SENATE JOURNAL
63RD LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 23, 2013 — State Capitol

Senate convened at 8:01 a.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): 2/23/2013

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

Correctly printed: **SB 54**, **SB 175**, **SB 210**, **SB 235**, **SB 250**, **SB 256**, **SB 267**, **SB 305**, **SB 306**, **SB 314**, **SB 320**, **SB 321**, **SB 325**, **SB 326**, **SB 328**, **SB 331**, **SB 336**, **SB 352**, **SB 372**, **HB 190**, **HB 212**.
Correctly engrossed: **SB 7**, **SB 239**, **SB 251**, **SB 271**, **SB 290**, **SB 293**, **SB 302**, **SB 323**, **SB 324**, **SJR 18**.
Signed by the Secretary of the Senate at 7:30 a.m., February 23, 2013: **SB 47**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 2/22/2013
SB 251, introduced bill, be amended as follows:

1. Page 12, line 21 through line 22.
Strike: subsection (3) in its entirety
Insert: "(3) a description of the action or inaction proposed, the material facts upon which the trustee has relied in making its decision regarding the proposed action or inaction, and an explanation of the reasons for the action or inaction;
(4) a statement that failure of a qualified beneficiary to object within the allowed time bars the qualified beneficiary from taking any legal action against the trustee for liability within the scope of [section 22] except as provided in [section 22(3)] and that a qualified beneficiary may want to seek independent legal advice regarding the matter at the qualified beneficiary's expense;
(5) the time within which objections to the proposed action or inaction can be made, which must be at least 30 days from providing the notice of proposed action or notice of proposed inaction;"
Renumber: subsequent subsection

2. Page 12, line 30.
Following: "inaction."
Insert: "The written objection may take any form reasonably calculated to communicate the objection but need not give any reason for the objection."

3. Page 13, line 1.
Strike: "A"
Insert: "Except as provided in subsection (3), a"

4. Page 13, line 3.
Strike: "If"
Insert: "Except as provided in subsection (3), if"

5. Page 13.
Following: line 6
Insert: "(3) The failure of a qualified beneficiary to object does not preclude the qualified beneficiary from holding the trustee liable for a breach of trust in any of the following circumstances:

(a) if the qualified beneficiary at the time of the qualified beneficiary's failure to object did not have notice of the proposed action as prescribed in [sections 19 through 23]; or

(b) if the qualified beneficiary's failure to object was induced by improper conduct of the trustee."
Renumber: subsequent subsections

6. Page 13, line 9.
Strike: "a qualified beneficiary objecting to the proposed action"
Insert: "the trustee"

7. Page 13, line 10.
Strike: "not"

8. Page 13, line 19.
Strike: "a qualified beneficiary objecting to the proposed inaction"
Insert: "the trustee"

9. Page 13, line 20.
Following: "should"
Insert: "not"

10. Page 15, line 7 through line 11.
Strike: subsections (2) and (3) in their entirety
Insert: "(2) Unless specifically provided to the contrary in [sections 1 through 132] or unless inconsistent with [sections 1 through 132], the rules of civil procedure, including the rules concerning vacation of orders and appellate review, govern proceedings under [sections 1 through 132]."

11. Page 51, line 16 through line 17.
Strike: subsection (a) in its entirety
Insert: "(a) any loss or depreciation in value of the trust estate resulting from the breach of trust,

with interest;"

12. Page 51, line 18.
Following: "breach"
Insert: "of trust, with interest; or
(c) any profit that would have accrued to the trust estate if the loss of profit is the result of the breach of trust"

13. Page 51, line 22.
Following: "indifference to the"
Insert: "fiduciary duties of the trustee, the terms or"
Following: "purposes of the trust"
Insert: ","

14. Page 51, line 25.
Insert: "(3) If the trustee is liable for interest pursuant to this section, interest must be determined as the greater of the following amounts:
(a) the amount of interest that accrues at the legal rate on judgments; or
(b) the amount of interest the trustee actually received as a result of the breach of trust."

15. Page 53, line 2.
Following: "to the"
Insert: "fiduciary duties of the trustee, the terms or"
Following: "the trust"
Insert: ","
Following: "beneficiaries;"
Strike: "or"

16. Page 53, line 4.
Following: "settlor"
Insert: "; or
(c) relieves the trustee of accountability for profits derived from a breach of trust"

17. Page 53, line 6.
Following: "circumstances"
Strike: "and"
Insert: ","

18. Page 53, line 7.
Following: "settlor"
Insert: ", and that the settlor was represented by independent legal counsel before adopting the exculpatory term"

19. Page 56, line 8.
Following: "**action**"

Insert: "**-- substituted judgment**"

And, as amended, do pass. Report adopted.

SB 326, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/22/2013
SB 271, introduced bill, be amended as follows:

1. Page 2, line 9.
Strike: "has not entered into any"
Insert: "is not a party to any existing"

And, as amended, do pass. Report adopted.

SB 290, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: "1 mile"
Insert: "300 feet"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/22/2013
SB 352, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/22/2013

HB 170, introduced by Galt
HB 254, introduced by Cook
HB 255, introduced by Cook
HB 359, introduced by Fitzpatrick
HB 392, introduced by Doane
HB 446, introduced by Schwaderer
HB 463, introduced by G. Bennett
HB 469, introduced by Fitzpatrick

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 Debby Barrett in the chair.

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

SB 182 - Senator Sonju moved **SB 182** 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, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 257 - Senator L. Jones moved **SB 257** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 41

Nays: Brenden, Jackson, Priest, Rosendale, Sales, Sonju, Vincent, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 264 - Senator Arntzen moved **SB 264** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 30

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Moore, Murphy, Olson, Ripley, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 207 - Senator Van Dyk moved **SB 207** 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, 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 259 - Senator Arntzen moved **SB 259** 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, 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 316 - Senator Fielder moved **SB 316** 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, 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 223 - Senator Caferro moved **SB 223** do pass. Motion carried 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, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Brenden, Ripley, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 292 - Senator Tutvedt moved **SB 292** 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, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker,

Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, Hamlett, Stewart-Peregoy, Van Dyk.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 296 - Senator Thomas moved **SB 296** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, 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 45

Nays: Arthun, Augare, D. Brown, Driscoll.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 258 - Senator Wittich moved **SB 258** 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, 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 266 - Senator Rosendale moved **SB 266** 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, 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 242 - Senator Sesso moved **SB 242** do pass. Motion carried as follows:

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

Nays: D. Brown, Fielder, Murphy, Sales, Vincent.
Total 5

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 Debby Barrett moved the Committee of the Whole report be adopted. Report adopted 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, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales.
Total 1

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 250 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 235 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, 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 45

Nays: Fielder, Moore, Sales, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, 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 32

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/22/2013
SB 302, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"

2. Title, page 1, line 7.
Following: "PROPOSED"
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"
Following: "REQUIRING"
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"

3. Title, page 1, line 10.
Strike: "RULES"
Insert: "STANDARDS"
Strike: "PROPOSED RULES"
Insert: "THOSE"

4. Title, page 1, line 11.
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"

5. Page 1, line 20 through line 21.
Strike: "or other" on line 20 through "its authority" on line 21

6. Page 1, line 26.
Strike: "rule"

7. Page 1, line 28.
Strike: "board"
Insert: "interim committee"

8. Page 1, line 29.
Strike: "entity"
Insert: "third party"

9. Page 1, line 30 through page 2, line 1.
Strike: "The board" on page 1, line 30 through "comment." on page 2, line 1

10. Page 2, line 2.
Strike: "board"
Insert: "interim committee"

11. Page 2, line 2 through line 3.
Strike: "and the" on line 2 through "committee and" on line 3

12. Page 2, line 12.
Strike: "rule"

13. Page 2, line 13.
Strike: "or" through "authority"

14. Page 2, line 18.
Strike: "rule"

15. Page 2, line 23.
Strike: "rule"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/22/2013
SB 293, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 3.
Following: line 7
Insert: "NEW SECTION. **Section 2. Applicability.** [This act] applies to applications submitted on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 324, introduced bill, be amended as follows:

1. Page 2, line 8.
Strike: "recreational camping vehicle,"
Following: "home"
Strike: ","

2. Page 3.
Following: line 1
Insert: "(1) the building was in existence or under construction before [the effective date of this act];"
Renumber: subsequent subsections

3. Page 3, line 6.
Strike: "recreational camping vehicles or"

4. Page 3, line 11.
Strike: "(2)(d)"
Insert: "(3)(d)"

5. Page 3, line 18.
Strike: "**five**"
Insert: "**three**"

6. Page 3, line 19.
Strike: "five"
Insert: "three"

7. Page 3, line 22.
Strike: "more than"
Following: "acres"
Insert: "or more"

8. Page 3, line 30.
Strike: "**six**"
Insert: "**four**"

9. Page 4, line 1.
Strike: "six"
Insert: "four"

10. Page 4, line 4.
Strike: "six"
Insert: "four"

11. Page 4, line 10.
Strike: "and"

12. Page 4.
Following: line 10
Insert: "(v) existing wells; and"
Renumber: subsequent subsection

13. Page 4, line 11.
Following: "buildings"
Strike: "."
Insert: ";"

14. Page 4, line 26.
Strike: "**six**"
Insert: "**four**"

15. Page 5, line 5.
Strike: "six"
Insert: "four"

16. Page 5, line 9.
Strike: "**-- six or more structures**"

17. Page 5, line 10.
Strike: "additional"

18. Page 5, line 11.

Strike: "six or more"

19. Page 6, line 9.
Following: "department"
Insert: "or the local reviewing authority"

20. Page 6, line 11.
Strike: "and"
Insert: "or a landowner with a property boundary contiguous to the tract on which the buildings are proposed to be located"

21. Page 6, line 12.
Strike: "or local reviewing authority"

22. Page 6, line 13.
Strike: "or local reviewing authority"

23. Page 6.
Following: line 14
Insert: "(3) For the purposes of this section, "aggrieved" has the meaning provided in 76-3-625."

24. Page 8, line 10.
Strike: "further includes"

25. Page 8, lines 11 and 12.
Following: "condominium" on line 11
Insert: "."
Strike: "or area" on line 11 through "homes" on line 12
Insert: "The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which mobile homes will be placed"

26. Page 12, line 11.
Strike: "recreational camping vehicles or"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/22/2013
SB 265, do pass. Report adopted.
SB 335, do pass. Report adopted.
SB 337, do pass. Report adopted.
SB 345, do pass. Report adopted.
SB 347, do pass. Report adopted.
SJR 17, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/22/2013
SB 7, introduced bill, be amended as follows:

1. Page 1, line 21.
Following: "subsection (1)"
Insert: "and to the extent permitted by federal law"

2. Page 1, line 23.
Following: "(4)"
Strike: "The"
Insert: "To the extent permitted by federal law, the"

3. Page 1, line 24.
Following: "information"
Insert: "that the owner of the information agrees to provide and that is"

And, as amended, do pass. Report adopted.

SB 298, do pass. Report adopted.
SB 323, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "REQUIRING"
Insert: "PERMITTING"

2. Page 1, line 12.
Strike: "must"
Insert: "may"

3. Page 1, line 13.
Following: "diversion."
Insert: "Ongoing prescriptions for Schedule II and Schedule III drugs may be prescribed only by a treating physician."

4. Page 1, line 14.
Strike: "health care provider"
Insert: "treating physician"
Strike: "shall"
Insert: "may"

5. Page 1, line 15.
Following: "prescribing"
Insert: "or refilling"

6. Page 1, line 16.

Following: "disease."
Insert: "After consulting the prescription drug registry, a treating physician may decline to prescribe or refill a Schedule II or Schedule III drug if, in the treating physician's judgment, the drug should not be prescribed or refilled."

7. Page 1, line 17.
Strike: "health care provider shall"
Insert: "treating physician may"

8. Page 1, line 20 through line 21.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

9. Page 1, line 22.
Strike: "record" through "file"
Insert: "treating physician shall note in the patient's medical file each query conducted"

10. Page 1, line 23.
Strike: "health care provider"
Insert: "treating physician"

11. Page 1, line 25.
Following: "to"
Insert: "or after"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/22/2013
SB 366, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/22/2013
SB 361, do pass. Report adopted.
SJR 18, introduced joint resolution, be amended as follows:

1. Title, page 1, line 7.
Strike: "ANNUALLY PRODUCE A BALANCED BUDGET,"
Strike: "ANNUAL"
Following: "LEVELS"
Strike: ","

2. Page 1, line 10 through line 29.
Strike: "WHEREAS," on page 1, line 10 through "and" on line 29

3. Page 2, line 4 through line 7.
Strike: "WHEREAS," on page 2, line 4 through "vision; and" on line 7

4. Page 2, line 14.
Strike: "annually produce a balanced budget,"
Strike: "annual"
Following: "levels"
Strike: ","

And, as amended, do pass. Report adopted.

Senator Wittich moved the committee rise, report progress, and beg leave to sit again. Motion carried.

Senate recessed at 10:00 a.m.

Senate reconvened at 10:17 a.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

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

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

SB 343 - Senator Arntzen moved **SB 343** 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, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 42

Nays: Fielder, Ripley, Sales, Tropila, Vincent, Wanzenried, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 312 - Senator Sonju moved **SB 312** 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, 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 127 - Senator Buttrey moved **SB 127** 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, 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 275 - Senator Buttrey moved **SB 275** do pass.

SB 275 - Senator Buttrey moved **SB 275**, second reading copy, be amended as follows:

1. Page 4, line 27 through line 29.
Strike: subsection (c) in its entirety

Amendment adopted 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, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 275 - Senator Buttrey moved **SB 275**, as amended, 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, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 314 - Senator Wanzenried moved **SB 314** do pass. Motion carried 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, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Boulanger, Ripley, Sales, Taylor, Vincent, Webb.
Total 6

Absent or not voting: None.

Total 0

Excused: Jent.
Total 1

SB 319 - Senator Sonju moved **SB 319** do pass. Motion carried as follows:

Yeas: Arntzen, 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 48

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 267 - Senator Thomas moved consideration of **SB 267** be passed for the day. Without objection, so ordered.

SB 306 - Senator Olson moved **SB 306** do pass. Motion carried as follows:

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

Nays: Brenden, Jackson, Rosendale, Webb, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 321 - Senator Thomas moved **SB 321** do pass. Motion carried as follows:

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

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 331 - Senator Murphy moved **SB 331** do pass. Motion carried 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, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Brenden, Olson, Priest, Ripley, Rosendale, Sonju, Webb.
Total 7

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

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

Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Larsen rose on a point of personal privilege. The final committee vote on SB 321 was 7-5 refuting the statement that there was no controversy in the committee hearing.

MOTIONS

Senator Wanzenried moved that **SB 205** be taken from State Administration and brought before the Committee of the Whole on Tuesday, February 26, 2013, the forty-third legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Larsen, Malek, Moore, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 33

Nays: Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Jackson, Kaufmann, Keane, Lewis, Murphy, Ripley, Rosendale, Sales, Webb, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Walker moved to change his vote on **SB 235** from No to Yes. Without objection, so ordered.

Senator Priest moved to change his vote on **SB 331** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/22/2013
SB 370, introduced bill, be amended as follows:

1. Page 1, line 24.
Strike: "the budget director fails to complete the preparation of"
Following: "note"
Insert: "is not available in the originating house"

2. Page 1, line 25.
Strike: "the legislature"
Insert: "that house but no action may be taken in the receiving house until the fiscal note has been prepared"

And, as amended, do pass. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the week's pages for their service.

ANNOUNCEMENTS

Senator Essmann outlined the Senate schedule for Monday, February 25, 2013: Class 1 committees meet at 8:00 a.m.; Class 2 committees meet at 10:00 a.m.; Class 3 committees will not meet; Floor session at 1:00 p.m. Additional schedules will be announced on Monday.

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 25, 2013, the forty-second legislative day. Motion carried.

Senate adjourned at 11:23 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate