

**SENATE JOURNAL
63RD LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 19, 2013

Senate Chambers
State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Windy Boy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

3/19/2013

Correctly printed: **SB 390, SB 391, SR 34, HB 22, HB 65, HB 140.**

Correctly engrossed: **HB 163, HB 325, HB 360, HJR 11.**

Correctly enrolled: **SB 40, SB 49, SB 146, SB 225, SR 8, SR 15, SR 16.**

Examined by the sponsor and found to be correct: **SB 3, SB 21, SB 35, SB 44, SB 55, SB 71, SB 77, SB 142, SB 252, SJR 4, SJR 8.**

Transmitted to the House: **SB 226, SB 348, SJR 14, HB 245, HB 368, HB 371, HB 422, HB 469, HJR 2.**

Signed by the President at 4:10 p.m., March 19, 2013: **SB 12, SB 23, SB 41, SB 61, SB 62, SB 86, SB 92, SB 104, SB 145, SB 211, SB 213, SB 235, SJR 3, SJR 6, SR 10, SR 12, SR 13, SR 18, SR 19.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair):

3/19/2013

HB 184, be concurred in. Report adopted.

HB 187, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND"

Insert: "PROVIDING FOR DOCUMENTATION;"

2. Title, page 1, line 7.

Strike: "AND"

Following: "39-3-406,"

Insert: "AND 87-6-702,"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE"

3. Page 1, line 14.

Following: "employment as"

Strike: "determined"

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Insert: "provided in 37-47-404(4)(b) pending adoption of proof of employment"

Following: "board"

Insert: "by rule"

4. Page 1, line 15.

Following: "(4)"

Insert: "(a)"

Following: "EMPLOYS"

Insert: "or retains"

5. Page 1, line 16.

Following: "ASSISTANT"

Strike: "IS"

Insert: ": (i) safeguards the public health, safety, and welfare while providing services; and
(ii) is qualified and"

Following: "GUIDE."

Insert: "(b) The board shall hold an outfitter who employs or retains an outfitter's assistant responsible under the provisions of 37-1-316, 37-47-341, and 37-47-402 for any acts or omissions by the outfitter's assistant in the ordinary course and scope of duties assigned by the outfitter."

6. Page 1, line 17.

Following: "employed"

Insert: "or retained"

7. Page 1, line 19.

Following: "ROUTINE"

Insert: "for purposes of 37-1-101"

8. Page 1, line 21.

Following: "EMPLOYED"

Insert: "or retained"

9. Page 1, line 23.

Following: "EMPLOYED"

Insert: "or retained"

10. Page 1, line 26.

Following: "ROUTINE"

Insert: "for purposes of 37-1-101"

11. Page 1, line 30.

Following: "employed"

Insert: "or retained"

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12. Page 3, line 3.

Following: "employed"

Insert: "or retained"

13. Page 4, line 5.

Following: "specifying"

Insert: "standards for outfitter's assistants"

Following: "employment"

Insert: "or retention"

Following: "assistants."

Insert: "The rules may also identify data that may be collected regarding use of outfitter's assistants."

14. Page 4, line 23.

Following: "professional guide"

Insert: "or by an unlicensed outfitter's assistant"

15. Page 5.

Following: line 25

Insert: "(4) (a) Except as provided in subsection (4)(b), an outfitter may not place a hired or retained outfitter's assistant in a position of providing services to participants until the outfitter has documentation as specified by board rule under 37-47-201(4)(e).

(b) (i) Prior to adoption of the rules, an outfitter may use temporary documentation to place a hired or retained outfitter's assistant in a position of providing services to participants. The temporary documentation must be mailed to the board within the time period of the outfitter's assistant's service, and a copy must be provided to the outfitter's assistant. The outfitter's assistant shall carry the temporary documentation at all times in the field.

(ii) The temporary documentation must include the following:

(A) the outfitter's name, license number, and contact information;

(B) the outfitter's assistant's name and home address and the starting date and expiration date for the period of service;

(C) a brief explanation of why an emergency replacement is needed; and

(D) the outfitter's signature, which must be on the original and on the copy of the temporary documentation and must affirm the provisions in this subsection (4)(b)(ii).

(iii) The outfitter shall collect the temporary documentation from the outfitter's assistant after the period of service.

(iv) The temporary documentation may not be used after adoption of the rules under 37-47-201(4)(e)."

16. Page 9.

Following: line 23

Insert: "**Section 9.** Section 87-6-702, MCA, is amended to read:

"87-6-702. Outfitting without a license. (1) (a) A person may not purposely or knowingly engage in outfitting while not licensed pursuant to Title 37, chapter 47, or purposely or knowingly violate a licensing rule adopted under Title 37, chapter 47.

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(b) A person convicted of a violation of subsection (1)(a) is punishable by a fine of not less than \$200 or more than \$1,000 or imprisonment in the county jail for up to 1 year, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for a period set by the court. A sentencing court that imposes a period of license revocation shall consider the provisions of subsection (3).

(2) (a) A person or entity that represents to any other person, any entity, or the public that the person or entity is an outfitter and who commits the offense of outfitting without a license, as described in subsection (1)(a), for any portion of 5 or more days for consideration within 1 calendar year for any person or for consideration valued in excess of \$5,000 is punishable by a fine of not more than \$50,000 or imprisonment in the state prison for up to 5 years, or both.

(b) A person convicted of a violation of subsection (2)(a) shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for a minimum of 5 years. A sentencing court that imposes a period of license revocation shall consider the provisions of subsection (3).

(3) A sentencing court that imposes a period of license revocation pursuant to subsection (1)(b) or (2)(b) shall consider and may impose any of the following conditions during the period of revocation:

(a) prohibiting the offender from:

(i) participating in any hunting, fishing, or trapping endeavor as a hunter, angler, trapper, scout, guide, observer, or assistant;

(ii) brokering or participating in any lease of property for hunting, fishing, or trapping, either personally or through an agent or representative;

(iii) participating in any seminar or show that is designed to promote hunting, fishing, or trapping;

(iv) purchasing or possessing any hunting, fishing, or trapping permits; and

(b) imposing any other reasonable condition or restriction that is related to the crime committed or that is considered necessary for the rehabilitation of the offender or for the protection of the citizens or wildlife of this state.

(4) A person convicted of a violation of this section shall reimburse the full amount of any fees received to the person to whom illegal outfitting services were provided.

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

(a) "Consideration" means remuneration given in exchange for outfitting services supplied based on a business relationship between parties, but not including reimbursement for shared trip expenses.

(b) (i) "Outfitting" means providing hunting or fishing services for consideration, including any saddle or pack animal, facilities, camping equipment, personal service, or vehicle, watercraft, or other conveyance for any person to hunt, fish, trap, capture, take, kill, or pursue any game, including fish. The term includes accompanying that person, either part or all of the way, on an expedition for any of these purposes or supervision of a licensed guide or professional guide in accompanying that person.

(ii) The term does not include:

(A) services provided by an outfitter's assistant who has documentation as provided in 37-47-404(4); or

(B) the provision of the services listed in subsection (5)(b)(i) by a person on real property that the person owns for the primary pursuit of bona fide agricultural interests."

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Renumber: subsequent section

17. Page 9.

Following: line 27

Insert: "NEW SECTION. **Section 10. Effective date.** [This act] is effective September 1, 2013.

Insert: "NEW SECTION. **Section 11. Termination.** [This act] terminates August 31, 2015."

And, as amended, be concurred in. Report adopted.

HB 274, be amended as follows:

1. Page 3, line 23.

Following: "GUIDES,"

Insert: "and"

2. Page 3, line 23 through line 24.

Following: "SERVICES" on line 23

Strike: ", AND" on line 23 through "RULE" on line 24

3. Page 5, line 9.

Strike: "and"

4. Page 5, line 15.

Following: "~~rule~~"

Insert: "; and

(3) have been issued a valid wildlife conservation license"

5. Page 5, line 23.

Following: "~~description,~~"

Insert: "conservation license number,"

6. Page 9, lines 26 through 27.

Strike: "felony" on line 26

Strike: "multiple misdemeanor convictions or" on line 26

Strike: "violations" on line 27

Insert: "for a violation"

7. Page 13, line 11.

Following: "include"

Insert: ": (A) services provided by packers, wranglers, cooks, or other parties under the direct employment of the outfitter; or

(B)"

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And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair):

3/18/2013

HB 168, be concurred in. Report adopted.

HB 304, be concurred in. Report adopted.

HB 510, be amended as follows:

1. Title, page 1, line 8.

Following: "~~13-1-210~~,"

Insert: "13-1-210,"

Following: ";

Insert: ","

2. Page 1, following line 24.

Insert: "**Section 1.** Section 13-1-210, MCA, is amended to read:

"13-1-210. Standard application form for voter registration and absentee ballot requests. (1) The secretary of state shall establish by rule a standard application form, to be used by each election administrator, that allows an individual to apply for voter registration and to request to be added to the absentee ballot list in order to receive ballots for subsequent elections.

(2) Pursuant to 13-13-212(4), the absentee ballot application portion of the standard form must include substantially the following language and options:

Optional: I request an absentee ballot to be mailed to me for as long as I reside at the address listed:

for each subsequent election in which I am eligible to vote; or

for each subsequent federal election in which I am eligible to vote.

I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a confirmation form that will be mailed to me in January of ~~each~~ every even-numbered year."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair):

3/15/2013

SB 355, introduced bill, be amended as follows:

1. Page 1, line 28 through line 29.

Strike: "does not" on line 28 through "constitute" on line 29

Insert: "constitutes"

2. Page 2, line 3 through line 4.

Strike: subsection (6) in its entirety

Renumber: subsequent subsection

3. Page 2, line 8 through line 9.

Strike: subsection (b) in its entirety

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Insert: "(b) subordinates the existing right to all other water rights except those that are exempt from this section and for which there has been neither a claim filed nor a judicial determination sought."

And, as amended, do pass. Report adopted.

HB 24, be amended as follows:

1. Page 40.

Following: line 24

Insert: "COORDINATION SECTION. Section 36. Coordination instruction. If both House Bill No. 392 and [this act] are passed and approved, then [section 1] of House Bill No. 392, amending 22-3-432, is void and 22-3-432 must be amended as follows:

"**22-3-432. Antiquities permits.** (1) A person may not excavate, remove, or restore any heritage property or paleontological remains on lands owned by the state without first obtaining an antiquities permit from the historic preservation officer.

(2) Antiquities permits are to be granted only after careful consideration of the application for a permit and after consultation with the appropriate state agency. Permits are subject to strict compliance with the following guidelines:

(a) Antiquities permits may be granted only for work to be undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions, societies, or persons with a view toward dissemination of knowledge about cultural properties, provided a permit may not be granted unless the historic preservation officer is satisfied that the applicant possesses the necessary qualifications to guarantee the proper excavation of those sites and objects that may add substantially to knowledge about Montana and its antiquities.

(b) The antiquities permit must specify that a summary report of the investigations, containing relevant maps, documents, drawings, and photographs, must be submitted to the historic preservation officer. The historic preservation officer shall determine the appropriate time period allowable between all work undertaken and submission of the summary report.

(3) ~~All~~ Except as provided in subsection (5), all heritage property and paleontological remains collected under an antiquities permit are the permanent property of the state and must be deposited in museums or other institutions within the state or loaned to qualified institutions outside the state, unless otherwise provided for in the antiquities permit.

(4) An antiquities permit is not a substitution for any other type of permit that a state agency may require for other purposes.

(5) Antiquities permits may be granted for the excavation and removal of paleontological remains at Makoshika state park for the purpose of selling the paleontological remains and using revenue from the sale to benefit Makoshika state park. Antiquities permits granted under this subsection must be used in accordance with rules adopted pursuant to [section 2(2) of House Bill No. 24]."

Insert: "COORDINATION SECTION. Section 37. Coordination instruction. If both House Bill No. 392 and [this act] are passed and approved, then [section 2] of House Bill No. 392, amending 23-1-102, is void and [section 2 of this act] must read as follows:

"NEW SECTION. Section 2. Powers and duties of board -- rulemaking -- meetings.

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(1) Except as provided in subsection (2), for state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9, the board shall:

(a) set the policies and provide direction to the department for:

(i) the management, protection, conservation, and preservation of these properties, lands, and waters and their appropriate role relative to tourism and the economic health of Montana;

(ii) coordinating, integrating, promoting, and furthering opportunities for education and recreation at these sites, including but not limited to camping, hiking, snowmobiling, off-highway vehicle use, horseback riding, mountain biking, boating, and swimming;

(b) work with the commission to maintain hunting and angling opportunities on these lands and waters;

(c) establish the rules of the department governing the use of these properties and lands. The rules must be adopted in the interest of public health, public safety, public welfare, and protection of property and public resources in regulating recreation, including picnicking, camping, and swimming, and sanitation. These rules are subject to review and approval by the department of public health and human services with regard to issues of public health and sanitation before becoming effective. Copies of the rules must show that endorsement.

(d) review and approve all acquisitions or transfers of interest in these properties, lands, and waters by the department, except as provided in 87-1-209(4);

(e) review and approve the budget of the department for the administration of these properties, lands, and waters prior to its transmittal to the office of budget and program planning;

(f) review and approve construction projects that have an estimated cost of more than \$5,000;

(g) work with local, state, and federal agencies to evaluate, integrate, coordinate, and promote recreational opportunities statewide; and

(h) encourage citizen involvement in management planning for these properties, lands, and waters.

(2) The board may adopt rules establishing conditions for the use of antiquities permits granted pursuant to 22-3-432(5).

(3) Pursuant to 87-1-301(1), the board does not oversee department activities related to the administration of fishing access sites.

(4) The members of the board shall hold quarterly or other meetings for the transaction of business at times and places considered necessary and proper. The meetings must be called by the presiding officer or by a majority of the board and must be held at the time and place specified in the call for the meeting. A majority of the members constitutes a quorum for the transaction of any business. The board shall keep a record of all the business it transacts. The presiding officer and secretary shall sign all orders, minutes, or documents for the board."

Insert: "COORDINATION SECTION. Section 38. Coordination instruction. If both Senate Bill No. 237 and [this act] are passed and approved and if both amend 23-1-102, then the sections amending 23-1-102 are void and 23-1-102 must be amended as follows:

"23-1-102. Powers and duties of department of fish, wildlife, and parks. (1) The department shall make a study to determine the scenic, historic, archaeological, scientific, and recreational resources of the state. The Subject to 87-1-209, the department may:

(a) by purchase, lease, agreement, or acceptance of donations acquire for the state any

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areas, sites, or objects that in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state ~~historical~~ historic sites; ~~The department, with the consent of the commission, may~~

~~(b) with the consent of the board, acquire by condemnation, pursuant to Title 70, chapter 30, lands or structures for the purposes provided in 87-1-209(2); and~~

~~(2)(c) The department may accept in the name of the state, in fee or otherwise, any areas, sites, or objects conveyed, entrusted, donated, or devised to the state.~~

~~(2) † The department may accept gifts, grants, bequests, or contributions of money or other property to be spent or used for any of the purposes of this part.~~

~~(3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred until money has been appropriated by the legislature or is otherwise available. If the contract or obligation pertains to acquisition of areas or sites in excess of either 100 acres or \$100,000 in value, the board of land commissioners shall specifically approve the acquisition.~~

~~(4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public camping grounds, ~~historical~~ historic sites, and monuments, except wayside camps and other public conveniences acquired, improved, and maintained by the department of transportation and contiguous to the state highway system. The department may designate lands under its control as state parks, state ~~historical~~ historic sites, or state monuments; or by any other designation that it considers appropriate. The department may remove or change the designation of any area or portion of an area and may name or change the name of any area. The department may lease those portions of designated lands that are necessary for the proper administration of the lands in keeping with the basic purpose of this part."~~

Insert: "COORDINATION SECTION. **Section 39. Coordination instruction.** If Both Senate Bill No. 344 and [this act] are passed and approved, then [section 9 of this act], amending 23-1-102, is void and 23-1-102 must be amended as follows:

"23-1-102. Powers and duties of department of fish, wildlife, and parks. (1) The department shall make a study to determine the scenic, historic, archaeological, scientific, and recreational resources of the state. ~~The~~ Subject to 87-1-209, the department may:

~~(a) by purchase, lease, agreement, or acceptance of donations acquire for the state any areas, sites, or objects that in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state ~~historical~~ historic sites; The department, with the consent of the commission, may~~

~~(b) with the consent of the board, acquire by condemnation, pursuant to Title 70, chapter 30, lands or structures for the purposes provided in 87-1-209(2); and~~

~~(2)(c) The department may accept in the name of the state, in fee or otherwise, any areas, sites, or objects conveyed, entrusted, donated, or devised to the state.~~

~~(2) † The department may accept gifts, grants, bequests, or contributions of money or other property to be spent or used for any of the purposes of this part.~~

~~(3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred until money has been appropriated by the legislature or is otherwise available. If the contract or obligation pertains to acquisition of areas or sites in excess of either 100 acres or \$100,000 in value, the board of land commissioners shall specifically approve the acquisition.~~

~~(4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public camping grounds, ~~historical~~ historic sites, and monuments, except wayside camps and other public conveniences acquired, improved, and maintained by the department of~~

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transportation and contiguous to the state highway system. The department may designate lands under its control as state parks, state ~~historical~~ historic sites, or state monuments; or by any other designation that it considers appropriate. The department may remove or change the designation of any area or portion of an area and may name or change the name of any area. The department may lease those portions of designated lands that are necessary for the proper administration of the lands in keeping with the basic purpose of this part."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 37, be amended as follows:

1. Title, page 1, line 7.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 3.

Following: line 27

Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2019."

3. Page 3, line 18.

Strike: "10"

Insert: "5"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair):

3/18/2013

SR 21, be adopted. Report adopted.

STATE ADMINISTRATION (Arthun, Chair):

3/18/2013

HB 38, be concurred in. Report adopted.

HB 283, be concurred in. Report adopted.

HJR 3, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair):

3/15/2013

SB 369, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "SALE"

Insert: "AT THE REQUEST OF THE LESSEE OR IMPROVEMENT OWNER"

2. Title, page 1, line 10.

Following: "SALE;"

Insert: "EXEMPTING THE SALE OF CABIN OR HOME SITE LOTS FROM THE PROVISIONS OF TITLE 75, CHAPTER 1, PARTS 1 THROUGH 3; PROVIDING RULEMAKING

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AUTHORITY;"

3. Page 1, line 11.

Strike: the first "AND"

Following: "77-2-318,"

Insert: "AND 77-2-363,"

4. Page 2, line 19.

Following: the first "front"

Insert: ", except that any former cabin or home sites proposed for sale or sold by the board may possess a width less than 125 feet"

5. Page 3, line 2.

Strike: "all"

Insert: "those lands that were"

Strike: "."

Insert: "on [the effective date of this act], at the request of a lessee or an improvement owner and with the consent of any mortgagee or other owner of an interest in the cabin or home site improvements, only if the requested sale is consistent with the board's constitutional fiduciary duty of attaining full market value and with the provisions of this part and if the sale is approved by the board."

6. Page 3, line 3 through line 7.

Strike: subsections (i), (ii), and (iii) in their entirety

7. Page 3, line 12 through line 14.

Strike: subsection (iii) in its entirety

8. Page 3, line 28.

Strike: "4"

Insert: "5"

9. Page 3, line 29.

Insert: "**Section 4.** Section 77-2-363, MCA, is amended to read:

"77-2-363. Land banking land sales and limitations -- sale preparation costs. (1) (a)

The board may not cumulatively sell or dispose of more than 250,000 acres of state land. Seventy-five percent of the acreage cumulatively sold must be isolated parcels that do not have a legal right of access by the public. At any one time during the life of the land banking process, the board may not sell more than 20,000 acres of state land unless the board has acted to use the revenue from that land to make purchases pursuant to 77-2-364.

(b) The estimated fair market value must be determined by a Montana-licensed and Montana-certified appraiser.

(2) (a) A person bidding to purchase state land offered for sale shall 20 days prior to the day of auction deposit with the department a bid bond in the form of a certified check or cashier's check drawn on any Montana bank equal to at least 20% of the minimum sale price specified by

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the department pursuant to 77-2-323(1) to guarantee the bidder's payment of the purchase price. Bid bonds submitted to secure a bid upon a parcel formerly leased as a cabin or home site need only be equal to 5% of the minimum sale price as specified by the department.

(b) If the current lessee of the land to be sold has initiated the sale as authorized by 77-2-364, the lessee may cancel the sale by giving notice to the department at least 10 days prior to the day of the auction. When the sale is canceled by the lessee, the lessee shall pay the costs incurred by the department for the preparation of the sale, including any costs incurred for preparation of documents required by 75-1-201.

(c) The department shall retain the bid bond of the successful bidder and shall return the bid bonds of the unsuccessful bidders. If the successful bidder fails to comply with the terms of the sale for any reason, the successful bidder's bid bond must be forfeited and credited to the interest and income account of the proper trust.

(3) Except for a sale that is initiated by the lessee of the parcel of land proposed for sale, prior to the proposed sale of any parcel of state land under the land banking process, the board shall give 60 days' notice of the proposed sale to the lessee of the parcel to allow the lessee sufficient time to determine whether the lessee wishes to propose an exchange of the land to the board.

(4) For a sale initiated by the board or the department, the lessee of the land must be afforded all the rights and privileges to match the high bid, as provided in 77-2-324.

(5) (a) ~~When~~ Except as provided in subsection (6), when the lessee has initiated a sale of land under this section, the lessee shall remit to the department the estimated costs of preparing the parcel for sale, including but not limited to appraisals, cultural surveys, environmental review pursuant to Title 75, chapter 1, parts 1 through 3, and land surveys, if necessary. Payment must be made within 10 days after the board has provided preliminary approval for the sale of the parcel.

(b) If the parcel is sold to the lessee, the funds remitted for the costs of the sale must be applied to the actual costs at closing. If the parcel is sold to a party other than the lessee, the funds remitted by the lessee must be refunded to the lessee and actual costs of preparing the parcel for sale must be assessed to the purchaser at closing.

(6) For the sale of a parcel formerly leased as a cabin or home site:

(a) the department shall assume the cost of the land survey; and

(b) the sale is exempt from the provisions of Title 75, chapter 1, parts 1 through 3."

Renumber: subsequent sections

10. Page 3, line 30.

Following: "improvements"

Insert: "-- rulemaking"

11. Page 4, line 3.

Following: "land"

Insert: "and the value of any necessary access easement across existing state lands from the nearest public road. The appraisal to determine these values must be based upon comparable sales of nearby existing properties with the hypothetical condition that the state parcel to be sold is accessible for all lawful purposes. The appraisal must determine the raw undeveloped value of the parcel and the value of the permanent and immovable improvements"

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12. Page 4, line 18.

Strike: "The"

Insert: "If the lessee consents to the terms and conditions of the proposed sale and the valuation of permanent and immovable improvements, the"

13. Page 4, line 25.

Following: "residence"

Insert: "that sits on a permanent foundation"

14. Page 4, line 26.

Following: "structures"

Insert: "that sit on a permanent foundation"

15. Page 4, line 27.

Following: "cabins"

Insert: "that sit on a permanent foundation"

16. Page 5, line 3.

Insert: "(4) The board may adopt rules to implement the provisions of this section."

17. Page 5, line 8.

Strike: "4"

Insert: "5"

18. Page 5, line 9.

Strike: "4"

Insert: "5"

And, as amended, do pass. Report adopted.

HB 195, be amended as follows:

1. Page 1, line 12.

Strike: "Contiguous parcels"

Insert: "Any parcel"

Strike: "qualify"

Insert: "qualifies"

2. Page 1, line 20.

Strike: "PARCELS"

Insert: "parcel"

3. Page 1, line 23.

Strike: "PARCELS HAVE"

Insert: "parcel has"

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And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 18, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Essmann:

On Monday, March 18, 2013, I signed the following Senate bill:

Senate Bill 164 - Keane

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/18/2013

SB 146, introduced by Buttrey
SB 225, introduced by Arntzen

Senate bills concurred in and returned to the Senate: 3/19/2013

SB 2, introduced by Facey
SB 34, introduced by Caferro
SB 93, introduced by Vuckovich
SB 266, introduced by Rosendale
SB 291, introduced by Arntzen
SB 343, introduced by Arntzen
SB 356, introduced by Arntzen

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/18/2013

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SB 316, introduced by Fielder

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/19/2013

SB 139, introduced by Walker

SB 165, introduced by Caferro

SB 319, introduced by Sonju

House bills passed and transmitted to the Senate for concurrence: 3/18/2013

HB 97, introduced by Wilmer

HB 153, introduced by Gibson

HB 444, introduced by Jacobson

HB 447, introduced by Peppers

HB 478, introduced by Laszloffy

HB 556, introduced by Cuffe

House bills passed and transmitted to the Senate for concurrence: 3/19/2013

HB 9, introduced by Hollandsworth

HB 101, introduced by Ehli

HB 517, introduced by Cuffe

FIRST READING AND COMMITMENT OF BILLS

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

SB 392, introduced by Kaufmann, referred to Judiciary.

SB 393, introduced by Kaufmann, Caferro, referred to Public Health, Welfare and Safety.

SB 394, introduced by Wittich, referred to Taxation.

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

HB 415, introduced by Hagan, referred to Business, Labor, and Economic Affairs.

HB 450, introduced by Hagan, Knudsen, referred to Public Health, Welfare and Safety.

HB 460, introduced by Hagan, Berry, referred to Business, Labor, and Economic Affairs.

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

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

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

HB 232 - Senator Sonju moved **HB 232** be concurred in. Motion carried as follows:

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

Total 30

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

Total 19

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 226 - Senator Webb moved **HB 226** be concurred in. Motion carried as follows:

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

Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 278 - Senator Thomas moved **HB 278** be concurred in. Motion carried as follows:

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

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Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Wittich.

Total 22

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 225 - Senator Wittich moved **HB 225** be concurred in.

HB 225 - Senator Blewett moved **HB 225**, second reading copy, be amended as follows:

1. Page 1, line 11.

Strike: "subsections (2) and (3)"

Insert: "subsection (2)"

2. Page 1, line 13.

Strike: "the rate of 10% per year"

Insert: "a rate equal to the prime rate published by the federal reserve system in its statistical release H.15 Selected Interest Rates, or in any publication that may supersede it, on the day judgment is entered, plus 2%"

3. Page 1, line 16 through line 18.

Strike: subsection (3) in its entirety

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 22

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

Total 27

Absent or not voting: None.

Total 0

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Excused: Windy Boy.

Total 1

HB 225 - Thereupon, the Senate reverted to the original motion of Senator Wittich which passed as follows:

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

Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 291 - Senator Walker moved **HB 291** be concurred in. 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, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 280 - Senator Walker moved **HB 280** be concurred in. Motion carried as follows:

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

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Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 110 - Senator Stewart-Peregoy moved **HB 110** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 27

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Jackson, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

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

Senator Wanzenried made a **substitute motion** that **HB 280** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

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

Total 20

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

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Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

The Senate reverted to the original motion of Chair Sales which passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
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:

HB 22 concurred in as follows:

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

Nays: Brenden, Fielder, Priest, Rosendale, Sales, Taylor, Vincent, Walker, Wittich.
Total 9

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Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 65 concurred in as follows:

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

Total 29

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HJR 11 concurred in as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 163 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

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Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, 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, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 17

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 360 concurred in as follows:

Yeas: Arntzen, 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, 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: Larsen.

Total 1

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 140 concurred in as follows:

Yeas: Arntzen, 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 49

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 325 concurred in as follows:

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

Total 41

Nays: Brenden, Jones, Moore, Rosendale, Sales, Taylor, Webb, Wittich.

Total 8

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced and read first time:

SB 395, introduced by Wanzenried.

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

SR 35, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

SR 36, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

SR 37, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

SR 38, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

SR 39, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

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SPECIAL ORDERS OF THE DAY

Senator Taylor introduced two additional pages for this week:

Jaelin Augare, Cut Bank
Kaitlin Kolka , Colstrip

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, March 20, 2013, the sixtieth legislative day. Motion carried.

Senate adjourned at 2:48 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate