

**SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 5, 2013

Senate Chambers
State Capitol

Senate convened at 12:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Augare, absent. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/5/2013

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

Correctly printed: **SB 143, SB 240, SB 282, SB 369, SB 392, SB 394, SB 396, SB 398, SB 401, SB 405, SB 408, SJR 22, SJR 28, SJR 29, SR 22, SR 55, SR 56, SR 57, SR 58, SR 59, SR 60, SR 61, HB 64, HB 74, HB 104, HB 126, HB 391, HB 396, HB 478, HB 554, HJR 16, HJR 17.**

Correctly engrossed: **SB 380, HB 157, HB 345, HB 403, HB 433, HB 442, HB 494, HB 497, HB 573.**

Correctly enrolled: **SR 7, SR 30.**

Examined by the sponsor and found to be correct: **SR 7, SR 30.**

Transmitted to the House: **SB 143, SB 240, SB 282, SB 369, SB 374, SB 380, SB 381, SB 387, SB 392, SB 394, SB 395, SB 396, SB 397, SB 398, SB 400, SB 405, SB 408, HB 104, HB 240, HB 395, HB 554.**

Delivered to the Governor at 8:30 a.m., April 5, 2013: **SB 11, SB 18, SB 19, SB 120, SB 122, SB 136, SB 239.**

Senator Wanzenried rose on a point of privilege. Senator Brenden rose to respond to Senator Wanzenried.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Brenden, Chair): 4/4/2013
HB 396, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/4/2013
HB 157, be amended as follows:

1. Page 1, line 11.

Strike: "(a)"

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

2. Page 1, line 14.

Following: "combination"

Insert: "if:

(a) the vendor and the purchaser agree in writing to the split weighing; and

(b) either the vendor or the purchaser who is a party to the agreement is responsible for paying the cost of the shipment and any freight charges"

3. Page 1.

Following: line 17

Insert: "(3) The written agreement between the vendor and the purchaser to allow for split weighing must accompany delivery of the commodity."

Renumber: subsequent subsection

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

HB 442, be amended as follows:

1. Title, line 6 through line 8.

Strike: "INCREASING" on line 6 through "REPORT;" on line 8

2. Title, line 8.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 61-7-109"

3. Page 1, line 15.

Strike: "\$2,000"

Insert: "\$1,000"

4. Page 1, line 20 through page 2, line 7.

Strike: section 2 in its entirety

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

HB 494, be amended as follows:

1. Title, line 5.

Strike: "INSPECT" through "CONTRACTS"

Insert: "PERFORM AN INSPECTION"

2. Title, line 6.

Strike: "COMPLETION"

Insert: "A CONTRACTOR'S REQUEST FOR AN INSPECTION"

Strike: "AND"

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

3. Title, line 8 through line 9.

Strike: ", AFTER" on line 8 through "LAPSE" on line 9

Insert: "; AND AMENDING SECTION 60-2-115, MCA"

4. Page 1, line 13 through page 2, line 4.

Strike: sections 1 and 2 in their entirety

Insert: "**Section 1.** Section 60-2-115, MCA, is amended to read:

"60-2-115. Contract let by commission -- time for final payment of contract price -- interest. (1) ~~The commission~~ Subject to subsections (2) through (4), the department shall comply with the 30-day time period for payment of contracts as provided in 18-2-306 for all contracts let by the commission in accordance with this part.

(2) For the final payment on a contract, the department shall, within 30 days after a request by the contractor for final acceptance, perform an inspection of the project and notify the contractor of whether the department has granted or refused final acceptance.

(3) If the department notifies the contractor that the department has granted final acceptance, the department shall make the final payment of the contract price specified in the contract to the other party to the contract within 90 days after the notice.

(4)(a) If the department notifies the contractor that the department has refused final acceptance, the department shall include with the notice a list of all deficiencies that must be cured before the department will grant final acceptance.

(b) After the contractor has cured all of the deficiencies, the contractor shall request final acceptance by the department. Within 30 days after the contractor's request, the department shall perform an inspection of all of the cured deficiencies.

(c) If the department notifies the contractor of its final acceptance, the department shall make the final payment as provided in subsection (3).

(d) If the department notifies the contractor that the department has refused final acceptance, the department shall:

(i) notify the contractor of any remaining deficiencies; and

(ii) grant final acceptance, subject to any remedy provided under the provisions of Title 28, chapter 2.

(5) When the department grants final acceptance, the department shall immediately consider the contract complete and close the contract.

(6) For the purposes of this section, the following definitions apply:

(a) "Final acceptance" means the department's acceptance of the construction, maintenance, or public works project upon certification by the architect, project engineer, or other representative of the department of final completion of the project.

(b) "Final completion" means that the project has been completed in accordance with the terms and conditions of the contract documents and all warranties have expired."

Renumber: subsequent section

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

HB 573, be amended as follows:

1. Page 65.

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Following: line 2

Insert: "COORDINATION SECTION. Section 41. Coordination instruction. If both House Bill No. 414 and [this act] are passed and approved and if both contain a section that amends 61-3-201, then the sections amending 61-3-201 are void and 61-3-201 must be amended as follows:

"61-3-201. Certificate of title required -- exclusions. (1) Except as provided in subsection (2), the owner of a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(2) The following motor vehicles, motorcycles, quadricycles, off-highway vehicles, utility vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

(a) a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

(b) except as required in 61-4-111, a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident ~~of this state~~ or a nonresident who has a place of abode in Montana and who chooses not to register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer in this state as provided in 61-3-303;

(d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile regularly engaged in the interstate transportation of persons or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to agricultural land;

(h) a self-propelled wheelchair or tricycle used by a person with a disability;

(i) a dolly or converter gear;

(j) a mobile home or housetrailer;

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

- (k) a manufactured home declared to be an improvement to real property under 15-1-116;
or
(l) a golf cart unless it is operated by a person with a low-speed restricted driver's license."

Section 42. Coordination instruction. If both House Bill No. 414 and [this act] are passed and approved and if both contain a section that amends 61-3-303, then the sections amending 61-3-303 are void and 61-3-303 must be amended as follows:

"61-3-303. Original registration -- process -- fees. (1) Except as provided in 61-3-324, a Montana resident who owns a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner is domiciled. A nonresident who has a place of abode in Montana may register in the county where the abode is located a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state.

(2) Except as provided in subsections ~~(3) and (4)~~ (3), (11), and (12), the county treasurer shall register any vehicle for which:

(a) as of the date that the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(b) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(3) (a) A county treasurer may register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the owner of a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer ~~owner~~ to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate of title. The new owner may submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) Upon registering a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5); and

(e) assign and issue license plates for the vehicle under 61-3-331.

(5) Unless otherwise provided by law, a person registering a motor vehicle, motorcycle,

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

quadricycle, or utility vehicle shall pay to the county treasurer:

- (a) the fees in lieu of tax or registration fees as required for:
 - (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570;
 - (ii) a motor home under 61-3-321;
 - (iii) a travel trailer under 61-3-321;
 - (iv) a motorcycle, ~~or quadricycle, or utility vehicle~~ under 61-3-321;
 - (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or
 - (vi) a trailer under 61-3-321;
 - (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and
 - (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.
- (6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5).
- (7) The department may make full and complete investigation of the registration status of the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.
- (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded by the respective county treasurer to the department for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.
- (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, ~~or quadricycle, or utility vehicle~~ or a trailer, semitrailer, or pole trailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is owned by the same person who registered the travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer. Once registered, a travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is transferred.
- (b) Whenever ownership of a travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.
- (10) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded by the respective county treasurer to the department for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury.
- (11) ~~Beginning January 1, 2013, the~~ The county treasurer shall use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

complied with the requirements of 61-6-301.

(12) If a motorcycle, quadricycle, utility vehicle, off-highway vehicle, or snowmobile will not be operated on public highways or public lands, the owner is not required to register the motorcycle, quadricycle, utility vehicle, off-highway vehicle, or snowmobile under Title 23, chapter 2, part 6 or 8, or under this part.

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

JUDICIARY (Murphy, Chair):

4/4/2013

SJR 22, do pass. Report adopted.

HB 74, be concurred in. Report adopted.

HB 345, be amended as follows:

1. Page 4.

Following: line 13

Insert: "(b) The production of a record pursuant to Article II, section 9, of the Montana constitution or Title 2, chapter 6, is not a public disclosure for purposes of this section."

Renumber: subsequent subsections

2. Page 4, line 24.

Following: "STATE"

Insert: "unless the officer or employee has a financial interest in the conduct upon which the complaint or civil action arises"

3. Page 5, line 8.

Following: line 8

Insert: "(8) If a governmental entity does not intervene, the person who initiated the action has the same right to conduct the action as the government attorney would have had if the governmental entity had intervened, including the right to inspect government records and interview officers and employees of the governmental entity."

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

HB 391, be concurred in. Report adopted.

HB 403, be amended as follows:

1. Page 1, line 30.

Strike: "50"

Insert: "25"

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

HB 433, be amended as follows:

1. Page 2, line 8.

Following: "any"

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Insert: "subsequent"

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

HB 478, be concurred in. Report adopted.

HB 497, be amended as follows:

1. Page 1, line 12.

Strike: ":",

2. Page 1, line 13 through 14.

Strike: "(a)"

Following: "70-24-103"

Strike: remainder of line 13 through line 14

Insert: "unless the landlord is a participant in the party, event, or gathering that results in a violation of a social host ordinance."

3. Page 1, lines 18 and 19.

Following: "gatherings"

Strike: remainder of line 18 through "beverage" on line 19

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

STATE ADMINISTRATION (Arthun, Chair):

3/27/2013

SR 22, be adopted. Report adopted.

Senator Sesso announced the Democrats would caucus in room 355; Senator Wittich announced the Republicans would caucus in room 317.

Senate recessed at 12:13 p.m. Senate reconvened at 3:14 p.m.

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 408 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, 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 28

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Nays: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 22

Excused: None.

Total 0

SB 405 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.

Total 28

Nays: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 22

Excused: None.

Total 0

SB 387 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, Vincent, Walker, Webb, Wittich, Mr. President.

Total 28

Nays: Tutvedt.

Total 1

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Total 0

SB 394 passed as follows:

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

Total 23

Nays: T. Brown, Buttrey, Olson, Peterson, Ripley, Tutvedt.

Total 6

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

Total 0

SB 374 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: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

Total 0

SB 380 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

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Nays: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

Total 0

SB 143 passed as follows:

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

Total 26

Nays: None.

Total 0

Absent or not voting: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.

Total 24

Excused: None.

Total 0

SB 282 passed as follows:

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

Total 28

Nays: Fielder.

Total 1

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Total 0

HB 104 concurred in as follows:

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

Total 28

Nays: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 22

Excused: None.

Total 0

SB 240 passed 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: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 22

Excused: None.

Total 0

SB 396 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.

Total 28

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Nays: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 22

Excused: None.

Total 0

SB 346, as amended by the House, 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: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

Total 0

SB 23, as amended by the Governor, 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: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Total 0

SB 398 passed as follows:

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

Total 28

Nays: Fielder.

Total 1

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

Total 0

SB 397 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, Webb, Wittich, Mr. President.

Total 28

Nays: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.

Total 22

Excused: None.

Total 0

SB 369 passed as follows:

Yeas: Arntzen, Barrett Debby, 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.

Total 26

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Nays: None.

Total 0

Absent or not voting: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 24

Excused: None.

Total 0

SB 392 passed as follows:

Yeas: Arthun, Barrett Debby, Buttrey, Fielder, Jackson, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Taylor, Thomas, Tutvedt, Webb, Wittich, Mr. President.

Total 17

Nays: Arntzen, Boulanger, Brenden, D. Brown, T. Brown, Jones, Lewis, Priest, Sales, Sonju, Vincent, Walker.

Total 12

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

Total 0

SB 44, as amended by the Governor, 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: None.

Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Excused: None.

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

Total 0

SB 401 failed as follows:

Yeas: Arthun, Barrett Debby, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Murphy, Tutvedt.
Total 9

Nays: Arntzen, Boulanger, Brenden, T. Brown, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Excused: None.
Total 0

HB 554 concurred in as follows:

Yeas: Arthun, Barrett Debby, D. Brown, T. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Webb, Mr. President.
Total 22

Nays: Arntzen, Boulanger, Brenden, Fielder, Thomas, Walker, Wittich.
Total 7

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

MOTIONS

Senator Jent moved a Call of the Senate pursuant to Senate rule S50-220. More than five members of the Democratic caucus stood to make up the five Senators required by rule.

Senate recessed at 3:30 p.m. Senate reconvened at 4:18 p.m.

Majority Leader Wittich moved that the Senate adjourn until 7:00 a.m., Saturday, April 6, 2013, the

SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - APRIL 5, 2013

seventy-second legislative day. 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, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Augare, Kaufmann.
Total 2

Senate adjourned at 4:18 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate