

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

Helena, Montana
April 12, 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 Senators Tutvedt, Vincent, and Windy Boy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

4/12/2013

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

Correctly printed: **SB 410, SJR 32, SJR 33, SR 41, SR 44, SR 45, SR 50, SR 54, SR 70, SR 71, HB 3, HB 15, HB 254, HB 505, HB 535, HB 619.**

Correctly engrossed: **HB 298, HB 354, HB 559, HB 574, HB 586, HB 607, HB 609, HB 625.**

Correctly enrolled: **SB 20, SB 107, SB 112, SB 127, SB 144, SB 179, SB 200, SB 236, SB 242, SB 269, SB 294.**

Transmitted to the House: **HB 46, HB 64, HB 313, HB 478, HB 533.**

Delivered to the Governor for approval at 11:01 a.m., April 12, 2013: **SB 106, SB 147, SB 161, SB 182, SB 199, SB 207, SB 209, SB 245, SB 251, SB 271, SB 278, SB 290, SB 292, SB 306, SB 340, SB 351, SB 361, SB 366.**

Delivered to the Secretary of State at 10:12 a.m., April 12, 2013: **SJR 11, SJR 13, SR 22.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

4/4/2013

HB 630, be concurred in. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

4/11/2013

SR 43, preliminary report, be adopted. Report adopted.

SR 60, preliminary report, be adopted. Report adopted.

HB 574, be amended as follows:

1. Title, page 1, line 4.

Strike: "SMALL HERD EXEMPTION"

Insert: "RAW MILK"

2. Title, page 1, line 6.

Strike: "SMALL HERD EXEMPTION"

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Insert: "RAW MILK"

3. Title, page 1, line 8.

Strike: "81-21-102, 81-21-103, 81-22-101,"

Strike: "81-22-202,"

Strike: "81-22-413,"

4. Page 1, line 13 through page 2, line 15.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Raw milk permit -- herd share exemption. (1) Raw milk may not be sold for human consumption unless the person selling the raw milk has a raw milk permit issued pursuant to this section. The department may issue raw milk permits only to a person who produces grade A raw milk for human consumption pursuant to this section and rules adopted by the department.

(2) The department shall adopt rules to implement this section. The rules must include:

(a) provisions for labeling of raw milk containers and providing other means of notice, including placards at any facility where raw milk is sold;

(b) best management practices for providing raw milk for human consumption; and

(c) standards for testing of livestock that produce raw milk for human consumption.

(3) The department shall establish fees for the permit and related testing. However, the fees must be commensurate with the costs incurred by the department.

(4)(a) A person who sells shares in a herd is not subject to the provisions of this section if the owner of a herd share obtains for human consumption raw milk from that herd.

(b) To qualify for the herd-share exemption, the owner of the herd who sells shares in the herd shall enter into a written contract with the share owner that includes a bill of sale, stock certificate, or other written evidence of a bona fide ownership interest in the herd. The contract must stipulate that the

share owner is entitled to receive a share of raw milk from the herd. The contract must contain a conspicuous notification that the raw milk is not pasteurized.

(c) The department shall establish minimum requirements for vaccination and testing for herds that provide raw milk under this subsection (4). The department may adopt other rules to implement the provisions of this subsection (4).

(5) Raw milk permits may not be issued and the provisions of subsection (4) may not be implemented until the department adopts rules pursuant to this section. Rules must be adopted within 6 months of [the effective date of this act]."

5. Page 3, line 3.

Strike: "small herd exemption"

Insert: "raw milk"

6. Page 3, line 4.

Strike: "small herd exemption"

Insert: "raw milk"

7. Page 3, line 5.

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Strike: "or raw milk products"

8. Page 3, line 7.

Strike: "or raw milk products"

9. Page 3, line 11.

Strike: "small herd exemption"

Insert: "raw milk"

10. Page 3, line 12 through line 13.

Following: "AND"

Strike: "THIS" on line 12 through "RAW MILK." on line 13

Insert: "rules adopted by the department"

11. Page 3, line 17.

Strike: "SMALL HERD EXEMPTION"

Insert: "raw milk permit"

12. Page 3, line 18.

Strike: "or raw milk products"

Strike: "small herd exemption"

Insert: "raw milk"

13. Page 3, line 22.

Strike: "or raw milk products"

14. Page 3, line 23.

Strike: "or raw milk products are"

Insert: "is"

15. Page 6, line 7.

Strike: "OR RAW MILK PRODUCTS"

16. Page 6, line 8.

Strike: "OR RAW MILK PRODUCTS"

17. Page 6, line 8 and 9.

Strike: "OR MILK PRODUCTS"

18. Page 6, line 9.

Strike: "ARE"

Insert: "is"

19. Page 6, line 11.

Strike: "OR MILK PRODUCTS"

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20. Page 6, line 13.

Strike: "OR RAW MILK PRODUCTS"

Strike: "ARE"

Insert: "is"

21. Page 6, line 14 and 15.

Strike: "OR RAW MILK PRODUCTS" on line 14

Strike: "FROM A SMALL HERD EXEMPT FROM PERMITTING PURSUANT TO"

Insert: "pursuant to a raw milk permit issued under"

22. Page 6, line 16.

Following: line 15

Insert: "(3) The state is immune from suit for injury to a person who consumes raw milk produced pursuant to a raw milk permit issued pursuant to [section 1]."

23. Page 6, line 17 through page 12, line 27.

Strike: section 5 through 7 in their entirety

Renumber: subsequent sections

24. Page 13, line 11.

Strike: "or raw milk products"

Strike: "small herd exemption"

Insert: "raw milk"

25. Page 13, line 14 through line 24.

Strike: section 9 in its entirety

Renumber: subsequent sections

26. Page 13, line 30.

Strike: "small herd exemption"

Insert: "raw milk"

27. Page 14, line 7.

Strike: "small herd exemption"

Insert: "raw milk"

28. Page 14, line 16 through line 26.

Strike: section 12 in its entirety

Renumber: subsequent sections

29. Page 15, line 3.

Strike: "small herd exemption"

Insert: "raw milk"

30. Page 15, line 11.

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Strike: "and raw milk products"

Strike: "small herd exemption"

Insert: "raw milk"

31. Page 15, line 13 through line 14.

Strike: "The department" on line 13 through "chapter." on line 14

32. Page 15, line 18.

Strike: "small herd exemption"

Insert: "raw milk"

33. Page 15, line 23.

Strike: "or raw milk products"

Strike: "small herd exemption"

Insert: "raw milk"

34. Page 16, line 8.

Following: line 7

Insert: "NEW SECTION. Section 14. Two-thirds vote required. Because [section 4] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

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

HB 591, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/12/2013

SR 64, preliminary report, be adopted. Report adopted.

SR 65, preliminary report, be adopted. Report adopted.

SR 66, preliminary report, be adopted. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 4/11/2013

HB 509, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/11/2013

HB 354, be amended as follows:

1. Title, page 1, line 5 through line 9.

Strike: "REQUIRING" on line 5 through "FUND;" on line 9

Insert: "REQUIRING THE CONSIDERATION OF WILDLAND FIRE SUPPRESSION ACTIVITIES IN DETERMINING THE AMOUNT OF THE PROJECTED GENERAL FUND BUDGET DEFICIT; REQUIRING TRANSFER OF THE UNOBLIGATED BALANCE OF THE APPROPRIATION FOR GOVERNOR-DECLARED DISASTERS TO THE FIRE SUPPRESSION ACCOUNT; REQUIRING TRANSFER OF A CERTAIN PERCENTAGE OF UNEXPENDED GENERAL FUND MONEY TO THE FIRE SUPPRESSION ACCOUNT;

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PROVIDING THAT THE MONEY IN THE FIRE SUPPRESSION ACCOUNT MAY NOT EXCEED \$100 MILLION; REQUIRING TRANSFER OF AN EXCESS AMOUNT OF CORPORATION LICENSE TAX REVENUE INTO THE FIRE SUPPRESSION ACCOUNT;"

2. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "10-3-312, 17-7-140,"

Following: "17-7-502"

Insert: ", "

3. Title, page 1, line 11.

Strike: "AND A TERMINATION DATE"

4. Page 1, line 14.

Following: line 13

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 10-3-312, MCA, is amended to read:

"10-3-312. Maximum expenditure by governor -- appropriation. (1) Whenever a disaster or an emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund an amount not to exceed \$16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant programs as provided in 42 U.S.C. 5178. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(4) At the end of each biennium, an amount equal to the unexpended and unencumbered balance of the \$16 million statutory appropriation in subsection (1), minus any amount appropriated pursuant to 10-3-310 in the same biennium, must be transferred by the state treasurer from the state general fund to the fire suppression account provided for in 76-13-150."

Insert: "**Section 2.** Section 17-7-140, MCA, is amended to read:

"17-7-140. Reduction in spending. (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(b), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least 1% of all general fund appropriations during the biennium. An agency may not be required to reduce general fund spending for any program, as defined in each general

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appropriations act, by more than 10% during a biennium. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the total of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(b) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

- (a) payment of interest and principal on state debt;
- (b) the legislative branch;
- (c) the judicial branch;
- (d) the school BASE funding program, including special education;
- (e) salaries of elected officials during their terms of office; and
- (f) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

- (i) 2% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;
- (ii) 3/4 of 1% in October of the year preceding a legislative session;
- (iii) 1/2 of 1% in January of the year in which a legislative session is convened; and
- (iv) 1/4 of 1% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid and the cost of the state's wildland fire

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suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue and transportation interim committee of the estimated amount. Within 20 days of notification, the revenue and transportation interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue and transportation interim committee prior to certifying a projected general fund budget deficit to the governor."

Insert: "Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709;

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pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017.)"

Insert: "Section 4. Section 76-13-150, MCA, is amended to read:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for the purpose of paying expenses for fire prevention, including fuel reduction and mitigation, forest restoration, grants for the purchase of fire suppression equipment for county cooperatives, and fire suppression costs.

(5) Interest earned on the balance of the account is retained in the account.

(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(7) The provisions of subsection (6) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (6) would require reductions pursuant to 17-7-140.

(8) The fund balance in the account may not exceed \$100 million.

(9) Up to \$5 million each biennium may be used for the purpose of fuel reduction and mitigation and forest restoration.

(10) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)."

Insert: "NEW SECTION. Section 5. Fund transfer. Subject to 76-13-150(8), the following amounts collected from the corporation license tax pursuant to Title 15, chapter 31, and deposited into the state general fund must be transferred to the fire suppression account provided for in 76-13-150:

(1) by August 15, 2013, funds in excess of \$152 million collected for the fiscal year ending June 30, 2013;

(2) by August 15, 2014, funds in excess of \$156.2 million collected for the fiscal year ending June 30, 2014; and

(3) by August 15, 2015, funds in excess of \$157.5 million collected for the fiscal year ending June 30, 2015."

Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

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

HB 586, be amended as follows:

1. Page 12, line 20.

Strike: "\$500,000"

Insert: "\$640,000"

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

HB 625, be amended as follows:

1. Page 1, line 15.

Strike: "FOR"

Insert: "Except as provided in subsection (3), for"

2. Page 1, line 18.

Following: line 17

Insert: "(3) Amounts appropriated by the legislature in the general appropriations act for targeted case management for youth must be used to increase provider rates for targeted case management services for each 15-minute unit of service."

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

FISH AND GAME (Brenden, Chair):

4/11/2013

HB 298, be amended as follows:

1. Page 2, line 24.

Strike: "\$10,000"

Insert: "\$2,500"

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

HB 404, be concurred in. Report adopted.

HB 588, be concurred in. Report adopted.

HB 609, be amended as follows:

1. Page 2, line 10.

Strike: "\$10,000"

Insert: "\$1,000"

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

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

4/11/2013

SJR 26, do pass. Report adopted.

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SR 61, preliminary report, be adopted. Report adopted.

SR 62, preliminary report, be adopted. Report adopted.

HB 559, be amended as follows:

1. Title, line 12.

Strike: "AND"

Following: "61-3-310,"

Insert: "AND 61-8-725,"

2. Page 14.

Following: line 2

Insert: "**Section 8.** Section 61-8-725, MCA, is amended to read:

"61-8-725. Penalty for violation of speed limits -- no record for certain violations. (1)

A person violating the speed limit imposed pursuant to 61-8-303 shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
\$ 20	1 - 10 (daytime)
20	1 - 10 (nighttime)
40	11 - 20
70	21 - 30
100	31+

(2) A violation of a speed limit imposed pursuant to 61-8-303 is not a criminal offense within the meaning of 3-1-317, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and, except as provided in subsection (4), may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

- (a) 10 miles an hour during the daytime; or
- (b) 5 miles an hour during the nighttime.

(3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303.

(4) The recordkeeping restrictions provided in subsection (2) with respect to a person's driving record do not apply to a speed limit violation or conviction that was committed by:

- (a) a Montana resident in another state whose violation or conviction was reported to the department by a court or the licensing authority in the state in which the violation occurred; or
- (b) a person who holds a commercial driver's license regardless of whether or not the violation occurred while the person was operating a commercial motor vehicle.

(5) This section does not apply to the violation of a special speed zone established under 61-8-309 or 61-8-310."

Renumber: subsequent sections

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

HB 607, be amended as follows:

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1. Page 1, line 24 through line 25.

Strike: "account" on line 24 through "61-3-118" on line 25

Insert: "highway nonrestricted account provided for in 15-70-125"

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

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/11/2013

SB 20, introduced by Jent

SB 107, introduced by Facey

SB 179, introduced by Kaufmann

SB 200, introduced by Vincent

SB 236, introduced by Olson

SB 294, introduced by Arntzen

MOTIONS

Senator Wittich moved to appoint a Conference Committee on **SB 26** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator Arthun, Chair

Senator Walker

Senator Jergeson

Senator Wittich moved to appoint a **free** Conference Committee on **SB 101** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator Brenden, Chair

Senator Fielder

Senator Facey

Senator Wittich moved to appoint a Conference Committee on **SB 133** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator Ripley, Chair

Senator Rosendale

Senator Driscoll

Senator Wittich moved to appoint a **free** Conference Committee on **SB 148** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator L. Jones, Chair

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Senator Sonju
Senator Hamlett

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 100**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Thomas, Chair
Senator Priest
Senator Jergeson

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 301**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Moore, Chair
Senator Arntzen
Senator Facey

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 395**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Taylor Brown, Chair
Senator Taylor
Senator Phillips

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 184**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Arntzen, Chair
Senator Debby Barrett
Senator Facey

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 206**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Sales, Chair
Senator Fielder
Senator Blewett

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a **free** Conference Committee to meet with a like committee from the House to confer

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on Senate amendments to **HB 297**. Motion Carried. President Essmann appointed: 4/12/2013
Senator Sonju, Chair
Senator Dee Brown
Senator Vuckovich

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 473**. Motion Carried. President Essmann appointed: 4/12/2013
Senator Murphy, Chair
Senator Thomas
Senator Caferro

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 497**. Motion Carried. President Essmann appointed: 4/12/2013
Senator Sales, Chair
Senator Boulanger
Senator Jent

Senator Jergeson moved that **HB 87** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole on Monday, April 15, 2013, the seventy-ninth legislative day. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 25

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Tutvedt, Vincent, Windy Boy.
Total 3

Senator Buttrey moved to reconsider the indefinite postponement action on **HB 573**. Motion **failed** as follows:

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Yeas: Arntzen, Arthun, Barrett Debby, Brenden, T. Brown, Buttrey, Fielder, Hamlett, Jergeson, Jones, Larsen, Lewis, Murphy, Olson, Peterson, Ripley, Rosendale, Sonju, Thomas, Tropila, Walker, Webb.

Total 22

Nays: Augare, Barrett Dick, Blewett, Boulanger, D. Brown, Caferro, Driscoll, Facey, Jackson, Jent, Kaufmann, Keane, Malek, Moore, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Taylor, Van Dyk, Vuckovich, Wanzenried, Wittich, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Tutvedt, Vincent, Windy Boy.

Total 3

**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 Walker in the chair.

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

HB 116 - Senator Facey moved consideration of **HB 116** be placed below item 15 on the second reading board. Without objection, so ordered.

HB 363 - Senator Facey moved **HB 363** be concurred in. Motion carried as follows:

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

Total 35

Nays: Augare, Barrett Dick, Blewett, Driscoll, Kaufmann, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: Tutvedt, Vincent, Windy Boy.

Total 3

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HB 505 - Senator Rosendale moved consideration of **HB 505** be passed for the day, and that **HB 505** be brought before the Committee of the Whole on Monday, April 15, 2013, the seventy-ninth legislative day. Without objection, so ordered.

Senator Tutvedt present at this time.

HB 582 - Senator Jackson moved **HB 582** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Thomas, Tutvedt, Vuckovich, Walker, Webb.
Total 30

Nays: Augare, Blewett, Boulanger, Caferro, Driscoll, Kaufmann, Keane, Larsen, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Wanzenried, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 575 - Senator Arthun moved **HB 575** 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, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 4 - Senator Lewis moved **HB 4** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll,

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Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.

Total 36

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

Total 12

Absent or not voting: None.

Total 0

Excused: Vincent, Windy Boy.

Total 2

HB 10 - Senator Buttrey moved **HB 10** be concurred in. Motion carried as follows:

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

Total 34

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Thomas, Walker, Wittich, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: Vincent, Windy Boy.

Total 2

HB 11 - Senator Thomas moved consideration of **HB 11** be placed below item 16 on the second reading board. Without objection, so ordered.

HB 86 - Senator T. Brown moved **HB 86** 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, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb.

Total 44

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Nays: Priest, Sales, Wittich, Mr. President.

Total 4

Absent or not voting: None.

Total 0

Excused: Vincent, Windy Boy.

Total 2

HB 401 - Senator Debby Barrett moved **HB 401** be concurred in. Motion carried as follows:

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

Total 46

Nays: Augare, Stewart-Peregoy.

Total 2

Absent or not voting: None.

Total 0

Excused: Vincent, Windy Boy.

Total 2

HB 444 - Senator Van Dyk moved **HB 444** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Keane, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Sonju, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Mr. President.

Total 32

Nays: Barrett Dick, Boulanger, D. Brown, Buttrey, Jackson, Kaufmann, Larsen, Olson, Rosendale, Sales, Sesso, Taylor, Tutvedt, Walker, Webb, Wittich.

Total 16

Absent or not voting: None.

Total 0

Excused: Vincent, Windy Boy.

Total 2

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Senator Windy Boy present at this time.

HB 355 - Senator Fielder moved **HB 355** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Kaufmann, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 36

Nays: D. Brown, T. Brown, Caferro, Hamlett, Jones, Keane, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

Senator Windy Boy rose on a point of personal privilege.

SR 34 - Senator Thomas moved **SR 34** be adopted. Motion carried as follows:

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

Total 43

Nays: Barrett Dick, Kaufmann, Malek, Phillips, Stewart-Peregoy, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 583 - Senator Caferro moved **HB 583** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas,

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Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Brenden, Jackson, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju,
Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 320 - Senator Blewett moved **HB 320** 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Blewett excused at this time.

HB 498 - Senator Arthun moved **HB 498** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T.
Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: Blewett, Vincent.

Total 2

Senator Blewett present at this time.

HB 116 - Senator Facey moved **HB 116** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Wanzenried, Mr. President.

Total 33

Nays: Arthun, Augare, D. Brown, Caferro, Fielder, Moore, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Vuckovich, Walker, Webb, Windy Boy, Wittich.

Total 16

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

Senator Windy Boy expressed a conflict of interest before voting on **HB 116**.

HB 254 - Senator Larsen moved **HB 254** be concurred in.

HB 254 - Senator Fielder moved **HB 254**, second reading copy, be amended as follows:

1. Page 1, line 17.

Following: "CONTENT."

Insert: "Contributions under the threshold amount in 13-37-229 are not considered anonymous as that term is used in this section."

Amendment **not** adopted as follows:

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

Total 20

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey,

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Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 29

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 254 - Thereupon, the Senate reverted to the original motion of Senator Larsen which passed as follows:

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

Total 38

Nays: Boulanger, Brenden, Lewis, Moore, Murphy, Rosendale, Sales, Taylor, Walker, Webb, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 11 - Senator Brenden moved **HB 11** 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, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Sales, Walker.

Total 2

Absent or not voting: None.

Total 0

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Excused: Vincent.

Total 1

SB 94 - House Amendments - Senator D. Brown moved House amendments to **SB 94** be concurred in. Motion carried as follows:

Yeas: Arntzen, 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: T. Brown.

Total 1

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

Senator Olson excused at this time.

SB 183 - House Amendments - Senator Arntzen moved House amendments to **SB 183** 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, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson, Vincent.

Total 2

SB 250 - House Amendments - Senator Debby Barrett moved House amendments to **SB 250** be concurred in. Motion carried 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, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson, Vincent.
Total 2

SB 105 - Governor's Amendments - Senator T. Brown moved Governor's amendments to **SB 105** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Mr. President.
Total 25

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

Absent or not voting: None.
Total 0

Excused: Olson, Vincent.
Total 2

SB 305 - House Amendments - Senator Peterson moved House amendments to **SB 305** be **not** 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, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson, Vincent.

Total 2

SB 325 - Senator Buttrey moved consideration of **SB 325** be passed for the day. Without objection, so ordered.

SB 160 - House Amendments - Senator Tropila moved House amendments to **SB 160** 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, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson, Vincent.

Total 2

Senator Olson present at this time.

SB 275 - House Amendments - Senator Buttrey moved House amendments to **SB 275** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Blewett.

Total 1

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Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

At the request of the bill sponsor, Chairman Walker announced **SB 325** would be heard this date despite the previous motion to pass for the day.

SB 325 - House Amendments - Senator Olson moved House amendments to **SB 325** be concurred in. Motion carried as follows:

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

Total 39

Nays: Augare, Blewett, Driscoll, Facey, Fielder, Kaufmann, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.

Total 10

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Vincent.

Total 1

THIRD READING OF BILLS

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

HB 3 concurred in as follows:

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

Total 31

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

Total 18

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 605 concurred in as follows:

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

Total 40

Nays: D. Brown, Fielder, Murphy, Priest, Ripley, Sales, Tropila, Van Dyk, Wanzenried.

Total 9

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SB 324, as amended by the House, passed as follows:

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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, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Augare, Blewett, Kaufmann, Tropila, Van Dyk, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 336, 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, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Moore, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 337, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Augare, Barrett Dick, Facey, Kaufmann, Malek, Stewart-Peregoy, Van Dyk.
Total 7

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Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 131, as amended by the Governor, concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

REPORTS OF STANDING COMMITTEES

TAXATION (Tutvedt, Chair):

4/12/2013

SJR 30, do pass. Report adopted.

SR 63, be adopted. Report adopted.

MOTIONS

Senator Ripley moved **HB 583** be referred to the Finance and Claims committee. Motion **failed** as follows:

Yeas: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Webb, Wittich.

Total 18

Nays: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.

Total 31

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Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SPECIAL ORDERS OF THE DAY

SR 41 - Senator Brenden moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 41**. 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SR 44 - Senator Peterson moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 44**. 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

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SR 45 - Senator Peterson moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 45**. 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SR 50 - Senator Priest moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 50**. 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, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SR 54 - Senator Arthun moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 54**. 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, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

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Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Brenden, Lewis.

Total 2

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 9:00 a.m., Saturday, April 13, 2013, the seventy-eighth legislative day. Motion carried.

Senate adjourned at 3:12 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate