

**SENATE JOURNAL  
63RD LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 25, 2013

Senate Chambers  
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 Arntzen and Vincent, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair): 1/25/2013

Correctly printed: **SB 55, SB 57, SB 61, SB 62, SB 67, SB 69, SB 99, SB 108, SB 134, SB 184, SB 185, SB 186, SB 187, SB 188, SB 189, SB 190, SB 191, SJR 4.**

Transmitted to the House: **SB 3, SB 33, SB 44, SB 76, SB 92, SB 93.**

Senator Vincent joined the session.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Brown, Chair): 1/24/2013  
**SB 94**, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Sonju, Chair): 1/23/2013  
**SB 104**, do pass. Report adopted.  
**SB 136**, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Sonju, Chair): 1/25/2013  
**SB 158**, do pass. Report adopted.

**FINANCE AND CLAIMS** (Ripley, Chair): 1/24/2013  
**HB 20**, be concurred in. Report adopted.  
**HB 21**, be concurred in. Report adopted.

**FISH AND GAME** (Brenden, Chair): 1/24/2013  
**SB 83**, introduced bill, be amended as follows:

1. Page 1, line 9.

**Following:** "intent"

**Insert:** "-- definition"

2. Page 1, line 22 through page 1, line 23.

**Strike:** subsection (a) in its entirety

**Re-number:** subsequent subsections

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3. Page 1, line 26.

**Strike:** "65%"

**Insert:** "51%"

4. Page 1, line 28 through page 1, line 29.

**Strike:** "in the immediate surrounding area"

**Insert:** "within 15 miles of its boundary unless adequate mitigation measures are in place to prevent the spread of pneumonia and disease and preclude commingling of mountain sheep with domestic sheep or domestic goats"

5. Page 2, line 3.

**Following:** "area"

**Insert:** "and the maximum number of mountain sheep proposed in the resulting population"

6. Page 2, line 6.

**Strike:** "that"

**Insert:** "or prompt mitigation remedies if the sheep"

7. Page 2, line 7.

**Following:** "property or"

**Insert:** "to"

**Following:** "operations"

**Insert:** "or jeopardize public health and safety, including causing a traffic hazard"

8. Page 2, line 9.

**Following:** "area"

**Insert:** "or mitigation by mutual agreement between the department and the affected parties"

9. Page 2, line 15.

**Following:** "counties"

**Insert:** "to ensure local government and local citizens in or near the affected areas are given adequate opportunities to become informed of the proposed project and to meaningfully participate in the public scoping process, and that local considerations are properly reflected in related decisions"

10. Page 2, line 16.

**Strike:** "a public meeting"

**Insert:** "general informational meetings"

11. Page 2, line 17 through page 2, line 19.

**Strike:** subsection (c)

**Insert:** "(c) give advance written notification by certified mail to all parties owning or leasing lands within the proposed transplantation area. The notice must summarize the proposed transplantation project, provide a map of the proposed transplantation area, provide

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information about opportunities for submitting public comment, identify adverse impacts that could result from the project, list all related public meetings scheduled in the affected county or counties, and be given at least 30 days prior to commencement of the public scoping process. "

12. Page 2, line 22.

**Following:** "(a)"

**Insert:** "any available"

13. Page 2, line 28.

**Following:** "holding"

**Insert:** "at least"

14. Page 3, line 1.

**Following:** "with"

**Insert:** "the department of transportation,"

**Following:** "agriculture"

**Insert:** ", "

15. Page 3, line 2.

**Following:** "impact"

**Insert:** "traffic safety or"

**Strike:** "in the transplantation area or the surrounding area"

**Insert:** "and reconcile any significant inconsistencies in plans, policies, or actions prior to proceeding"

16. Page 3, line 3.

**Following:** line 2

**Insert:** "(7) As used in this section, "transplantation area" means all lands expected to be used by the resulting mountain sheep population, depicted by an outer boundary of identified geographic features."

And, as amended, do pass. Report adopted.

**SB 101**, introduced bill, be amended as follows:

1. Page 3, line 13.

**Following:** "physician,"

**Insert:** "a licensed chiropractor,"

2. Page 3, line 19.

**Following:** line 18

**Insert:** "(ii) "Chiropractor" means a person who has a valid license to practice chiropractic in this state pursuant to Title 37, chapter 12, part 3."

**Renumber:** subsequent subsections

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And, as amended, do pass. Report adopted.

**JUDICIARY** (Murphy, Chair):

1/25/2013

**SB 107**, do pass. Report adopted.

**SB 113**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "SEXUAL ASSAULT OR"

2. Page 1, line 10

**Strike:** everything after the enacting clause

**Insert:**            "NEW SECTION. Section 1. Admissibility of evidence of similar crimes in

**child molestation cases.** (1) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense of child molestation in any state may be admissible, notwithstanding Rule 404 of the Montana Rules of Evidence, except as otherwise provided by the United States constitution, the Montana constitution, statute, the Montana Rules of Evidence, or other rules applicable in the courts of Montana.

(2) The court may admit evidence of the other offense under this section only if it first finds each of the following:

(a) The evidence is sufficient to permit the trier of fact to find that the defendant committed the other offense.

(b) The commission of the other offense provides a reasonable basis to infer that the defendant had a character trait giving rise to an aberrant sexual propensity to commit the offense charged.

(c) The evidentiary value of proof of the other offense is not substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, considerations of undue delay, waste of time, or needless presentation of cumulative evidence as provided in Rule 403 of the Montana Rules of Evidence. In making that determination under Rule 403, the court shall also take into consideration the following factors, among others:

(i) the closeness in time of the other offense to the offense charged;

(ii) the similarity or dissimilarity of the other offense to the offense charged;

(iii) the strength of the evidence that the defendant committed the other offense;

(iv) the frequency of other offenses;

(v) the presence or lack of intervening circumstances;

(vi) the necessity of the evidence of the other offense beyond the testimony already offered at trial;

(vii) whether the other offense resulted in a criminal conviction; and

(viii) other facts and circumstances.

(d) The court shall make specific findings with respect to subsections (2)(a), (2)(b), and (2)(c).

(3) If the prosecution intends to offer evidence pursuant to this section, the prosecution shall disclose the evidence to the defendant. If the prosecution intends to offer a statement of a witness, the prosecution shall disclose that statement or a summary of the substance of any statement that

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is expected to be offered at the time of the omnibus hearing held pursuant to 46-13-110 or at a later time that the court may for good cause allow.

(4) This section does not prohibit or limit the admission or consideration of evidence under any other statute or rule.

(5) As used in this section, the following definitions apply:

(a) "Child" means a victim of an offense who is under 14 years of age if the offender was, at the time of the offense, 18 years of age or older.

(b) "Offense of child molestation" means an offense that was committed in relation to a child that may be prosecuted pursuant to 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-625, or 45-5-627 or any similar law of any other state.

(c) "State" means this state, any other state, a territory or possession of the United States, an Indian reservation, the District of Columbia, or any other area under the jurisdiction of the United States.

**Insert:        "NEW SECTION.   Section 2.   Admissibility of similar acts in civil cases involving child molestation.**

(1) In a civil action in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting the offense of child molestation as defined in [section 1], evidence of that party's commission of another offense of child molestation in any state may be admissible, notwithstanding Rule 404 of the Montana Rules of Evidence, except as otherwise provided by the United States constitution, the Montana constitution, statute, the Montana Rules of Evidence, or other rules applicable in the courts of Montana.

(2) The court may admit evidence of another offense under this section only if it first finds each of the following:

(a) The evidence is sufficient to permit the trier of fact to find that the party committed the other offense.

(b) The commission of the other offense provides a reasonable basis to infer that the party had a character trait giving rise to an aberrant sexual propensity to commit the crime charged.

(c) The evidentiary value of proof of the other offense is not substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, considerations of undue delay, waste of time, or needless presentation of cumulative evidence as provided in Rule 403 of the Montana Rules of Evidence. In making that determination under Rule 403, the court shall also take into consideration the following factors, among others:

(i) the closeness in time of the other offense to the offense charged;

(ii) the similarity or dissimilarity of the other offense to the offense charged;

(iii) the strength of the evidence that the defendant committed the other offense;

(iv) the frequency of the other offenses;

(v) the presence or lack of intervening circumstances;

(vi) the necessity of the evidence of the other offense beyond the testimony already offered at trial;

(vii) whether the other offense was a criminal conviction; and

(viii) other facts and circumstances.

(2)(c). (d) the court shall make specific findings with respect to subsections (2)(a), (2)(b), and

(3) A party intending to offer evidence pursuant to this section shall disclose the evidence

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to the opposing party. If a party intends to offer a statement of a witness, the party intending to offer the statement shall disclose the statement or a summary of the substance of the statement that is expected to be offered at least 15 days before the scheduled date of trial or at a later time that the court may for good cause allow.

(4) This section does not prohibit or limit the admission or consideration of evidence under any other statute or rule.

(5) As used in this section, "state" means this state, any other state, a territory or possession of the United States, an Indian reservation, the District of Columbia, or any other area under the jurisdiction of the United States.

**Insert:**        "NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 46, chapter 15, part 4, and the provisions of Title 46, chapter 15, part 4, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 26, chapter 1, and the provisions of Title 26, chapter 1, apply to [section 2]."

**Insert:**        "NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

**SB 133**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "45-8-317"

**Insert:** "AND 45-8-328"

2. Page 1, line 30.

**Insert:** "**Section 2.** Section 45-8-328, MCA, is amended to read:

**"45-8-328. Carrying concealed weapon in prohibited place -- penalty.** (1) Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k) and criminal investigators employed by the office of the state public defender as provided in 45-8-317(1)(l), a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

(a) portions of a building used for state or local government offices and related areas in the building that have been restricted;

(b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal business hours. It is not an offense under this section to carry a concealed weapon while:

(i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or

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(ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person is inside the enclosure used for the institution's financial services or is using the institution's financial services.

(c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both."

And, as amended, do pass. Report adopted.

**HB 42**, be concurred in. Report adopted.

**HB 132**, be concurred in. Report adopted.

**HB 139**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/24/2013

**HB 22**, introduced by Dudik

**HB 45**, introduced by Lavin

**HB 59**, introduced by Lynch

**HB 70**, introduced by MacDonald

**HB 74**, introduced by MacDonald

**HB 131**, introduced by Gursky

**HB 155**, introduced by D. Moore

**MOTIONS**

Senator Tutvedt moved **HB 63** be moved from the Taxation committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 24** passed as follows:

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

Total 33

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

Paired: Arntzen, Aye; Arthun, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 55** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, 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: Murphy.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Arntzen.  
Total 1

**SB 57** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, 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



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Excused: Arntzen.

Total 1

**SB 61** passed as follows:

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

Total 44

Nays: D. Brown, Fielder, Sales, Taylor, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: Arntzen.

Total 1

**SB 62** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, 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: Arntzen.

Total 1

**SB 67** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

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Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Arntzen.  
Total 1

**SB 69** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, 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: Arntzen.  
Total 1

**SB 99** passed as follows:

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

Nays: Windy Boy.  
Total 1

Absent or not voting: None.  
Total 0

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Excused: Arntzen.

Total 1

**SJR 4** passed as follows:

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

Total 46

Nays: Moore, Sonju, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: Arntzen.

Total 1

**SPECIAL ORDERS OF THE DAY**

Senator Olson introduced the Wittorff Violin Trio from Shepherd, Montana, who entertained the Senate members and staff.

**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 Rosendale in the chair.

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

**SB 114** - Senator Taylor moved **SB 114** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 39

Nays: Blewett, Jergeson, Kaufmann, Larsen, Malek, Phillips, Tutvedt, Van Dyk, Vuckovich, Wanzenried.

Total 10

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Absent or not voting: None.

Total 0

Excused: Arntzen.

Total 1

**SB 26** - Senator Jergeson moved **SB 26** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, 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: Arntzen.

Total 1

**SB 70** - Senator Walker moved **SB 70** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, 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: Arntzen.

Total 1

**SB 90** - Senator Olson moved **SB 90** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T.

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Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, 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: Arntzen.  
Total 1

**SB 141** - Senator Olson moved **SB 141** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, 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: Arntzen.  
Total 1

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

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, 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

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Absent or not voting: None.  
Total 0

Excused: Arntzen.  
Total 1

**MOTIONS**

Senator Ripley moved **SB 114** be moved to the Finance and Claims committee. Without objection, so ordered.

**UNFINISHED BUSINESS**

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 180**  
Motion carried.

**SB 180** (Debby Barrett, Chief Sponsor)  
Senators Augare, Wanzenried, and Windy Boy.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, January 26, 2013. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate