15.
Strike: "The" on line 14 through "when" on line 15
Insert: "When"

3. Page 1, line 16.
Following: "61"
Insert: ","
Strike: "and requests"
Insert: "the person may request"

4. Page 4, line 19.
Following: "<u>receiving</u>"
Insert: "a request"
Strike: "<u>an applicant a document confirming the applicant's</u>"
Insert: "a person whose"

5. Page 4, line 20.

Strike: "issued"
Insert: "has been verified"

And, as amended, do pass. Report adopted.

SB 314, do pass. Report adopted.
SB 319, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "15-1-504,"
Insert: "61-3-116,"

2. Page 1, line 12 through line 28.
Strike: section 1 in its entirety
Insert: "Section 1. Section 61-3-116, MCA, is amended to read:

"61-3-116. Services that may be performed by authorized agent. (1) The department may authorize a person to perform, on the department's behalf, specific motor vehicle titling, registration, or driver licensing functions assigned to or administered by the department under this title. The authorization must be evidenced by an authorized agent agreement.

(2) An authorized agent must meet all of the requirements established by the department.

(3) An authorized agent shall, within the time period prescribed in the authorized agent agreement, submit to the department or its designee all statutorily prescribed fees, taxes, or penalties the authorized agent collects.

(4) (a) Except when specifically prohibited by statute or the authorized agent agreement, in addition to statutorily prescribed fees, taxes, and penalties, an authorized agent may collect and retain a reasonable convenience fee for services provided.

(b) If an authorized agent is a municipal or county officer, the convenience fee may be charged and collected as permitted under 7-5-2133 or 7-5-4125.

(5) The department may provide an automated mechanism to ensure that any statutorily prescribed fee, tax, or penalty collected by an authorized agent or a county treasurer in a county other than the county where the owner of the vehicle is domiciled is transferred to the county treasurer of the county where the owner of a vehicle is domiciled.""

3. Page 3, line 25 through line 26.
Strike: "An" on line 25 through "department." on line 26

4. Page 6, line 30.
Strike: subsection (12) in its entirety

5. Page 7, line 23.
Following: "(b)"
Strike: "(i)"

6. Page 7, line 27.
Strike: subsection (ii) in its entirety

7. Page 10, line 10.
Strike: "and each authorized agent"

8. Page 10, line 16.
Strike: "and authorized agents"

9. Page 10, line 25.
Strike: "once" through "state"
Insert: "transmit the donations to the state as provided in 15-1-504 or 61-3-116"

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/21/2013
SB 231, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "REMOVING"
Insert: "REVISING"

2. Title, page 1, line 6.
Following: "LAND;"
Insert: "PROVIDING THAT EXISTING PROPERTY TAXES DUE ARE NOT EXTINGUISHED;"

3. Page 4, line 3.
Following: "~~acres,~~"
Insert: ", not to exceed 640 acres,"

4. Page 5, line 25.
Following: line 24
Insert: "NEW SECTION. **Section 2. Transition -- existing property taxes not extinguished.** [This act] does not extinguish existing property taxes, including but not limited to taxes due and owing, delinquent taxes, tax liens, and tax deeds on property that are in effect on December 31, 2013."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/21/2013

HB 203, introduced by Clark
HB 301, introduced by Halvorson
HB 335, introduced by Eck
HB 374, introduced by Fitzpatrick

HB 388, introduced by Cuffe
HB 389, introduced by Mehlhoff

MOTIONS

Senator Facey moved to reconsider second-reading action on **SB 54** and that **SB 54** be placed on second reading Monday, February 25, 2013, for the purpose of placing an amendment on the bill. Motion carried as follows:

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

Nays: Boulanger, Brenden, Ripley, Rosendale, Sales, Taylor, Walker, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Walker moved that **SB 227** be taken from State Administration and brought before the Committee of the Whole on Monday, February 25, 2013. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, T. Brown, Fielder, Hamlett, Jackson, Lewis, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

FIRST READING AND COMMITMENT OF BILLS

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

SB 372, introduced by Boulanger, referred to Public Health, Welfare and Safety.

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 Sonju in the chair.

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

SB 250 - Senator Debby Barrett moved **SB 250** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 235 - Senator Buttrey moved **SB 235** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Moore, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 239 - Senator Buttrey moved **SB 239** do pass.

SB 239 - Senator Buttrey moved **SB 239**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "PROVIDING" on page 1, line 8 through "AUTHORITY;" on line 9

2. Page 9, line 11.
Following: "**increments.**"
Strike: "(1)"

3. Page 9, line 16 through line 19.
Strike: subsection (2) in its entirety

4. Page 17, line 14 through line 19.
Strike: subsection (3) in its entirety

Amendment adopted as follows:

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

Nays: Barrett Dick, Blewett, Kaufmann, Malek, Phillips, Wanzenried, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 239 - Senator Buttrey moved **SB 239**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson,

Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Webb, Windy Boy.
Total 30

Nays: Arntzen, Barrett Debby, Barrett Dick, Blewett, Driscoll, Fielder, Kaufmann, Moore, Phillips, Priest, Ripley, Sales, Stewart-Peregoy, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator L. Jones moved **SB 175** do pass.

SB 175 - Senator F. Moore moved **SB 175**, second reading copy, be amended as follows:

1. Page 11, line 18 through line 24.
Following: "district" on line 18
Strike: "," on line 18 through "20-9-622(3)(A)" on line 24

2. Page 14, line 7 through line 8.
Strike: "THE GREATER" on line 7 through "OR" on line 8

Amendment **not** adopted as follows:

Yeas: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 15

Nays: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 34

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Arntzen moved **SB 175**, second reading copy, be amended as follows:

1. Page 13, line 5.
Strike: "kindergarten" through "6"

2. Page 13, line 17.
Following: "(A)"
Insert: "with an ANB of 450 or fewer,"

3. Page 13, line 17 through line 18.
Strike: "for the school" on line 17 through "fewer" on line 18

4. Page 13, line 19.
Following: "(B)"
Insert: "with an ANB of more than 450,"

5. Page 13, line 19 through line 20.
Strike: "for the school" on line 19 through "450" on line 20

6. Page 15, line 4.
Strike: "for kindergarten through grade 6"
Insert: "in the elementary program"

7. Page 15, line 8.
Strike: "for grades 7 and 8"
Insert: "in the approved and accredited junior high school, 7th and 8th grade program, or middle school"

8. Page 15, line 9.
Strike: "for grades 7 and 8"

9. Page 22, line 23.
Strike: "7th"
Insert: "6th"

10. Page 22, line 24.
Strike: "the 7th"
Insert: "6th, 7th,"

Amendment **not** adopted as follows:

Yeas: Arntzen, Sonju, Taylor, Walker, Webb, Mr. President.
Total 6

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 43

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Walker moved **SB 175**, second reading copy, be amended as follows:

1. Page 45, line 14.
Strike: "per-quality-educator"
Insert: "per-ANB"

2. Page 45, line 15 through line 16.
Strike: "quality" on line 15 through "by" on line 16
Insert: "ANB in"

Amendment **not** adopted as follows:

Yeas: Arntzen, Brenden, D. Brown, Fielder, Jackson, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 12

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Walker moved **SB 175**, second reading copy, be amended as follows:

1. Page 11, line 17 through line 24.
Strike: "for" on line 17 through "20-9-622(3)(A)" on line 24

2. Page 14, line 5.
Following: "district"

Insert: "."

3. Page 14, line 6 and line 7.
Strike: "," on line 6 through "GREATER OF" on line 7
Insert: "The amount determined under subsection (10)(b) is the amount of the payment for a school fiscal year, which is calculated by:
(a) determining the amount that is the greater of:
(i)"

4. Page 14, line 8.
Strike: "OR"
Insert: "; or
(ii)"

5. Page 14, line 11.
Following: "20-9-622(3)(A)"
Insert: "; and
(b) determining the amount that is the lesser of:
(i) the amount determined under subsection (10)(a); or
(ii) the amount resulting from multiplying 50% of the fiscal year 2012 oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) by the ratio formed by dividing the fiscal year average consumer price index 2 years prior to the payment by the fiscal year average consumer price index for fiscal year 2012"

Amendment **not** adopted as follows:

Yeas: Barrett Debby, Boulanger, Brenden, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Walker, Webb, Wittich, Mr. President.
Total 13

Nays: Arntzen, Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 36

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Boulanger moved **SB 175**, second reading copy, be amended as follows:

1. Page 42, line 23.

Following: "~~not~~"
Insert: "not"

2. Page 42, line 24.
Strike: "in" through "budget"
Strike: "that"

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Sales, Taylor, Thomas, Webb, Wittich, Mr. President.
Total 8

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 41

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Priest moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 1, line 11.
Strike: "NATURAL RESOURCE DEVELOPMENT"
Insert: "FOSSIL FUEL EXTRACTION"

2. Title, page 1, lines 14 and 15.
Strike: "NATURAL RESOURCE DEVELOPMENT"
Insert: "FOSSIL FUEL EXTRACTION"

3. Page 9, line 26.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

4. Page 11, line 17.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

5. Page 14, line 4.
Strike: "Natural resource development"

Insert: "Fossil fuel extraction"

6. Page 29, line 16.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

7. Page 29, line 24.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

8. Page 45, line 11.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 14

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 35

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Priest moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 1, line 12.
Following: "DISTRICTS"
Insert: "UPON VOTER APPROVAL"

2. Title, page 1, line 15.
Following: the first "PAYMENT"
Insert: "UPON VOTER APPROVAL"

3. Page 11, line 17.
Following: "(b)"
Insert: "for districts in which electors have approved acceptance,"

4. Page 11, line 18 through line 24.
Following: "district" on line 18
Strike: "," on line 18 through "20-9-622(3)(A)" on line 24

5. Page 14, line 5.
Following: "district"
Insert: "in which electors have approved acceptance pursuant to [section 33]"

6. Page 46, line 15.
Following: line 14
Insert: "NEW SECTION. **Section 33. Natural resource development K-12 funding payment -- required election.** (1) The electors of a district shall annually vote to accept or reject the natural resource development K-12 payment provided in 20-9-306 on the regular school election day as provided in 20-3-304.

(2) The ballot for the natural resource development K-12 payment proposition must be substantially in the following form:

"OFFICIAL BALLOT

Should.... School District No....., ... County accept the natural resource development K-12 payment for the school fiscal year beginning July 1, ...?

[] FOR accepting the natural resource development K-12 payment.

[] AGAINST accepting the natural resource development K-12 payment.""
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Sales moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Strike: "CREATING" through "FORCE;"

2. Page 2, line 18 through page 3, line 17.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 8, line 12 through line 13.
Strike: "in" on line 12 through "[section 1]" on line 13

4. Page 8, line 17 through line 18.
Strike: "and the" on line 17 through "collaborate to" on line 18
Insert: "shall"

5. Page 9, line 20.
Following: line 19
Insert: "(10) The superintendent of public instruction shall report to the education and local government interim committee, the senate education and cultural resources committee, and the house education committee regarding enhancements to the statewide data system pursuant to subsection (6)."

6. Page 15, line 12.
Strike: "[section 2]"
Insert: "[section 1]"

7. Page 15, line 23.
Strike: "2"
Insert: "1"

8. Page 17, line 1.
Strike: "32"
Insert: "31"

9. Page 39, line 28.
Strike: "27"
Insert: "26"

10. Page 46, line 28 through line 29.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

11. Page 46, line 30.
Strike: "2" through "31"
Insert: "1, 26, and 30"

12. Page 47, line 1.
Strike: "2" through "31"
Insert: "1, 26, and 30"

13. Page 47, line 2.
Strike: "26"
Insert: "25"

14. Page 47, line 3.
Strike: "26"
Insert: "25"

15. Page 47, line 10.
Strike: "28 AND 29"
Insert: "27 and 28"

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Rosendale moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 2, line 13.
Following: "PROVIDING"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

2. Page 11, line 20.
Strike: "2012"
Insert: "2014"

3. Page 12, line 19.
Strike: "2014"
Insert: "2016"

4. Page 12, line 21.
Strike: "2014"
Insert: "2016"

5. Page 12, line 22.
Strike: "2014"
Insert: "2016"

6. Page 12, line 28.
Strike: "2014"
Insert: "2016"

7. Page 12, line 30.
Strike: "2014"
Insert: "2016"

8. Page 13, line 1.
Strike: "2014"
Insert: "2016"

9. Page 13, line 8.
Strike: "2014"
Insert: "2016"

10. Page 13, line 10.
Strike: "2014"
Insert: "2016"

11. Page 13, line 11.
Strike: "2014"
Insert: "2016"

12. Page 13, line 17.
Strike: "2014"
Insert: "2016"

13. Page 13, line 19.
Strike: "2014"
Insert: "2016"

14. Page 13, line 21.

Strike: "2014"
Insert: "2016"

15. Page 14, line 7.
Strike: "2012"
Insert: "2014"

16. Page 14, line 23.
Strike: "2014"
Insert: "2016"

17. Page 14, line 28.
Strike: "2014"
Insert: "2016"

18. Page 15, line 3.
Strike: "2014"
Insert: "2016"

19. Page 15, line 7.
Strike: "2014"
Insert: "2016"

20. Page 17, line 1.
Strike: "32"
Insert: "31"

21. Page 45, line 26 through page 46, line 2.
Strike: section 31 in its entirety
Renumber: subsequent sections

22. Page 47, line 5 through line 10.
Strike: section 36 in its entirety
Insert: "NEW SECTION. **Section 36. Effective date -- applicability.** [This act] is effective July 1, 2015, and applies to school fiscal year 2016 and subsequent school fiscal years."

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 14

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis,

Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 35

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Priest moved **SB 175**, second reading copy, be amended as follows:

1. Page 47, line 4.
Insert: "NEW SECTION. **Section 36. Nonseverability.** It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."
Renumber: subsequent section

Amendment **not** adopted as follows:

Yeas: Boulanger, Priest, Rosendale, Sales, Taylor, Walker, Webb, Wittich, Mr. President.
Total 9

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 40

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - The Senate reverted to the original motion of Senator L. Jones which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

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

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, 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, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Brenden, Sales, Sonju, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
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 199 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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, Mr. President.
Total 46

Nays: Boulanger, Sales, Wittich.

Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 160 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 176 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 43

Nays: Barrett Debby, D. Brown, Priest, Sales, Walker, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 181 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 270 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 224 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 17

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 34 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, 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: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 185 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, 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: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

MOTIONS

Senator Van Dyk moved to change his vote on **SB 181** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 2/22/2013
SB 210, do pass. Report adopted.
SB 267, do pass. Report adopted.
SB 306, do pass. Report adopted.
SB 320, do pass. Report adopted.
SB 321, do pass. Report adopted.
SB 331, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, February 23, 2013, the forty-first legislative day. Motion carried.

Senate adjourned at 4:09 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate