

**SENATE JOURNAL  
63RD LEGISLATURE  
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 16, 2013

Senate Chambers  
State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

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

**BILLS AND JOURNALS** (Buttrey, Chair): 2/16/2013

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

Correctly printed: **SB 114, SB 139, SB 166, SB 189, SB 192, SB 236, SB 238, SB 253, SB 324, SB 325, SB 326, SB 327, SB 328, SB 329, SB 330, SB 331, SB 332, SB 333, SR 6, SR 7, HB 18, HB 81, HB 115, HB 138, HB 141, HB 202.**

Correctly engrossed: **SB 56, SB 125, SB 200, SB 249, SB 250.**

Transmitted to the House: **SB 201, SJR 10, HB 47.**

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Buttrey, Chair): 2/15/2013  
**SB 235**, introduced bill, be amended as follows:

1. Page 1, lines 24 and 25.

**Strike:** ":" on line 24 through "(a)" on line 25

2. Page 1, line 30 through page 2, line 1.

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

3. Page 2.

**Following:** line 26

**Insert:** "(7) If an audit results in the dispute or denial of a claim, the entity conducting the audit shall allow the pharmacy to produce additional claims documentation using any commercially reasonable method, including fax, mail, or e-mail."

4. Page 3, line 7.

**Following:** "misrepresentation"

**Insert:** "that is evidenced by the review of claims data, statements, physical review, or other investigative methods"

And, as amended, do pass. Report adopted.

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**SB 245**, do pass. Report adopted.  
**HB 77**, be concurred in. Report adopted.  
**HB 169**, be concurred in. Report adopted.  
**HB 193**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair): 2/15/2013  
**SB 217**, introduced bill, be amended as follows:

1. Page 3, line 19 through line 20.  
**Strike:** "in" on line 19 through "watershed" on line 20

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 2/15/2013

**SB 51**, introduced by Augare  
**SB 65**, introduced by Wittich  
**SB 73**, introduced by Kaufmann

**House bills** passed and transmitted to the Senate for concurrence: 2/15/2013

**HB 283**, introduced by Wagoner  
**HB 305**, introduced by Lang  
**HB 318**, introduced by Mehlhoff  
**HB 351**, introduced by Edmunds

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 334**, introduced by Hamlett, Debby Barrett, Connell, McChesney, Stewart-Peregoy, referred to Agriculture, Livestock and Irrigation.  
**SB 335**, introduced by Hamlett, Connell, McChesney, referred to Natural Resources.  
**SB 336**, introduced by Hamlett, Connell, McChesney, referred to Agriculture, Livestock and Irrigation.  
**SB 337**, introduced by Hamlett, Debby Barrett, Connell, McChesney, Peterson, Stewart-Peregoy, Vincent, referred to Natural Resources.  
**SB 338**, introduced by Hamlett, Connell, referred to Agriculture, Livestock and Irrigation.  
**SB 339**, introduced by Brenden, referred to Natural Resources.  
**SB 340**, introduced by Brenden, referred to Education and Cultural Resources.  
**SB 341**, introduced by Fielder, Hamlett, Murphy, referred to Fish and Game.  
**SB 342**, introduced by Windy Boy, Hansen, referred to Education and Cultural Resources.

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**SB 343**, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.

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

**SR 8**, introduced by Priest, referred to Public Health, Welfare and Safety.

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

**SJR 17**, introduced by Jackson, G. Bennett, Vincent, referred to Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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

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

**SB 118** - Senator Thomas moved **SB 118** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Facey, Hamlett, Jackson, Jones, Keane, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Taylor, Thomas, Tropila, Vincent, Vuckovich, Wittich, Mr. President.  
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Driscoll, Fielder, Jent, Jergeson, Kaufmann, Larsen, Moore, Murphy, Sesso, Sonju, Stewart-Peregoy, Tutvedt, Van Dyk, Wanzenried, Windy Boy.  
Total 19

Paired: Boulanger, Thomas, Aye; Blewett, Jent, No.

Absent or not voting: None.  
Total 0

Excused: Priest, Walker, Webb.  
Total 3

**SB 252** - Senator Rosendale moved **SB 252** do pass. Motion carried as follows:

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

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Wanzenried, Windy Boy, Wittich, Mr. President.

Total 43

Nays: Caferro, Tropila.

Total 2

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**SB 230** - Senator Wanzenried moved **SB 230** do pass. Motion carried as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**HB 155** - Senator Dick Barrett moved **HB 155** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Ripley, Sales, Sonju, Vincent, Wittich.

Total 13

Absent or not voting: None.

Total 0

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Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**SB 198** - Senator Thomas moved **SB 198** do pass. Motion carried as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**SB 185** - Senator Sesso moved **SB 185** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 35

Nays: Boulanger, Buttrey, Fielder, Lewis, Moore, Olson, Ripley, Taylor, Vincent, Wittich.

Total 10

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**HB 36** - Senator Kaufmann moved **HB 36** be concurred in. Motion carried as follows:

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

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Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**HB 152** - Senator Arthun moved **HB 152** be concurred in. Motion carried as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**HB 192** - Senator Jergeson moved **HB 192** be concurred in. Motion carried as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

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Total 5

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

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

Total 44

Nays: Van Dyk.

Total 1

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**THIRD READING OF BILLS**

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

**SB 139** 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, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Wanzenried, Windy Boy, Wittich, Mr. President.

Total 30

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

Total 15

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

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**SB 114** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Windy Boy, Wittich, Mr. President.  
Total 36

Nays: Facey, Jergeson, Kaufmann, Malek, Phillips, Tutvedt, Van Dyk, Vuckovich, Wanzenried.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.  
Total 5

**SB 192** passed as follows:

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

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Wittich.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.  
Total 5

**SB 166 failed** as follows:

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

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Larsen, Moore, Murphy, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Wittich, Mr. President.



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Total 24

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**SB 189** passed as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**SB 238** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, 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, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 39

Nays: Arntzen, Boulanger, D. Brown, Sales, Sonju, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**SB 14** passed as follows:

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

Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Wittich, Mr. President.

Total 17

Paired: Moore, Aye; Priest, No.

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Walker, Webb.

Total 4

Vote reflects change on motion on the following legislative day.

**SB 81** passed as follows:

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

Total 26

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

Total 20

Paired: Walker, Aye; Vincent, No.

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Webb.

Total 4

**SB 197** passed as follows:

Yeas: Arntzen, Arthun, Augare, Boulanger, Brenden, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Windy Boy, Wittich, Mr.

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President.

Total 30

Nays: Barrett Debby, Barrett Dick, D. Brown, Caferro, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Vuckovich, Wanzenried.

Total 15

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 344**, introduced by Vincent, referred to Fish and Game.

**SB 345**, introduced by Vincent, referred to Natural Resources.

**SB 346**, introduced by Vincent, referred to Natural Resources.

**SB 347**, introduced by Vincent, referred to Natural Resources.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 18, 2013, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 9:13 a.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate