

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

Helena, Montana
April 6, 2013

Senate Chambers
State Capitol

Senate convened at 7:01 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

4/6/2013

Correctly engrossed: **HB 120, HB 182, HB 258, HB 396, HB 446.**

Signed by the Secretary of the Senate at 6:30 a.m., April 6, 2013: **SR 7, SR 30.**

REPORTS OF STANDING COMMITTEES

TAXATION (Tutvedt, Chair):

4/5/2013

SJR 23, do pass. Report adopted.

HB 19, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 4, 2013

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

Dear President Essmann:

On Thursday, April 4, 2013, I signed and delivered the following Senate bill to the Secretary of State:

Senate Bill 326 - Malek

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

April 5, 2013

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

Dear President Essmann:

On Friday, April 5, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 67 – Van Dyk
Senate Bill 76 – Vincent
Senate Bill 103 – Webb
Senate Bill 134 – Brenden
Senate Bill 137 – Olson
Senate Bill 172 – Walker
Senate Bill 189 – Webb
Senate Bill 230 – Wanzenried
Senate Bill 249 – Barrett
Senate Bill 270 – Buttrey
Senate Bill 293 – Tutvedt
Senate Bill 312 – Sonju

I have returned **Senate Bill 128** – Buttrey to the Secretary of State's Office without signature.
I am returning **Senate Bill 105** – Brown and **Senate Bill 139** – Walker with amendments.
I have vetoed **Senate Bill 24** – Rosendale and **Senate Bill 181** – Caferro.

Sincerely,

STEVE BULLOCK
Governor

April 5, 2013

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

Dear President Essmann:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 105** (SB 105), "AN ACT

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

PROHIBITING THE ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT A PROPOSED USE UNDER CERTAIN CIRCUMSTANCES; PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT AGRICULTURAL ACTIVITIES; AND AMENDING SECTION 76-2-206, MCA."

Interim zoning is one tool that local governments can use to protect the public health, safety, morals, and general welfare as an emergency measure. Local officials are well suited to balance the competing interests associated with a proposed development in their communities. While local officials must consider and balance the legitimate interests of all property owners, SB 105 unreasonably tips the balance of property rights in favor of persons proposing certain uses subject to regulation by state agencies over those of adjacent landowners.

I propose amendments to SB 105 to accomplish four things.

First, under SB 105, a County would be unable to apply interim zoning to a proposed use that is subject to regulation by a state agency under Title 75 (regulation of air quality, water quality, solid waste, hazardous waste, underground storage tanks, outdoor advertising, junkyards, transmission lines, pipelines, and hydroelectric facilities by the Department of Environmental Quality (DEQ)) and Title 76, chapter 4 (regulation of sanitation in subdivisions by the DEQ). Both of these statutes require a wide variety of land uses to obtain a permit, license, or certificate for only one particular aspect of the proposed use such as an underground storage tank or a billboard. In many instances, no other aspect of these proposed uses are reviewed or considered by the state agency or agencies, such as the potential impacts on local traffic, schools, emergency services, and compatibility with surrounding land uses. These impacts, in some cases, can be prevented only with interim zoning while the county studies these issues and considers the long-term options available to minimize or avoid such impacts to the community. For these reasons, my amendments remove Title 75 and Title 76, chapter 4 from SB 105.

Second, the SB 105 trigger for prohibiting interim zoning against a proposed use occurs upon the simple act of a person submitting an application to the applicable state agency. The stated intent of this trigger is to protect the applicant from investing time and money into obtaining state approval for a proposed use, only to be prohibited from such use with the enactment of interim zoning. However, under most state permitting processes, the submission of the application to a state agency is the point at which public notice of the proposed use is published, and the first time that adjacent landowners are made aware of the proposed use.

To help local governments more reasonably balance the legitimate interests of the public and the applicant for a proposed use, my amendments establish a process by which applicants can voluntarily provide early public notice of their intent to apply to a state agency for a permit, license, or certificate. The local governing body will then have 90 days to consider and enact interim zoning prohibiting, if necessary, concerning the proposed use. If the governing body chooses not to adopt interim zoning during that timeframe, the applicant may then proceed with its application for a proposed use and the county may no longer prohibit such use through interim zoning.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Third, under SB 105, landowners could prohibit a county from adopting interim zoning to regulate or prohibit uses on property for indefinite periods of time. My amendments provide for time limits on this restriction, which will protect the current applicant and proposed use from interim zoning but will provide the county with authority to prohibit other proposed uses of the property in the future.

Fourth, SB 105 would restrict a local government's ability to establish an interim zoning district or regulation that would prevent agricultural activities, "as provided under Title 76, Chapter 2, Part 9 MCA." The referenced statute already protects agricultural activities from governmental zoning and nuisance ordinances, thereby rendering the proposed language of SB 105 superfluous. My amendments remove this language from the bill.

Interim zoning is an important tool that enables counties to carefully evaluate and address the potential impacts to public health, safety, morals and general welfare resulting from an emergency situation. Private landowners also have legitimate interests in seeking state agency approval for a proposed use and protection from prohibitions on that use through interim zoning. My amendments help counties strike a balance between these competing interests.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 105** (reference copy -- salmon) are as follows:

1. Title, line 6 through line 7.

Strike: "PROHIBITING" on line 6 through "ACTIVITIES;" on line 7

Insert: "ALLOWING FOR NOTICE OF INTENT FOR PROPOSED LAND USE;"

2. Page 2, line 13 through line 20.

Strike: line 13 through line 20 in their entirety

Insert: "(4)(a) Before a person submits an application for a permit, license, or certificate for a proposed use of land subject to regulation and approval by a state agency under Title 82, the person may provide the county and state agency with a notice of intent to apply to the relevant state agency or agencies for a permit, license, or certificate for a proposed land use. The notice of intent must contain, at a minimum, the following information:

- (i) the person's name and address;
- (ii) the legal description and physical address of the tract of record upon which the use is proposed; and
- (iii) a description of the proposed use, including the:
 - (A) type of use;
 - (B) location of the use on the tract of record;

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

- (C) hours of operation, if applicable;
 - (D) provision of public services, including water, wastewater, utilities, and fire and emergency services; and
 - (E) access to the property for the proposed use.
- (b) The board of county commissioners shall:
- (i) publish notice of receipt of a notice of intent at least twice in a newspaper of general circulation in the locality of the proposed use;
 - (ii) mail the notice by first-class mail to surface owners of land located within one-half mile of the boundary of the proposed use using the most current known owners of record as shown in the records of the county clerk and recorder in the county where the proposed use is located; and
 - (iii) post the notice in at least two prominent locations at the site of the proposed use, including near a public road if possible.
- (c) If the board of county commissioners does not enact an interim zoning district or interim regulation within 90 days following receipt of the notice of intent, the person may submit an application to the state agency or agencies, and the county may not establish an interim zoning district or interim regulation to prevent the proposed use unless the use as permitted by the state agency or agencies is substantially different from the use proposed in the notice of intent.
- (d) If the person does not proceed with an application to the state agency or agencies within 180 days of issuing the notice of intent, the prohibition in subsection (4)(c) no longer applies to the county unless the procedures provided in this section are repeated.
- (e) The prohibition on interim zoning provided in subsection (4)(c) applies only to the proposed use as reviewed and approved by the state agency for the term provided for in the permit issued by the state agency.
- (5) If the person does not provide the county and state agency with a notice of intent to apply to the relevant state agency or agencies for a permit, license, or certificate for a proposed land use, then nothing in this section prohibits the county from establishing an interim zoning district or interim regulation as provided in this section."

April 5, 2013

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

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 139** (SB 139), "AN ACT REQUIRING THAT A SMALL BUSINESS IMPACT ANALYSIS BE CONDUCTED PRIOR TO THE ADOPTION OF AN ADMINISTRATIVE RULE; DEFINING "SMALL BUSINESS"; AMENDING SECTION 2-4-102, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

SB 139 requires that prior to the adoption of a proposed rule, a state agency determine if the

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

rule will significantly and directly impact small businesses. The bill was amended during the legislative process to reflect a bipartisan compromise and to meet the interests of both small businesses and state agencies in the rule making process. One of those amendments made clear that the adoption, amendment or repeal of a rule could not be challenged in court on the grounds that an agency's small business analysis was inaccurate or inadequate. My proposed amendment is consistent with the intent of that amendment and clarifies that an agency also could not be sued for making the determination that a rule would not have a direct and significant impact on a small business as required under the bill. My amendment preserves the benefits for small businesses while also ensuring that taxpayer dollars will not be spent defending costly and unnecessary litigation.

I respectfully request your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 139** (reference copy -- salmon) are as follows:

1. Page 1, line 15.

Following: "businesses."

Insert: "An agency determination of whether a small business impact analysis is required under this section is not subject to judicial review."

April 5, 2013

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

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 24** (SB 24), "AN ACT PROVIDING THAT A SAND AND GRAVEL OPERATION MAY NOT BE PROHIBITED THROUGH ZONING UNDER

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 76-2-209, MCA."

SB 24 unreasonably restricts a county from implementing a zoning ordinance to prevent the impacts of a sand and gravel operation on adjacent landowners. Under SB 24, a county may not implement zoning to prohibit a sand and gravel operation in a previously unzoned area if a sand and gravel operator has submitted a complete application to the Department of Environmental Quality (DEQ) for an operation permit and the county has not yet noticed a hearing on a proposed zoning ordinance. The application review process for completeness is statutorily set at 5 days. In contrast, a county zoning process can take months or years to complete, and involves extensive public input. That process would be brought to a standstill simply by the 5-day application submission.

SB 24 circumvents county zoning even though a DEQ permit has not been issued or operations actually commenced. Although sand and gravel operations may never actually begin, or may be completed and the area reclaimed, the county would nonetheless be permanently restricted from prohibiting sand and gravel operations on the property through zoning.

I have already returned to the legislature SB 23 and SB 105 with amendments. These two bills, with my proposed amendments, ensure that local governments will not misuse interim zoning to unreasonably limit development while maintaining the ability of local governments to respond to emergencies involving the public health, safety, morals or general welfare. Further, with regard to permanent zoning, the existing statute prohibits counties from preventing the complete use, development, or recovery of any mineral, forest, or agricultural resources through the use of county zoning, except in residentially zoned areas. Senate Bill 24 unreasonably restricts the role of county governments in permanently managing community growth and is unnecessary in light of current statute and Senate Bills 23 and 105, as amended.

For the foregoing reasons, I respectfully ask you to sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

April 5, 2013

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

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Dear President Essmann and Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana I hereby **veto Senate Bill 181** (SB 181) "AN ACT EXEMPTING A HEALTH CARE SHARING MINISTRY FROM REGULATION AS AN INSURANCE COMPANY, AND AMENDING SECTION 33-1-102, MCA."

Senate Bill 181 puts Montana consumers at risk by creating a loophole in the insurance code for any entity calling itself a "health care sharing ministry."

This is a problem Montana has seen before. In 2007, a case was presented in the First Judicial District of Montana, in which a minister had a serious heart condition that required extensive medical treatment. His health care sharing ministry refused to pay, claiming the individual had an undisclosed preexisting condition. The evidence presented in the case made it clear and the court ruled that the ministry was essentially an insurance company operating without a license. This effectively removes the protection that keeps health care sharing ministries from acting like unregulated insurance companies.

By exempting these ministries from the same regulations governing other insurers, SB 181 opens the door to fraud and abuse. The bill does not prevent health care sharing ministries from operating in Montana so long as they do so in compliance with the same laws governing other insurers. If enacted, it would distort the charitable purpose of health care sharing ministries and leave Montanans vulnerable.

Because SB 181 is unnecessary and creates a loop hole in the insurance code which puts consumers at risk, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/5/2013

SB 43, introduced by Wittich
SB 154, introduced by Vincent

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

4/4/2013

SB 94, introduced by D. Brown
SB 112, introduced by Blewett

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

SB 127, introduced by Buttrey
SB 144, introduced by Sesso
SB 183, introduced by Arntzen
SB 215, introduced by F. Moore
SB 217, introduced by Hamlett
SB 242, introduced by Sesso
SB 250, introduced by Debby Barrett

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

4/5/2013

SB 31, introduced by Debby Barrett
SB 223, introduced by Caferro
SB 269, introduced by Walker
SB 305, introduced by Peterson
SB 323, introduced by Thomas
SB 324, introduced by Rosendale
SB 335, introduced by Hamlett

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2013

SJR 18, introduced by Thomas

Senate bill not concurred in and returned to the Senate:

4/5/2013

SB 288, introduced by Vincent

HB 589, introduced by Jacobson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/5/2013

Yeas - 52
Nays - 47

HB 619, introduced by Warburton, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/5/2013

Yeas - 53
Nays - 47

HB 631, introduced by Fitzpatrick, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

4/5/2013

Yeas - 58
Nays - 42

House bills passed and transmitted to the Senate for concurrence:

4/4/2013

HB 230, introduced by Reichner
HB 393, introduced by Hoven
HB 408, introduced by Miller
HB 591, introduced by Osmundson
HB 603, introduced by Zolnikov
HB 614, introduced by Berry
HB 623, introduced by Bangerter

House bills passed and transmitted to the Senate for concurrence:

4/5/2013

HB 213, introduced by Fitzpatrick
HB 423, introduced by C. Smith
HB 443, introduced by Cook
HB 496, introduced by Howard
HB 521, introduced by G. Bennett
HB 581, introduced by Hansen
HB 634, introduced by Wagoner
HB 635, introduced by Shaw
HB 637, introduced by Schwaderer

FIRST READING AND COMMITMENT OF BILLS

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

SR 60, introduced by T. Brown (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.

SR 61, introduced by Arntzen (by request of the Senate Highways and Transportation Standing Committee), referred to Highways and Transportation.

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

HB 230, introduced by Reichner, G. Bennett, Blasdel, Brodehl, Cuffe, Glimm, Hertz, Lavin, Regier, Sales, Salomon, C. Smith, Vance, referred to Taxation.

HB 393, introduced by Hoven, referred to Taxation.

HB 408, introduced by Miller, Ankney, Blasdel, Fitzpatrick, Hagan, D. Jones, Kary, Lang, Lenz, Rosendale, C. Smith, Zolnikov, referred to Taxation.

HB 591, introduced by Osmundson, referred to Agriculture, Livestock and Irrigation.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

HB 603, introduced by Zolnikov, referred to Judiciary.

HB 614, introduced by Berry, Reichner, referred to Business, Labor, and Economic Affairs.

HB 623, introduced by Bangerter, referred to Public Health, Welfare and Safety.

**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.

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

HB 61 - Senator Jergeson moved **HB 61** be concurred in. Motion carried as follows:

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

Total 43

Nays: Barrett Debby, Brenden, Moore, Ripley, Rosendale, Vuckovich, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Vote represents a change on motion the following legislative day.

HB 100 - Senator Priest moved **HB 100** be concurred in. Motion carried as follows:

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

Total 35

Nays: Augare, Barrett Dick, Blewett, Facey, Jergeson, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 15

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 188 - Senator Walker moved consideration of **HB 188** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 171 - Senator Wittich moved **HB 171** 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, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 233 - Senator Jent moved **HB 233** 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, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 45

Nays: Murphy, Sales, Vincent, Walker, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

HB 239 - Senator Murphy moved **HB 239** 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, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 - Senator Tutvedt moved **HB 258** be concurred in.

HB 258 - Senator Fielder moved **HB 258**, second reading copy, be amended as follows:

1. Page 2, line 19.

Strike: "OR"

Insert: "and, if the county has an active website,"

Strike: "2"

Insert: "6"

2. Page 3, line 28.

Strike: "OR"

Insert: "and, if the municipality has an active website,"

Strike: "2"

Insert: "6"

Amendment adopted as follows:

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

Nays: Arntzen, T. Brown.
Total 2

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 258 - Senator Tutvedt moved **HB 258**, as amended, be concurred in. Motion carried as follows:

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

Total 48

Nays: Arntzen, T. Brown.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 286 - Senator Thomas moved **HB 286** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.

Total 34

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Priest, Ripley, Rosendale, Sonju, Tutvedt, Vincent, Webb, Wittich.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 301 - Senator Facey moved **HB 301** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

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

Total 44

Nays: Fielder, Keane, Priest, Walker, Webb, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Boulanger excused at this time.

HB 310 - Senator Wittich moved **HB 310** be concurred in. Motion carried as follows:

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

Total 37

Nays: Augare, Barrett Dick, Blewett, Facey, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: Boulanger.

Total 1

Senator Boulanger present at this time.

HB 431 - Senator Walker moved **HB 431** 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, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Total 45

Nays: Hamlett, Olson, Priest, Ripley, Sonju.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 450 - Senator Wittich moved **HB 450** be concurred in. Motion carried as follows:

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

Total 30

Nays: Augare, Barrett Dick, Blewett, D. Brown, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Blewett expressed a conflict of interest before voting on **HB 450**.

HB 464 - Senator Facey moved **HB 464** be concurred in. Motion carried as follows:

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

Total 41

Nays: Arthun, D. Brown, Fielder, Jackson, Moore, Sales, Vincent, Walker, Wittich.

Total 9

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Excused: None.

Total 0

HB 473 - Senator Thomas moved **HB 473** be concurred in. Motion carried as follows:

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

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 544 - Senator Thomas moved **HB 544** be concurred in. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 547 - Senator Fielder moved **HB 547** be concurred in. Motion **failed** as follows:

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

Total 25

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Nays: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 547 - Senator Wittich moved **HB 547** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 37

Nays: Arntzen, Barrett Debby, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Olson, Sales, Sonju, Vincent, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 188 - Senator Walker moved **HB 188** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, D. Brown, T. Brown, Driscoll, Fielder, Jackson, Keane, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 28

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Buttrey, Caferro, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Excused: None.

Total 0

Vote represents a change on motion the following legislative day.

Senator Wittich moved the committee **rise and report and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 39

Nays: Augare, Blewett, Jones, Kaufmann, Malek, Phillips, Sonju, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the pages for their service during the past week.

Senator Sesso rose upon the privilege of the Senate.

Senator Wittich rose upon a point of personal privilege.

President Essmann announced the Senate would recess while staff prepared for an additional second-reading agenda. The Senate recessed at 9:27 a.m.

Senate reconvened at 9:39 a.m.

Roll Call. All members present. Quorum present.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

MOTIONS

Senator Hamlett moved to change his vote on **HB 239** from Yes to No. Without objection, so ordered.

Senator Vincent moved to reconsider yesterday's third-reading action on **SB 401** and that **SB 401** be placed on third reading Monday, April 8, 2013, the seventy-third legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Jones, Murphy, Olson, Peterson, Priest, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 26

Nays: Augare, Barrett Dick, Brenden, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**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 Vincent in the chair.

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

Senator Phillips excused at this time.

HB 182 - Senator Lewis moved **HB 182** be concurred in. Motion carried as follows:

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

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Jent, Jergeson, Kaufmann, Keane, Malek,

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 477 - Senator Olson moved **HB 477** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Augare, Blewett, Boulanger, Driscoll, Keane, Larsen, Malek, Stewart-Peregoy, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 396 - Senator Ripley moved consideration of **HB 396** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Phillips present at this time.

HB 157 - Senator Wanzenried moved **HB 157** be concurred in. Motion carried as follows:

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

Nays: Augare, Blewett, Keane, Sesso, Stewart-Peregoy.
Total 5

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Total 0

Excused: None.

Total 0

HB 442 - Senator Sonju moved **HB 442** be concurred in. Motion carried as follows:

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

Total 41

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

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 494 - Senator Rosendale moved **HB 494** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, 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, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 45

Nays: Augare, Blewett, Kaufmann, Stewart-Peregoy, Windy Boy.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 208 - Senator Fielder moved **HB 208** be concurred in. Motion carried as follows:

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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Fielder, Hamlett, Jackson, Jones, Lewis, 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, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 5 - Senator Fielder moved **HJR 5** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 5 - Senator Wittich moved **HJR 5** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 35

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, T. Brown, Fielder, Jackson, Murphy, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Wittich.
Total 15

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 120 - Senator Jent moved consideration of **HB 120** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 345 - Senator Jent moved **HB 345** 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, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 433 - Senator Jent moved **HB 433** 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, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Senator Windy Boy excused at this time.

HB 497 - Senator Fielder moved **HB 497** be concurred in. Motion carried as follows:

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

Total 34

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

Total 15

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

Senator Windy Boy present at this time.

HB 446 - Senator Boulanger moved **HB 446** be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Jergeson excused at this time.

HB 499 - Senator Rosendale moved **HB 499** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jergeson.
Total 1

Senator Jergeson present at this time.

HB 281 - Senator Thomas moved **HB 281** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, 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, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 30 - Senator D. Brown moved **HB 30** 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,

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk,
Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 410 - Senator Webb moved **HB 410** 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, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 265 - Senator Arthun moved **HB 265** be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Hamlett,
Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Thomas,
Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson,
Kaufmann, Keane, Larsen, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor,
Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

HB 560 - Senator Van Dyk moved **HB 560** be concurred in. Motion carried as follows:

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

Total 45

Nays: Boulanger, Brenden, Fielder, Moore, Webb.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 396 - Senator Ripley moved **HB 396** be concurred in. Motion carried as follows:

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

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Brenden rose on a point of order. Senator Van Dyk responded to Senator Brenden.

HB 120 - Senator Jent moved **HB 120** be concurred in.

HB 120 - Senator Priest moved **HB 120**, second reading copy, be amended as follows:

1. Page 24, line 15.

Strike: "BY" through "DAY"

Insert: "within the time period specified in 13-13-211(2)"

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

2. Page 24, line 20 through line 23.

Strike: subsection (d) in its entirety

Amendment adopted 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, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 - Senator Jent moved **HB 120**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Thomas, Tropila, Tutvedt, Vuckovich, Wanzenried, Wittich.
Total 29

Nays: Arntzen, Augare, Barrett Debby, Brenden, D. Brown, Driscoll, Jackson, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Van Dyk, Vincent, Walker, Webb, Windy Boy, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

President Essmann rose on a point of personal privilege.

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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 6, 2013

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 39

Nays: Augare, Blewett, Caferro, Kaufmann, Keane, Malek, Sesso, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, April 8, 2013, the seventy-third legislative day. Motion carried.

Senate adjourned at 12:28 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate