

**SENATE JOURNAL  
63RD LEGISLATURE  
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 2013

Senate Chambers  
State Capitol

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

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

**BILLS AND JOURNALS** (Buttrey, Chair):

3/27/2013

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

Correctly printed: **SB 178, SB 355, SJR 24, HB 71, HB 283, HB 402, HB 462, HB 465.**

Correctly engrossed: **SB 143, SB 380, SR 23, SR 29, SR 30, SR 35, SR 36, SR 37, SR 38, SR 39, HB 133, HB 147, HB 188, HB 189, HB 328, HB 395, HB 431, HB 455, HB 508, HB 545.**

Correctly enrolled: **SB 148, SB 194, SR 5, SR 6, SR 11, SR 17, SR 25, SR 27.**

Transmitted to the House: **HB 23, HB 184, HB 250, HB 374, HB 485, HJR 1, HJR 3.**

Signed by the Secretary of the Senate at 9:50 a.m., March 27, 2013: **SB 128, SB 134, SB 137, SB 139, SB 172, SB 230, SB 249, SB 270, SB 293, SB 312.**

Signed by the President at 2:00 p.m., March 27, 2013: **SB 128, SB 134, SB 137, SB 139, SB 172, SB 230, SB 249, SB 270, SB 293, SB 312.**

Signed by the Speaker at 4:35 p.m., March 26, 2013: **SB 24, SB 67, SB 76, SB 103, SB 105, SB 181, SB 189.**

Delivered to the Governor at 10:35 a.m., March 27, 2013: **SB 24, SB 67, SB 76, SB 103, SB 105, SB 181, SB 189.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (T. Brown, Chair):

3/26/2013

**HB 395**, be amended as follows:

1. Page 1, line 17.

**Following:** "livestock"

**Insert:** "who are"

2. Page 1, line 18.

**Following:** "industry"

**Insert:** "and who have knowledge and experience with regard to wildlife impacts or management"

3. Page 1, line 20.

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**Strike:** "of the general public"

**Insert:** "who are actively involved in wildlife conservation or wildlife management and who have knowledge and experience with regard to livestock production or management"

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

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

3/26/2013

**HB 116**, be concurred in. Report adopted.

**HB 117**, be concurred in. Report adopted.

**HB 118**, be concurred in. Report adopted.

**HB 133**, be amended as follows:

1. Title, page 1, line 12 through line 13.

**Strike:** "PROVIDING" on line 12 through "VETERINARIANS;" on line 13

2. Title, page 1, line 20.

**Strike:** "AND LAND" through "INTERN"

3. Title, page 1, lines 22 through 23.

**Strike:** "REVISING QUALIFICATIONS" on line 22 through "INSPECTOR;" on line 23

4. Title, page 1, line 24.

**Following:** "~~2-15-1740~~;"

**Insert:** "2-15-1740,"

5. Title, page 1, line 25.

**Strike:** "37-12-104,"

6. Title, page 1, line 26.

**Following:** "37-23-201,"

**Insert:** "37-23-202,"

**Strike:** "37-47-303,"

7. Title, page 1, line 29.

**Strike:** "37-67-310,"

8. Title, page 1, line 30.

**Following:** "50-31-308,"

**Insert:** "AND"

**Strike:** "AND 50-76-110,"

9. Page 2.

**Following:** line 23

**Insert:** "**Section 1.** Section 2-15-1740, MCA, is amended to read:

**"2-15-1740. Board of hearing aid dispensers. (1) There is a board of hearing aid**

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dispensers.

(2) The board consists of five members appointed by the governor with the consent of the senate, including:

(a) ~~two~~ three members, each of whom has been a licensed hearing aid dispenser for at least 5 years, ~~possesses a current audiologist license issued under Title 37, chapter 15, and has a master's level college degree;~~

~~(b) two members, each of whom does not hold a master's level college degree in audiology but has been a licensed dispenser and fitter of hearing aids for at least 5 years before being appointed to the board; and~~

~~(c)~~(b) one public member who is either an otolaryngologist or an audiologist or is a person who is not a licensed hearing aid dispenser or a licensed audiologist and who regularly uses a hearing aid because of a demonstrated hearing impairment and who is not a licensed hearing aid dispenser or a licensed audiologist; and

(c) a member of the public.

(3) Each member shall serve for 3-year terms. A member may not be reappointed within 1 year after the expiration of the member's second consecutive full term.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

**Renumber:** subsequent sections

10. Page 14, line 28 through page 15, line 11.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

11. Page 15, line 22 through page 18, line 8.

**Strike:** sections 14 through 19 in their entirety

**Renumber:** subsequent sections

12. Page 19, line 25.

**Strike:** "23"

**Insert:** "17"

13. Page 23, line 21.

**Strike:** "26"

**Insert:** "21"

14. Page 25.

**Following:** line 6

**Insert:** "**Section 20.** Section 37-23-202, MCA, is amended to read:

**"37-23-202. Licensure requirements.** (1) An applicant for licensure must have satisfactorily:

(a) completed a planned graduate program of 60 semester hours, primarily counseling in nature, 6 semester hours of which were earned in an advanced counseling practicum that resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;

(b) completed, after obtaining a graduate degree as provided in subsection (1)(a) or (2),

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3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, ~~at least half of which was postdegree.~~ The applicant must have each supervisor endorse the application for licensure, attesting to the number of hours supervised.

(c) passed an examination prepared and administered by:

(i) the national board of certified counselors; or

(ii) the national academy of certified clinical mental health counselors; and

(d) completed an application.

(2) The board shall provide by rule for licensure of a person who possesses a graduate degree that consists of a minimum of 45 semester hours primarily related to counseling and that is from an institution accredited to offer a graduate program in counseling, by specifying the additional graduate credit hours necessary to fulfill the requirements of subsection (1)(a) in counseling courses in an approved program within a period of 5 years.

(3) As a prerequisite to the issuance of a license, the board shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(4) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust, and if the board determines that the applicant is not, the license may be denied."

**Renumber:** subsequent sections

15. Page 27, line 16.

**Strike:** "30"

**Insert:** "25"

16. Page 29, line 26 through page 30, line 6.

**Strike:** section 31 in its entirety

**Renumber:** subsequent sections

17. Page 30, line 14.

**Following:** "description"

**Insert:** "conservation license number,"

18. Page 33, line 6.

**Following:** "or"

**Insert:** "or"

19. Page 33, line 7.

**Strike:** ", or other private industry entity"

20. Page 33, lines 24 through 26.

**Strike:** subsection (12) in its entirety

**Renumber:** subsequent subsection

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21. Page 51, line 18 through page 52, line 6.

**Strike:** section 55 in its entirety

**Renumber:** subsequent sections

22. Page 56, lines 12 through 22.

**Strike:** section 62 in its entirety

**Renumber:** subsequent sections

23. Page 57, lines 9 through 10.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

24. Page 57, line 11.

**Strike:** "23"

**Insert:** "17"

25. Page 57, line 12.

**Strike:** "23"

**Insert:** "17"

26. Page 57, line 13.

**Strike:** "26"

**Insert:** "21"

27. Page 57, line 14.

**Strike:** "26"

**Insert:** "21"

28. Page 57, line 15.

**Strike:** "30"

**Insert:** "25"

29. Page 57, line 16.

**Strike:** "30"

**Insert:** "25"

30. Page 57, line 18.

**Strike:** "[Sections ~~59 and 60~~ 54 AND 55] are"

**Insert:** "[Section 48] is"

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

**HB 488**, be concurred in. Report adopted.

**HB 545**, be amended as follows:

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1. Page 1, line 18.

**Following:** "which"

**Insert:** "a qualifying employee elects individual disability coverage because"

2. Page 1, line 21.

**Following:** "cost"

**Insert:** "to the qualifying employee"

3. Page 1.

**Following:** line 22

**Insert:** "(2) An employer's contribution to coverage for its qualifying employees who elect disability coverage pursuant to subsection (1) must be made:

(a) at a uniform percentage of the cost of the health plan offered by the employer; or

(b) at a uniform set dollar amount regardless of whether an employer offers no health plan or a health plan with one or more benefit options."

**Renumber:** subsequent subsections

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

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

3/27/2013

**HB 415**, be concurred in. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Peterson, Chair):

3/25/2013

**SR 30**, be adopted. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chair):

3/26/2013

**HB 188**, be amended as follows:

1. Page 2, line 5 through line 6.

**Strike:** "18 CFR 292.202(4),(5),(6), OR (8)"

**Insert:** "18 CFR 292.202(b)(4),(5),(6), or (8)"

2. Page 2, line 11 through line 12.

**Strike:** "18 CFR 292.202(4),(5),(6), OR (8)"

**Insert:** "18 CFR 292.202(b)(4),(5),(6), or (8)"

3. Page 2, line 17 through line 18.

**Strike:** "18 CFR 292.202(4),(5),(6), OR (8)"

**Insert:** "18 CFR 292.202(b)(4),(5),(6), or (8)"

4. Page 2, line 23 through line 24.

**Strike:** "18 CFR 292.202(4),(5),(6), OR (8)"

**Insert:** "18 CFR 292.202(b)(4),(5),(6), or (8)"

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5. Page 3, line 2 through line 4.

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

6. Page 3, line 6.

**Strike:** "(3)(D)"

**Insert:** "(3)(c)"

7. Page 3.

**Following:** line 7

**Insert:** "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. Section 3. 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."

**Renumber:** subsequent sections

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

**HB 431**, be amended as follows:

1. Page 1, line 15.

**Following:** "use"

**Insert:** "of the land directly utilized by oil and gas operations and production, other than uses appurtenant to the mineral estate"

2. Page 1.

**Following:** line 22

**Insert:** "(6) 'Reasonably available use' means the present use or a future use for which a permit, if necessary, has been issued under applicable law."

**Renumber:** subsequent subsection

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

**FINANCE AND CLAIMS** (Ripley, Chair):

3/27/2013

**SB 280**, do pass. Report adopted.

**HB 9**, be concurred in. Report adopted.

**FISH AND GAME** (Brenden, Chair):

3/26/2013

**SB 143**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "YEAR-ROUND"

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2. Title, page 1, line 8.

**Following:** "87-2-730,"

**Insert:** "AND"

**Strike:** "AND 87-6-304,"

3. Page 11, line 29 through line 30.

**Strike:** "and" on line 29 through "year" on line 30

**Insert:** "between November 15 and April 30"

4. Page 12, line 5 through line 6.

**Following:** "fee" on line 5

**Insert:** ", "

**Strike:** "for each" on line 5 through "entitle" on line 6

**Insert:** "purchase a license that entitles"

5. Page 12, line 7.

**Strike:** "carcasses"

**Insert:** "carcass"

**Strike:** "animals"

**Insert:** "animal"

6. Page 12, line 15.

**Following:** "Montana"

**Insert:** "during the season established in subsection (1)"

7. Page 13, line 4.

**Strike:** "six"

**Insert:** "50"

8. Page 14, line 5 through line 26.

**Strike:** section 11 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 380**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "MCA;"

**Strike:** "AND"

**Following:** "2009"

**Insert:** "; AND PROVIDING A TERMINATION DATE"

2. Page 1, line 21.

**Strike:** "Not"



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**Insert:** "Except as provided in subsection (4), not"

3. Page 1, line 30.

**Strike:** "In addition" through "subsection (1)"

**Insert:** "Pursuant to subsection (1)(b)"

**Following:** "offer"

**Insert:** "1,200 Class B-10 licenses through February 28, 2015, and beginning March 1, 2015,"

4. Page 2, line 1.

**Strike:** "indicating their intent"

**Insert:** "that entitle the holder"

5. Page 2, line 23.

**Insert:** "(4) If more than 17,000 applications for Class B-10 licenses are made in any 1 license year, the department shall offer an additional 1,200 Class B-10 licenses through February 28, 2015, and beginning March 1, 2015, an additional 1,500 Class B-10 licenses to nonresident applicants that entitle the holder to hunt only in the wilderness areas listed in subsection (3)(a) and subject to the provisions of subsections (3)(b) through (3)(d)."

6. Page 3, line 20.

**Following:** "(5)"

**Insert:** "(a)"

7. Page 3, line 23.

**Following:** "land."

**Insert:** "(b) If at least \$500,000 has been deposited in the account in any 1 license year, the excess must be deposited in the general license account.

(c) The department shall provide a report on a quarterly basis to the environmental quality council identifying:

(i) potential, completed, or abandoned projects providing public hunting access to inaccessible public land;

(ii) deposits into and withdrawals from the account established in subsection (5)(a); and

(iii) plans for future projects providing public hunting access to inaccessible public land for the subsequent fiscal year.

(d) Any unspent or unencumbered money in the account established in subsection (5)(a) at the end of the fiscal year must remain in the account."

8. Page 3, line 26.

**Insert:** "NEW SECTION. Section 4. Termination. [This act] terminates February 28, 2018."

And, as amended, do pass. Report adopted.

**SB 381**, do pass. Report adopted.

**HB 147**, be amended as follows:

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1. Page 1, line 12.

**Following:** "wildlife"

**Insert:** ", "

**Strike:** "or predatory animals or"

**Insert:** "predatory animals, game animals, or wolves while"

2. Page 1, line 14.

**Strike:** "an amount not to exceed"

3. Page 1, line 17.

**Following:** "\$500"

**Insert:** "or more than \$1,000"

4. Page 1, line 18.

**Strike:** "unless the court imposes a larger fine"

5. Page 1, line 19.

**Following:** "conviction"

**Insert:** "under subsection (3)"

6. Page 1, line 22.

**Strike:** "3 years unless the court imposes a longer period of time"

**Insert:** "a period of time set by the court"

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

**HIGHWAYS AND TRANSPORTATION** (Arntzen, Chair):  
**HB 566**, be concurred in. Report adopted.

3/26/2013

**JUDICIARY** (Murphy, Chair):  
**SB 384**, do pass. Report adopted.  
**HB 104**, be amended as follows:

3/27/2013

1. Title, page 1, line 5.

**Strike:** "AN UNBORN CHILD"

**Insert:** "A FETUS OF ANOTHER"

2. Page 1, line 12.

**Strike:** "or unborn child"

**Following:** ", "

**Strike:** "or"

3. Page 1, line 17.

**Strike:** "or unborn child"

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**Insert:** "; or (c) the person purposely or knowingly causes the death of a fetus of another with knowledge that the woman is pregnant"

4. Page 1, line 25.

**Strike:** "unborn child"

**Insert:** "purposely or knowingly causes the death of a fetus of another with knowledge that the woman is pregnant"

5. Page 2, line 9 through line 10.

**Following:** "4]," on line 9

**Strike:** remainder of line 9 through "born" on line 10

**Insert:** "'fetus" means an organism of the species homo sapiens from 8 weeks of development until complete expulsion or extraction from a woman's body"

6. Page 2, line 12.

**Strike:** "unborn child"

**Insert:** "fetus of another"

7. Page 2, line 18.

**Strike:** "AN UNBORN CHILD"

**Insert:** "a fetus of another"

8. Page 2, line 23.

**Strike:** "UNBORN CHILD"

**Insert:** "fetus"

9. Page 2, line 24.

**Strike:** "UNBORN CHILD"

**Insert:** "fetus"

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

**HB 208**, be concurred in. Report adopted.

**HB 287**, be concurred in. Report adopted.

**HB 522**, be concurred in. Report adopted.

**HJR 5**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

3/26/2013

**SB 48**, introduced by Jergeson

**SB 194**, introduced by Blewett

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**Senate bills** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/26/2013

**SB 11**, introduced by Caferro  
**SB 18**, introduced by Hamlett  
**SB 122**, introduced by Facey  
**SB 133**, introduced by Rosendale

**House bill** passed and transmitted to the Senate for concurrence: 3/26/2013  
This bill is being transmitted after the deadline for General Bills. Joint rule 40-200 requires a two-thirds vote for the bill to be considered by the receiving house.

**HB 76**, introduced by Pease-Lopez

**MOTIONS**

Senator Brenden moved the Senate suspend its rules to accept **HB 76**, a general bill that missed the deadline for general bills. 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, 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: Phillips.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 405**, introduced by Olson, Debby Barrett, Blasdel, D. Brown, Knudsen, Sales, Sonju, Tutvedt, Vance, referred to State Administration.

**SB 406**, introduced by D. Brown, Arntzen, Ballance, Debby Barrett, Blasdel, Blyton, Essmann, Glimm, Hertz, Jackson, Lewis, O'Neil, Priest, Regier, C. Smith, Taylor, Thomas, Vance, Vincent, Washburn, Wittich, Zolnikov, referred to Judiciary.

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

**SJR 25**, introduced by Malek, referred to Energy and Telecommunications.

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

**HB 76**, introduced by Pease-Lopez (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

**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 402** 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 47

Nays: Stewart-Peregoy, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HB 455** 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, 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: Phillips.

Total 1

**HB 462** 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, 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: Phillips.

Total 1

**HB 283** concurred in as follows:

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

Total 36

Nays: Augare, Barrett Dick, Blewett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Wanzenried.

Total 13

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HB 328** concurred in as follows:

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

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Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 40

Nays: Augare, Barrett Dick, Caferro, Kaufmann, Malek, Olson, Stewart-Peregoy, Wanzenried, Windy Boy.

Total 9

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**SB 178** passed 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, 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 47

Nays: Brenden, Fielder.

Total 2

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HB 71** concurred in as follows:

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

Total 33

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Moore, Olson, Priest, Ripley, Sales, Sonju, Vincent, Walker, Webb, Wittich, Mr. President.

Total 16

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Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**SB 316, as amended by the House**, passed as follows:

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

Total 1

**SB 165, as amended by the House**, passed as follows:

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

Total 1

**SB 125, as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Keane,



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Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.  
Total 27

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.  
Total 22

Absent or not voting: None.  
Total 0

Excused: Phillips.  
Total 1

**SB 185, as amended by the House**, passed as follows:

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

**SB 224, as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 43

Nays: Blewett, Jergeson, Kaufmann, Malek, Van Dyk, Wanzenried.  
Total 6

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Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**SB 259, as amended by the House**, passed as follows:

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

Total 1

**SB 375** passed as follows:

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

Total 29

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

Total 21

Paired: Phillips, Aye; Wanzenried, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SECOND READING OF BILLS**

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**(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 Dick Barrett in the chair.

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

**SB 148** - Senator L. Jones moved consideration of **SB 148** be passed for the day, and that **SB 148** be brought before the Committee of the Whole on April 3, 2013, the sixty-ninth legislative day. Without objection, so ordered.

**HB 217** - Senator Sales moved **HB 217** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Phillips.  
Total 1

**HB 297** - Senator Jackson moved **HB 297** 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, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 21

Absent or not voting: None.  
Total 0

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Excused: Phillips.

Total 1

**HB 359** - Senator Thomas moved **HB 359** be concurred in. Motion carried as follows:

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

Total 28

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

Total 21

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

Senator Jent expressed a conflict of interest before voting on **HB 359**.

**HB 322** - Senator Sales moved **HB 322** 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, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 46

Nays: Kaufmann, Keane, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

Senator Thomas excused at this time.

**HB 502** - Senator F. Moore moved **HB 502** be concurred in. Motion carried as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 45

Nays: D. Brown, Murphy, Sales.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Phillips, Thomas.  
Total 2

Senator Thomas present at this time.

**HB 127** - Senator Vuckovich moved **HB 127** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 35

Nays: Arthun, Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Priest, Ripley, Sales, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Phillips.  
Total 1

**HB 170** - Senator Brenden moved **HB 170** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 36

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Kaufmann, Larsen, Malek, Sesso,

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Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.

Total 13

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HB 256** - Senator Hamlett moved **HB 256** be concurred in. Motion carried as follows:

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

Total 42

Nays: Augare, Barrett Debby, D. Brown, Priest, Stewart-Peregoy, Thomas, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HB 299** - Senator Jergeson moved **HB 299** be concurred in.

**HB 299** - Senator Jergeson moved **HB 299**, second reading copy, be amended as follows:

1. Title, line 10.

**Strike:** "RAVEN CHIEF"

2. Page 1, line 21.

**Strike:** "Raven Chief"

3. Page 2, line 9.

**Strike:** "Raven Chief"

4. Page 2, line 10.

**Strike:** "Raven Chief"

Amendment adopted as follows:

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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, 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: Phillips.  
Total 1

**HB 299** - Senator Jergeson moved **HB 299**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 47

Nays: D. Brown, Sales.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Phillips.  
Total 1

**HB 106** - Senator Hamlett moved **HB 106** 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, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 47

Nays: Sales, Wittich.

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Total 2

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HB 388** - Senator Vincent moved **HB 388** 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, 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: Phillips.

Total 1

**HB 451** - Senator Rosendale moved **HB 451** be concurred in. Motion carried as follows:

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

Nays: D. Brown.

Total 1

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HB 513** - Senator Hamlett moved **HB 513** be concurred in. Motion carried as follows:



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

Total 38

Nays: Augare, Barrett Dick, Caferro, Facey, Jent, Kaufmann, Malek, Stewart-Peregoy, Van Dyk, Wanzenried, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

**HJR 9** - Senator Walker moved **HJR 9** be concurred in. Motion carried as follows:

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

Total 41

Nays: Barrett Dick, Facey, Jent, Jergeson, Kaufmann, Malek, Van Dyk, Wanzenried.

Total 8

Absent or not voting: None.

Total 0

Excused: Phillips.

Total 1

Senator Brenden and Senator Thomas excused at this time.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose.

Senate resumed. President Essmann presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. 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, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

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Total 45

Nays: Jent, Wanzenried.

Total 2

Absent or not voting: None.

Total 0

Excused: Brenden, Phillips, Thomas.

Total 3

**MOTIONS**

Senator Ripley moved **HB 322** be referred to the Finance and Claims committee. Without objection, so ordered.

Senator Ripley moved **HB 12** be referred to the Finance and Claims committee. Following discussion, Senator Ripley withdrew his motion.

Senator Malek moved to change her third-reading vote on **SB 165** from No to Yes. Without objection, so ordered.

Senator Jergeson rose on a point of parliamentary procedure and explained there is only one acceptable motion, under the Committee of the Whole, to pass a bill for the day. That motion is to "pass consideration" of the bill. If the motion carries, the bill must be scheduled for second reading on the next legislative day. To have the bill scheduled for second reading on a different day, a second motion under Order of Business # 6, Motions, is required.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 10:00 a.m., Thursday, March 28, 2013, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 3:19 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate