

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

Helena, Montana
April 23, 2013

Senate Chambers
State Capitol

Senate convened at 9:03 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):

4/23/2013

Correctly printed: **SR 58, SR 68, SR 69, SR 70, SR 73, SR 74, SR 76, SR 77, HB 262, HB 284, HB 411, HB 633, HJR 25, HJR 30.**

Correctly engrossed: **HB 633.**

Correctly enrolled: **SB 69, SB 101, SB 256, SR 40, SR 49, SR 64, SR 65, SR 66, SR 67, SR 73, SR 74, SR 75, SR76.**

Examined by the sponsor and found to be correct: **SB 69, SB 101, SB 256, SJR 26, SR 40, SR 49, SR 64, SR 65, SR 66, SR 67, SR 73, SR 74, SR 75, SR 76.**

Transmitted to the House: **HB 262, HB 411.**

Signed by the Secretary of the Senate at 7:40 a.m., April 23, 2013: **SB 175, SB 405, SB 408.**

Signed by the President at 8:30 a.m., April 23, 2013: **SB 175, SB 405, SB 408.**

Signed by the Secretary of the Senate at 7:40 a.m., April 23, 2013: **SB 175, SB 201, SB 264, SB 265, SB 280, SB 369, SB 392, SB 405, SB 408, SJR 26, SR 31, SR 55, SR 61, SR 62, SR 72.**

Signed by the Secretary of the Senate at 2:50 p.m., April 23, 2013: **SB 69, SR 40, SR 49, SR 64, SR 65, SR 66, SR 67, SR 75.**

Signed by the Speaker at 8:55 a.m., April 23, 2013: **SB 405, SB 408.**

Delivered to the Secretary of State at 9:40 a.m., April 23, 2013: **SB 405, SB 408.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

4/17/2013

SB 215, as amended by the House, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair):

4/18/2013

SR 58, do not be adopted. Report adopted.

NATURAL RESOURCES (Vincent, Chair):

4/19/2013

SB 335, as amended by the House, do pass.

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PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair):
SR 77, be adopted. Report adopted.

4/19/2013

Senator Jergeson rose on a point of parliamentary procedure and discussed rules related to adverse committee reports.

Senate recessed for a brief period while rules were discussed. President Essmann reported that Senate rule S70-30 requires **SR 58** to come to the floor the next legislative day under order of business No. 11, Special Orders of the Day. The adoption of the committee report is not the final disposition of **SR 58**.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Joint Resolution 18**
Report No. 001, April 22, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Joint Resolution 18** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 18** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Strike: "ANNUALLY PRODUCE A BALANCED BUDGET,"

Insert: "ACCOMPLISH A BALANCED BUDGET WITHIN 10 YEARS AND"

2. Title, page 1, line 8.

Strike: ", AND REDUCE THE NATIONAL DEBT"

3. Page 2, line 1.

Following: "PATH"

Strike: ", CREATING UNPRECEDENTED DEBT, HINDERING JOB CREATION,"

Strike: "THREATENING"

Insert: "threaten"

4. Page 2, line 2.

Strike: "WITH A BLEAK FUTURE"

5. Page 2, line 7.

Strike: "IN 2011"

Insert: "has"

Following: "CEILING"

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Insert: "79 times since 1960"

6. Page 2, line 14.

Strike: "WHO HAVE NO SAY IN THE DECISIONMAKING PROCESS"

7. Page 2, line 15.

Strike: "OUR"

Insert: "massive amounts of federal"

8. Page 2, line 18 through line 19.

Strike: line 18 through line 19 in their entirety

9. Page 2, line 30 through page 3, line 1.

Strike: "; A BUDGET IS NOT ONLY A CONSTITUTIONAL REQUIREMENT, IT IS A FUNDAMENTAL RESPONSIBILITY AND A REFLECTION OF PRINCIPLES AND VISION"

10. Page 3, line 7 through line 9.

Strike: "must" on line 7 through "debt" on line 9

Insert: "reduces annual deficit spending and accomplishes a balanced budget within 10 years"

For the Senate:

Thomas, Chair

Dick Barrett

Rosendale

For the House:

Halvorson, Vice Chair

Howard

McCarthy

MESSAGES FROM THE GOVERNOR

April 22, 2013

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

Dear President Essmann:

On Monday, April 22, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 106 - Jergeson

Senate Bill 112 - Blewett

Senate Bill 161 - Tropila

Senate Bill 199 - Thomas

Senate Bill 207 - Van Dyk

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Senate Bill 251 - Wittich
Senate Bill 292 - Tutvedt
Senate Bill 340 - Brenden
Senate Bill 351 - Olson
Senate Bill 361 - Tutvedt

I am returning **Senate Bill 337** - Hamlett with amendments.

I have vetoed **Senate Bill 147** - Buttrey and **Senate Bill 366** - Arthun.

I have returned **Senate Bill 43** - Wittich to the Secretary of State without signature.

Sincerely,

STEVE BULLOCK
Governor

April 22, 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 power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return **with amendments Senate Bill 337** (SB 337), "AN ACT CLARIFYING THE DEFINITION OF "GOOD CAUSE SHOWN" FOR A HEARING ON A TEMPORARY PRELIMINARY DECREE OR PRELIMINARY DECREE; AND AMENDING SECTION 85-2233, MCA."

SB 337 amends the statute defining who has standing to object to a water right claim in the Montana Water Court and who is entitled to a hearing. The bill, as written, purports to grant standing only to a person with an ownership or leasehold interest in an existing water right, permit, certificate, or state reservation.

It is important for the adjudication process to be as comprehensive as possible to allow for a thorough vetting of all tangible interests. Attempting to narrow the scope of participation in the

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adjudication process will leave the state's adjudication process vulnerable to challenges by others seeking to take Montana's water, such as other states or the federal government. Further, it is possible that the amendments as proposed in SB 337 may raise constitutional issues, in light of the Montana Supreme Court's rationale in *Montana Trout Unlimited v. Beaverhead Water Company*, 361 Mont. 77 (2011). While it is up to the courts to decide constitutional questions, I do have an interest in making sure that the laws passed by the legislature do not create the grounds for unnecessary litigation.

My proposed amendments would define those with standing to object as persons not only with an "ownership or leasehold interest" but those with an economic, or other substantial interest. The import of these amendments is significant. With my amendments, and in order to have standing, an individual would be required to demonstrate a real interest in the water right, not simply a general interest as a member of the public.

I respectfully ask that you support my amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 337** (reference copy -- salmon) are as follows:

1. Page 1, line 22.

Following: "ownership"

Insert: ", "

Strike: the first "or"

Following: "leasehold"

Insert: ", economic, or other substantial"

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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:

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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 147** (SB 147), "AN ACT REVISING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF A SUBDIVISION APPLICATION WITH REGARD TO IMPACT ON ADJACENT AGRICULTURAL OPERATIONS; AMENDING SECTION 76-3-608, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Locally-elected officials are best suited to decide the impacts to their communities from subdivision development, including the impacts of that development on agriculture. Under current law, a local governing body must review a subdivision proposal for its impact on agriculture. This provides the opportunity for local officials to consider a proposed subdivision's impact on adjacent agricultural operations, as well as the overall impacts the conversion of land from agriculture to urban uses will have on agriculture in the area. Certainly, how locally-elected officials choose to look at this issue will reflect the specific values of that particular community.

SB 147 significantly limits the ability of locally-elected officials to reflect community values. It restricts the local governing body's review to the proposed subdivision's impacts on adjacent agricultural operations. This would prevent a local official from considering the larger and cumulative impacts to agriculture as a part of the community.

Agriculture is a vital part of Montana's economy and culture. When evaluating a proposed development, a local community must be able to consider both short and long term agricultural impacts.

Protections are in place to make sure that this important power is not abused. The Montana Subdivision and Platting Act provides that the local governing body may not unreasonably restrict a landowner's ability to develop land, the Montana and United States Constitutions protect landowners from unconstitutional development conditions, and judicial precedent prohibits local elected officials from being arbitrary or capricious in their actions.

I respectfully ask you to sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

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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 power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 366 (SB 366)**, "AN ACT ELIMINATING THE LIMITATION ON THE NUMBER OF YEARS THAT A MEMBER OF THE ENVIRONMENTAL QUALITY COUNCIL MAY SERVE; AMENDING SECTION 5-16-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 366 eliminates term limits for serving on the Environmental Quality Council (Council). Under current law, members may not serve longer than 6 years. The Council is comprised of 12 members of the Legislature and 4 members of the public, as well as an ex officio member that I designate.

The Council serves a number of very important functions, and its charge is a dynamic one. The Council must stay abreast of current environmental trends and new developments, creatively respond to the evolving needs and interests of the state, and recommend forward-looking state policies to promote the improvement of the quality of the environment. To meet these challenges requires fresh thinking and new perspectives. A 6-year term limit balances this need against the desire for continuity. Eliminating term limits could subject the collective work on the Council to a narrowing of interests and viewpoints, which would be a disservice to all Montanans.

In addition, there is a benefit from having members circulate through the Council, being educated on critical environmental issues of the day, and then making room for someone else.

For these reasons I respectfully ask that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

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MESSAGES FROM THE OTHER HOUSE

Conference Committee Report No.1 adopted: 4/22/2013
SB 256, introduced by F. Moore

SB 173 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 173**:

4/22/2013

Representative Berry, Vice Chair
Representative Lang
Representative Noonan

Senate amendments to House bills concurred in: 4/22/2013
HB 76, introduced by Pease-Lopez
HB 454, introduced by McChesney

Free Conference Committee Report No.1 adopted: 4/22/2013
HB 97, introduced by Wilmer

Conference Committee Report No.1 adopted: 4/22/2013
HB 277, introduced by McChesney

Governor's amendments to House bill not concurred in: 4/22/2013
HB 225, introduced by C. Smith

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved the Senate recess until 1:00 p.m. this date. Motion carried. Senate recessed at 8:23 a.m.

Senate reconvened at 1:02 p.m. President Essmann presiding. All members present.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Ripley, Chair): 4/23/2013
HB 284, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 4/23/2013

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SR 68, be adopted. Report adopted.
SR 69, be adopted. Report adopted.
SR 70, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 173**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 173** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 173** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Following: "LAWS;"

Insert: "AUTHORIZING THE STATE OF MONTANA TO OBTAIN WORKERS' COMPENSATION COVERAGE UNDER PLAN NO. 2 OR PLAN NO. 3; AUTHORIZING THE STATE COMPENSATION INSURANCE FUND TO INSURE ITS EMPLOYEES UNDER PLAN NO. 3 IF THE DEPARTMENT OF ADMINISTRATION ELECTS COVERAGE FOR OTHER STATE AGENCIES UNDER PLAN NO. 2;"

2. Title, page 1, line 7 through line 8.

Strike: "A ONE-TIME" on line 7 through "PRIOR TO USING" on line 8

3. Title, page 1, line 10.

Strike: "2013"

Insert: "1990"

4. Title, page 1, line 19.

Following: "SECTIONS"

Insert: "39-71-403, 39-71-2201,"

5. Page 1.

Following: line 22

Insert: "**Section 1.** Section 39-71-403, MCA, is amended to read:

"39-71-403. ~~Plan three exclusive for state agencies -- election of plan by public corporations~~ State agency coverage -- public corporation coverage -- financing of self-insurance fund -- exemption for university system -- definitions -- rulemaking. (1) (a) Except as provided in [section 3] and subsection (5), if a state agency is the employer, the terms, conditions, and provisions of compensation plan No. 3, state fund, are exclusive, compulsory, and

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~~obligatory upon both employer and employee.~~ of this section, the department of administration shall elect workers' compensation insurance coverage on behalf of all state agencies and manage the coverage under the terms, conditions, and provisions of compensation plan No. 2 or plan No. 3. The state agency is the employer for purposes of the compensation plan selected pursuant to this section. Any sums necessary to be paid under the provisions of this chapter by a state agency are considered to be ordinary and necessary expenses of the state agency. The state agency shall pay the sums ~~into the state fund~~ at the time and in the manner provided for in this chapter, notwithstanding that the state agency may have failed to anticipate the ordinary and necessary expense in a budget, estimate of expenses, appropriations, ordinances, or otherwise.

(b) (i) ~~Subject to subsection (5), the department of administration, provided for in 2-15-1001, shall manage~~ The department of administration shall elect coverage under one compensation plan to provide workers' compensation insurance coverage for all state agencies ~~except the state compensation insurance fund if the state compensation insurance chooses a plan No. 2 insurer. The plan selected by the department of administration is to be exclusive, compulsory, and obligatory upon both the employer and the employee.~~

(ii) ~~The state fund~~ plan No. 2 or plan No. 3 insurer shall provide the department of administration with all information regarding the state agencies' coverage.

(iii) Notwithstanding the status of a state agency as employer in subsection (1)(a) and contingent upon mutual agreement between the department of administration and the ~~state fund~~, ~~the state fund~~ plan No. 2 or plan No. 3 insurer, the plan No. 2 or plan No. 3 insurer shall issue one or more policies for all state agencies.

(iv) In any year in which the workers' compensation premium due from a state agency is lower than in the previous year, the appropriation for that state agency must be reduced by the same amount that the workers' compensation premium was reduced and the difference must be returned to the originating fund instead of being applied to other purposes by the state agency submitting the premium.

(2) (a) ~~A public corporation, other than a state agency,~~ may elect coverage under compensation plan No. 1, plan No. 2, or plan No. 3, separately or jointly with any other public corporation, ~~other than a state agency~~ or with the department of administration as provided in subsection (2)(b).

(b) Except as provided in [section 3], the department of administration, on behalf of all state agencies, may join with a public corporation to elect coverage under compensation plan No. 2 or plan No. 3. Until notes or bonds described in subsection (3)(a) are fully paid, the funds described in subsection (3)(a) must remain separate from the funds paid to the department of administration by state agencies.

(c) A public corporation, if electing coverage under compensation plan No. 1, may purchase reinsurance or issue bonds or notes pursuant to subsection (3)(b). A public corporation electing coverage under compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1.

(3) (a) ~~A public corporation, other than a state agency,~~ that elects coverage under plan No. 1 may establish a fund sufficient to pay the compensation and benefits provided for in this chapter and to discharge all liabilities that are reasonably incurred during the fiscal year for which the election is effective. Proceeds from the fund ~~must~~ may be used only to pay claims covered by this chapter and for actual and necessary expenses required for the efficient administration of the fund, including debt service on any bonds and notes issued pursuant to subsection (3)(b).

(b) (i) ~~A public corporation, other than a state agency,~~ separately or jointly with another

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public corporation, ~~other than a state agency~~, may issue and sell its bonds and notes for the purpose of establishing, in whole or in part, the self-insurance workers' compensation fund provided for in subsection (3)(a) and to pay the costs associated with the sale and issuance of the bonds. Bonds and notes may be issued in an amount not exceeding 0.18% of the total assessed value of taxable property, determined as provided in 15-8-111, of the public corporation as of the date of issue. The bonds and notes must be authorized by resolution of the governing body of the public corporation and are payable from an annual property tax levied in the amount necessary to pay principal and interest on the bonds or notes. This authority to levy an annual property tax exists despite any provision of law or maximum levy limitation, including 15-10-420, to the contrary. The revenue derived from the sale of the bonds and notes may not be used for any other purpose.

(ii) The bonds and notes:

(A) may be sold at public or private sale;

(B) do not constitute debt within the meaning of any statutory debt limitation; and

(C) may contain other terms and provisions that the governing body determines.

(iii) Two or more public corporations, ~~other than state agencies~~, may agree to exercise their respective borrowing powers jointly under this subsection (3)(b) or may authorize a joint board to exercise the powers on their behalf.

(iv) The fund established from the proceeds of bonds and notes issued and sold under this subsection (3)(b) may, if sufficient, be used in lieu of a surety bond, reinsurance, specific and aggregate excess insurance, or any other form of additional security necessary to demonstrate the public corporation's ability to discharge all liabilities as provided in subsection (3)(a). Subject to the total assessed value limitation in subsection (3)(b)(i), a public corporation may issue bonds and notes to establish a fund sufficient to discharge liabilities for periods greater than 1 year.

(4) All money in the fund established under subsection (3)(a) not needed to meet immediate expenditures must be invested by the governing body of the public corporation or the joint board created by two or more public corporations as provided in subsection (3)(b)(iii), and all proceeds of the investment must be credited to the fund.

(5) For the purposes of subsection ~~(1)(b)~~ (1)(a), the judicial branch or the legislative branch may choose not to have the department of administration manage its workers' compensation policy.

(6) The department of administration may adopt rules to implement ~~subsection (1)(b)(i)~~ this section.

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

(a) "Public corporation" ~~includes~~ has the meaning provided in 39-71-116 except that a state agency is excluded and the Montana university system is included.

(b) (i) "State agency" means:

(A) the executive branch and its departments and all boards, commissions, committees, bureaus, and offices;

(B) the judicial branch; and

(C) the legislative branch.

(ii) The term does not include the Montana university system."

Insert: "Section 2. Section 39-71-2201, MCA, is amended to read:

"39-71-2201. Election to be bound by plan -- captive reciprocal insurers. (1) Any employer ~~except those specified in 39-71-403~~ may, by filing an election to become bound by compensation plan No. 2, insure the employer's liability to pay the compensation and benefits provided by this chapter with any insurance company authorized to transact ~~such~~ workers'

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compensation business in this state.

(2) Any employer electing to become bound by compensation plan No. 2 shall make the election on the form and in the manner prescribed by the department.

(3) A captive reciprocal insurer established by or on behalf of an employer or a group of employers is considered to be a compensation plan No. 2 insurer. Pursuant to 33-28-205, a captive reciprocal insurer may not be a member of an insurance guaranty association or guaranty fund."

Insert: "NEW SECTION. **Section 3. State compensation insurance fund options.** If the department of administration elects coverage under plan No. 2 under the provisions of 39-71-403, the state fund may choose to provide and manage workers' compensation coverage for its employees under plan No. 3. If the state fund exercises this option, the state fund is exempt from 39-71-403 for the purposes of 39-71-2314. For the purposes of this chapter, upon exercising the option under this section, the state fund is the employer and the terms, conditions, and provisions of plan No. 3 are exclusive, compulsory, and obligatory upon both the employer and the employee."

Renumber: subsequent sections

6. Page 3, line 6.

Strike: "EMPLOYEE OR"

7. Page 3, lines 7 through 8.

Strike: "TO" on line 7

Insert: "at a meeting of"

Strike: "IN A PUBLIC HEARING," on line 7 through "COMMENT," on line 8

8. Page 3, line 14.

Following: "ADJUSTMENTS"

Insert: "for all employees"

9. Page 3, line 18.

Following: the first "THE"

Insert: "degree of"

10. Page 5, line 10.

Strike: "AFTER THE ONE-TIME" through "FUND, ALL"

Insert: "All"

11. Page 5, lines 14 through 15.

Strike: "AFTER EXPENDING" on line 14 through "TRANSFER" on line 15

Insert: "Subject to subsection (3), the state fund's equity or surplus, as that term is used in 39-71-2323, that has accrued from income other than premiums paid to the state fund based upon wages payable on or after July 1, 1990, must be used"

12. Page 5, lines 16 through 19.

Following: "1990" on line 16

Strike: ", the state fund's assets" on line 16 through "funded" on line 19

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13. Page 6, lines 27 through 29.

Strike: section 6 in its entirety

Insert: "NEW SECTION. **Section 9. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [section 3]."

Renumber: subsequent section

For the Senate:
Sonju, Chair
D. Brown
Keane

For the House:
Berry, Vice Chair
Lang
Noonan

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 323**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 323** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 323** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

Following: "PHYSICIAN:"

Insert: "Ongoing prescriptions for Schedule II and Schedule III drugs may be prescribed only by a treating physician."

For the Senate:
Thomas, Chair
Debby Barrett
Vuckovich

For the House:
Salomon, Vice Chair
Pierson
Schwaderer

FREE CONFERENCE COMMITTEE
on **House Bill 218**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 218** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 218** (reference copy -- salmon) be amended as follows:

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1. Title, page 1, line 14.

Strike: "A"

Strike: "DATE"

Insert: "DATES"

2. Page 5, line 6.

Strike: "EACH"

Insert: "the"

Following: "2014,"

Insert: "only"

3. Page 8, line 21.

Following: "Termination."

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

4. Page 8, following line 21.

Insert: "(2) [Section 9] terminates June 30, 2015."

For the Senate:
Rosendale, Chair
F. Moore
Stewart-Peregoy

For the House:
Ankney, Vice Chair
Cuffe
McChesney

FREE CONFERENCE COMMITTEE
on **House Bill 240**
Report No. 001, April 22, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 240** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 240** (reference copy -- salmon) be amended as follows:

1. Page 3, line 25.

Following: "PROHIBITED"

Insert: "for certain individuals"

2. Page 3, line 26.

Strike: "SUBSECTIONS (2) AND (3)"

Insert: "subsection (2)"

3. Page 3, line 28.

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Following: "property"

Insert: "by a person with a permit issued pursuant to 45-8-321 or recognized pursuant to 45-8-329"

4. Page 4, line 16 through line 20.

Strike: subsection (3) in its entirety

For the Senate:

F. Moore, Chair

Fielder

Larsen

For the House:

C. Smith, Vice Chair

Kerns

MacDonald

Senator Phillips rose on a point of inquiry. Senator Brenden responded to the inquiry.

MOTIONS

Senator Wittich moved to appoint a **Free** Conference Committee on **SB 348** and request the House to appoint a like committee. Without objection, so ordered. Speaker Essmann appointed:

Senator Thomas, Chair

Senator Arntzen

Senator Facey

**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:

SB 335 - House Amendments - Senator Hamlett moved House amendments to **SB 335** 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 21 - Senator Webb moved **HJR 21** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Blewett, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Jackson, Kaufmann, Keane, Lewis, Olson, Peterson, Phillips, Priest, Sonju, Thomas, Van Dyk, Webb, Windy Boy, Wittich, Mr. President.

Total 23

Nays: Arthun, Augare, Barrett Dick, Boulanger, Brenden, Buttrey, Driscoll, Facey, Jent, Jergeson, Jones, Larsen, Malek, Moore, Murphy, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 21 - Senator Wittich moved **HJR 21** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Boulanger, Brenden, D. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich.

Total 37

Nays: Barrett Debby, Blewett, T. Brown, Caferro, Fielder, Hamlett, Keane, Phillips, Taylor, Thomas, Webb, Windy Boy, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 562 - Governor's Amendments - Senator Vuckovich moved Governor's amendments to **HB 562** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Ripley, Rosendale, Sales, Taylor, Thomas, Walker, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 - Conference Committee Report No. 1 - Senator Murphy moved the Conference Committee report to **HB 473** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, 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 497 - Conference Committee Report No. 1 - Senator Sales moved the Conference Committee report to **HB 497** be adopted. Motion carried as follows:

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

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Total 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 198 - Conference Committee Report No. 1 - Senator Thomas moved the Conference Committee report to **SB 198** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, 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, Mr. President.

Total 43

Nays: Augare, Blewett, Fielder, Kaufmann, Sesso, Stewart-Peregoy, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 223 - Conference Committee Report No. 1 - Senator Murphy moved the Conference Committee report to **SB 223** be adopted. 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, 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: Larsen.

Total 1

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 277 - Conference Committee Report No. 1 - Senator Sales moved the Conference Committee report to **HB 277** be adopted. Motion **failed** as follows:

Yeas: Augare, Blewett, Driscoll, Hamlett, Jackson, Jergeson, Jones, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy, Mr. President.

Total 20

Nays: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Jent, Kaufmann, Keane, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Vincent, Walker, Wanzenried, Wittich.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 385 - Governor's Amendments - Senator Wittich moved Governor's amendments to **HB 385** 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

SB 297 - House Amendments - Senator Arntzen moved House amendments to **SB 297** be

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concurring in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 37

Nays: Barrett Dick, Blewett, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 - Senator Sonju moved **HB 633** 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, Jones, Kaufmann, Keane, Larsen, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Windy Boy.
Total 35

Nays: Jent, Jergeson, Lewis, Malek, Moore, Murphy, Ripley, Rosendale, Sales, Taylor, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 8 - Governor's Amendments - Senator Brenden moved Governor's amendments to **HB 8** be **not** concurred in. Motion carried as follows:

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

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Nays: Barrett Dick, Facey, Kaufmann, Malek, Tropila, Van Dyk, Wanzenried.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise, report progress, and beg leave to sit again.**
Motion Carried. Committee arose. Senate resumed. President Essmann presiding. Chair
Vincent 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, 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, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Kaufmann, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 262 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.
Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,
Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips,
Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila,
Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr.
President.
Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 411 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, 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, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: Barrett Dick, Caferro, Kaufmann, Wanzenried.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 101, Free Conference Committee Report No. 1, adopted as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 184, Conference Committee Report No. 1, adopted as follows:

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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, Mr. President.
Total 28

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, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 100, Conference Committee Report No. 1, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Barrett Dick, Blewett, Brenden, Hamlett, Jent, Jergeson, Kaufmann, Malek, Vuckovich, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297, Free Conference Committee Report No. 1, adopted as follows:

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

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

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 345, Free Conference Committee Report No. 1, 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, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Malek, Phillips.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 256, Conference Committee Report No. 1, adopted as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF SELECT COMMITTEES

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FREE CONFERENCE COMMITTEE
on **Senate Bill 282**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 282** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 282** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 21.

Following: "~~15-32-104,~~"

Insert: "15-32-104,"

Strike: "15-32-201,"

2. Title, page 1, line 27.

Following: "~~15-30-2319,~~"

Insert: "15-30-2319,"

3. Title, page 1, line 29.

Following: "~~15-32-109,~~"

Insert: "15-32-109,"

Following: "~~15-32-203,~~"

Insert: "15-32-201, 15-32-202, 15-32-203,"

4. Page 15, line 17.

Strike: "3.5%"

Insert: "4%"

5. Page 15, line 18.

Strike: "5.75%"

Insert: "6%"

6. Page 15, line 20.

Strike: "3.5%"

Insert: "4%"

7. Page 15, line 21.

Strike: "5.75%"

Insert: "6%"

8. Page 15, line 24.

Strike: "3.5%"

Insert: "4%"

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9. Page 15, line 25.

Strike: "5.75%"

Insert: "6%"

10. Page 15, line 28.

Strike: "3.5%"

Insert: "4%"

11. Page 15, line 29.

Strike: "5.75%"

Insert: "6%"

12. Page 16, line 13.

Strike: the first "3.5%"

Insert: "4%"

Strike: the second "3.5%"

Insert: "4%"

13. Page 16, line 14.

Strike: "5.75%"

Insert: "6%"

14. Page 16, line 15.

Strike: "3.5%"

Insert: "4%"

15. Page 16, line 21.

Strike: "3.5%"

Insert: "4%"

16. Page 16, line 22.

Strike: "2%"

Insert: "2.5%"

17. Page 16, line 24.

Strike: "3.5%"

Insert: "4%"

18. Page 16, line 25.

Strike: "3.5%"

Insert: "4%"

19. Page 16, line 26.

Strike: "3.5%"

Insert: "4%"

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20. Page 16, line 29.

Strike: "3.5%"

Insert: "4%"

21. Page 16, line 30.

Strike: "2%"

Insert: "2.5%"

22. Page 17, line 2.

Strike: "4.25%"

Insert: "4.5%"

23. Page 17, line 3.

Strike: "5.75%"

Insert: "6%"

24. Page 17, line 4.

Strike: "4.25%"

Insert: "4.5%"

25. Page 41, line 9.

Insert: "**Section 32.** Section 15-32-104, MCA, is amended to read:

"15-32-104. Limitations on deduction and credit. Tax treatment under 15-32-103 and ~~15-32-109~~ is limited to persons and firms not primarily engaged in the provision of gas or electricity derived from fossil fuel extraction or conventional hydroelectric development."

Renumber: subsequent sections

26. Page 41, line 12 through line 13.

Strike: "THE" on line 12 through "15-32-109." on line 13

27. Page 41, line 14.

Strike: "OR CREDIT"

Strike: "OR 15-32-109"

28. Page 41, line 16.

Strike: "OR CREDIT"

Strike: "OR ENERGY CONSERVATION"

29. Page 41, line 19.

Following: "days."

Insert: "The department may refer a deduction involving energy conservation to the department of labor and industry for its advice, and the department of labor and industry shall respond within 60 days."

30. Page 41, line 20.

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Strike: "OR CREDIT"

31. Page 41, line 22 through page 42, line 5.

Strike: section 33 in its entirety

Renumber: subsequent subsections

32. Page 81.

Following: line 13

Insert: "15-30-2319. Credit for energy-conserving investments."

33. Page 82.

Following: line 1

Insert: "15-32-109. Credit for energy-conserving expenditures."

34. Page 82.

Following: line 5

Insert: "15-32-201. Amount of credit -- to whom available.

15-32-202. Taxable years in which credit may be claimed -- carryover.

15-32-203. Department to make rules."

For the Senate:

Thomas, Chair

Phillips

Tutvedt

For the House:

Osmundson, Vice Chair

Coffin

Hansen

President Pro Tempore Debby Barrett assumed the chair.

SPECIAL ORDERS OF THE DAY

SR 73 - Senator Peterson moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 73**. 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

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 74 - Senator Ripley moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 74**. 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

SR 76 - Senator Sonju moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 76**. 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

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Senators Wanzenried and Essmann gave their farewell remarks to the Senate.

MOTIONS

Senator Windy Boy moved to change his third-reading vote on **HB 297** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate recess until 5:00 p.m. this date. Motion carried.

Senate recessed at 2:11 p.m.

Senate reconvened at 5:02 p.m. President Essmann presiding. All members present.

REPORTS OF STANDING COMMITTEES

RULES (Wittich, Chair):

4/22/2013

Senate Rules be amended, and that amendments to Senate Rule S50-220 read as follows:

1. **S50-220. Call of the Senate.** (1) In the absence of a quorum, a majority of Senators present may compel the attendance of absent Senators by ordering a call of the Senate.

~~(2) If a quorum is present, five Senators may order a call of the Senate.~~

~~(3)~~ (2) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

~~(4)~~ (3) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a ~~two-thirds~~ majority vote of the members present.

2. **Appendix A.**

List of Questions Requiring Other Than a Majority Vote

The following questions require the vote specified:

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- ~~(1) a call of the Senate with a quorum pursuant to S50-220(2) (five Senators);~~
~~(2) a motion to lift a call of the Senate pursuant to S50-220(4) (two-thirds of the members present);~~
~~(3) (1) a motion to amend or suspend rules pursuant to S60-10 (two-thirds);~~
~~(4) (2) a motion to override the Governor's veto pursuant to S50-250 and Article VI, section 10(3), of the Montana Constitution (two-thirds);~~
~~(5) (3) a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths of each house);~~
~~(6) (4) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than those described in that section (three-fifths of each house);~~
~~(7) (5) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature);~~
~~(8) (6) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two other Senators);~~
~~(9) (7) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);~~
~~(10) (8) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds); and~~
~~(11) (9) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths).~~

And, as amended, be adopted. Report 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

Senator Sesso rose in to request the reported vote be corrected to reflect the actual 9 to 6 vote of the committee.

REPORTS OF SELECT COMMITTEES

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 96**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 96** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 96** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 15.

Following: "REVENUE;"

Insert: "PROVIDING CONTINGENT INCREASES AND DECREASES TO
APPROPRIATIONS;"

2. Page 8, line 7.

Strike: "\$10"

Insert: "\$6"

3. Page 8, line 10.

Strike: "\$10"

Insert: "\$6"

4. Page 8, line 23.

Strike: "\$250,000"

Insert: "\$100,000"

5. Page 11.

Following: line 3

Insert: "COORDINATION SECTION. Section 7. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved, then:

(1) the general fund appropriation for BASE Aid in House Bill No. 2 of \$580,680,837 is decreased by \$3,053,710 in fiscal year 2015; and

(2) the general fund appropriation for Reimbursement Block Grants in House Bill No. 2 of \$66,334,425 is increased by \$7,931,716 in fiscal year 2015."

Renumber: subsequent sections

For the Senate:
Tutvedt, Chair
Phillips
Thomas

For the House:
G. Bennett, Vice Chair
Lavin
McClafferty

FREE CONFERENCE COMMITTEE

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on **Senate Bill 348**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 348** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 through line 11.

Strike: "REVISING" on line 9 through "CONTROL;" on line 11

2. Title, page 1, line 17.

Strike: "REPEALING" through "PROGRAM;"

3. Title, page 1, line 18.

Strike: "20-9-516,"

4. Title, page 1, line 19 through line 20.

Strike: "REPEALING" on line 19 through "MCA;" on line 20

5. Page 4, line 6 through page 5, line 5.

Strike: section 5 in its entirety

ReNUMBER: subsequent sections

6. Page 14, line 4 through line 17.

Strike: section 11 in its entirety

ReNUMBER: subsequent sections

7. Page 14, line 19.

Strike: "10"

Insert: "9"

8. Page 14, line 20.

Strike: "1"

Insert: "9"

9. Page 14, line 22.

Strike: "subsections"

Insert: "subsection"

Strike: "and (3)"

10. Page 14, line 24.

Strike: "10"

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Insert: "9"

11. Page 14, line 25.

Strike: subsection (3) in its entirety

12. Page 14, line 27 through line 28.

Strike: section 14 in its entirety

Renumber: subsequent sections

13. Page 14, line 30.

Strike: "10"

Insert: "9"

For the Senate:
Thomas, Chair
Arntzen
Facey

For the House:
Blyton, Vice Chair
Salomon
McClafferty

FREE CONFERENCE COMMITTEE
on **House Bill 120**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 120** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 120** (reference copy -- salmon) be amended as follows:

1. Page 13, line 20 through line 21.

Strike: "who" on line 20 through "registration" on line 21

2. Page 13, line 27 through line 28.

Strike: "or" on line 27 through "county" on line 28

3. Page 25, line 17.

Strike: "or by facsimile or other electronic means"

For the Senate:
Wittich, Chair
Boulanger
Malek

For the House:
Vance, Vice Chair
Hunter
Ingraham

MESSAGES FROM THE GOVERNOR

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April 23, 2013

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

Dear President Essmann:

On Tuesday, April 23, 2013, I returned **Senate Bill 182** - Sonju and **Senate Bill 290** - Arntzen to the Secretary of State without signature.

I am returning **Senate Bill 28** -Thomas and **Senate Bill 347** - Vincent with amendments.

Sincerely,

STEVE BULLOCK
Governor

April 23, 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 28 (SB 28)**, "AN ACT ADOPTING THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT; AUTHORIZING THE STATE AUDITOR AS COMMISSIONER OF INSURANCE TO PARTICIPATE IN THE COMPACT; ENSURING THAT PARTICIPATING STATES PROVIDE A COMMON FRAMEWORK FOR REGULATING DESIGNATED INSURANCE PRODUCTS; LEGISLATIVELY OPTING OUT OF CERTAIN UNIFORM STANDARDS; PROVIDING OPT-OUT AUTHORITY; LIMITING GOVERNMENTAL LIABILITY; AMENDING SECTIONS 33-1311 AND 33-1-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 28 adopts the Interstate Insurance Product Regulation Compact and provides for an immediate effective date. My amendment will remove the immediate effective date to allow the Commissioner of Securities and Insurance and the insurance industry the necessary time to prepare for complying with the provisions of the bill. Removal of the immediate effective date will make the effective date default to October 1, 2013.

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I respectfully request that the Legislature concur with my amendment.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 28** (reference copy -- salmon) are as follows:

1. Title, line 10 and line 11.

Following: "LIABILITY;" on line 10

Insert: "AND"

Following: "MCA" on line 10

Strike: remainder of line 10 through "DATE" on line 11

2. Page 23, line 1.

Strike: section 8 in its entirety

April 23, 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 347 (SB 347)**, "AN ACT PROVIDING THAT A DIVERSION OR WITHDRAWAL OF WATER IS NOT DEGRADATION UNDER THE WATER QUALITY ACT; AMENDING SECTIONS 75-5-103 AND 75-5-317, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Under existing laws protecting water quality that have been in force for two decades, an activity that decreases water flow is not significant to human health or the environment if the decrease is within certain measurable numeric limits. In addition, a decrease in flow outside of these numeric limits may still be acceptable (if the Department of Environmental Quality (DEQ) makes certain findings based on specific criteria).

SB 347 would amend the Montana Water Quality Act, replacing these protections with only a narrative standard that would require the DEQ to determine if the decrease in flow would "have a reasonable possibility to cause a significant adverse impact on a fish population."

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I have several concerns with this approach.

First and foremost, I am very concerned that this change will invite substantial litigation, delaying the creation of jobs. SB 347 would replace a set standard that is measurable and widely understood ("decrease in the mean monthly flow of a surface water by less than 15% or the seven-day 10 year low flow by less than 10%"), with a narrative description that is subject to dispute and differing scientific opinions. The vagueness of the narrative standard in SB 347 was identified by several parties during the legislative process. This is sure to generate litigation.

Second, I believe the reference to "a fish population," while very important, is not consistent with our laws relating to surface water quality which use "aquatic life" as the standard yardstick. A stream should be protected from de-watering even if it does not contain fish. Besides, every angler knows that healthy aquatic insects are a critical part of having healthy fish populations.

Third, the Legislature has previously determined that the impacts on existing water rights are an important consideration, and current law reflects this judgment (section 75-5-301 (5)(c)(i), MCA).

SB 347 does away with this consideration, except in those instances where protecting "a fish population" also happens to protect an existing water right (or where the decrease in flow is for a beneficial use, which is then reviewed for its impacts on senior water right holders under Title 85, Chapter 2, MCA).

Accordingly I propose amendments to accomplish three objectives:

1. In order to provide as much clarity as possible in regard to this new narrative standard, and lessen the risk of litigation, I am including explicit direction to the Board of Environmental Review to adopt rules to give specificity to the new standard, with a completion date of November 1, 2014.
2. To provide that "aquatic life" is the benchmark in the narrative standard. In extending protection to streams where fish are not present in sufficient numbers, this amendment also provides more protection for senior water rights holders.
3. To clarify the prospective nature of new rules adopted by the Board of Environmental Review and allow existing applicants and permit holders the option of applying the new rules to their respective applications and operations.

Current law does not require certain types of water use to go through the water right permitting process, nor are they considered waste under Title 85, Chapter 2, MCA. However, and as I have proposed to amend this bill, for the first time the department will review these non-beneficial uses of water to ensure that they will not have an adverse impact on aquatic life.

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I respectfully ask that you support my amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 347** (reference copy -- salmon) are as follows:

1. Title, line 6.

Following: "DATE"

Insert: "AND APPLICABILITY DATES"

2. Page 2, line 12.

Following: "IMPACT ON"

Strike: "A FISH POPULATION"

Insert: "aquatic life. The board shall adopt rules implementing this subsection (7)(b)(ii) no later than November 1, 2014"

3. Page 7, line 26.

Following: "IMPACT ON"

Strike: "A FISH POPULATION"

Insert: "aquatic life. The board shall adopt rules implementing this subsection (7)(b)(ii) no later than November 1, 2014"

4. Page 14, line 16.

Insert: "NEW SECTION. Section 3. Applicability. (1) [This act] applies to an application for a permit, license, or other authorization received by the department of environmental quality after the effective date of rules adopted to implement [this act].

(2) [This act] applies to an application for a permit, license, or other authorization that is received by the department before the effective date of rules adopted to implement [this act] but not granted or denied before that date if the applicant, within 90 days after the effective date of the rules, files a written election with the department to have the application reviewed under [this act] and the rules adopted to implement [this act].

(3) [This act] applies to a permit, license, or other authorization issued before the effective date of rules adopted to implement [this act] if the holder of the permit, license, or other authorization files a written election with the department to have [this act] and the rules adopted pursuant to [this act] applied to the permit, license, or other authorization."

Renumber: subsequent section

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MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/23/2013
SB 394, introduced by Wittich

Free Conference Committee Report No.1 adopted: 4/23/2013
SB 342, introduced by Windy Boy

Senate amendments to House bill concurred in: 4/23/2013
HB 377, introduced by Woods

Governor's amendments to House bill concurred in and transmitted to the Senate for
concurrence in the Governor's amendments: 4/23/2013
HB 274, introduced by Greef

Conference Committee Report No. 1 on Senate amendments to House bill adopted: 4/23/2013
HB 133, introduced by Berry

MOTIONS

Senator Phillips rose on a point of inquiry.

Senator Jergeson rose on a point of parliamentary procedure regarding conference committee reports.

Senator Priest moved to suspend the rules to allow **SB 173, SB 215, SB 282, SB 323, SJ 18, HB 218, HB 240**, and **HB 284** to be reported out of committee this date and brought before the Committee of the Whole this legislative day. Motion carried as follows:

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

Nays: Augare, Barrett Dick, Blewett, Facey, Jent, Jergeson, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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**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:

HB 97 - Free Conference Committee Report No. 1 - Senator Sales moved the Free Conference Committee report to **HB 97** be adopted. 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, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Tropila, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 - Free Conference Committee Report No. 1 - Senator Windy Boy moved the Free Conference Committee report to **SB 342** be adopted. Motion carried as follows:

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

Nays: Boulanger, Brenden, Fielder, Jackson, Moore, Rosendale, Sales, Vincent, Webb, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

HB 225 - Governor's Amendments - Senator Wittich moved Governor's amendments to **HB 225** be **not** concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Webb, Wittich.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 431 - Conference Committee Report No. 1 - Senator Olson moved the Conference Committee report to **HB 431** be adopted. 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

SB 148 - Free Conference Committee Report No. 1 - Senator L. Jones moved the Free Conference Committee report to **SB 148** be adopted. Motion carried as follows:

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

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 305 - Conference Committee Report No. 1 - Senator Peterson moved the Conference Committee report to **SB 305** be adopted. Motion carried as follows:

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

Total 34

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

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 284 - Senator Debby Barrett moved **HB 284** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, T. Brown, Caferro, Fielder, Hamlett, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Peterson, Priest, Sesso, Sonju, Thomas, Tropila, Vincent, Vuckovich, Mr. President.

Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, D. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Kaufmann, Larsen, Malek, Olson, Phillips, Ripley, Rosendale, Sales, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk, Walker, Wanzenried, Webb, Windy Boy, Wittich.

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Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 284 - Senator Wittich moved **HB 284** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Driscoll, Facey, Jent, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 33

Nays: Arntzen, Augare, Barrett Debby, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Sesso, Sonju, Taylor, Thomas, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 215 - House Amendments - Senator F. Moore moved House amendments to **SB 215** 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, 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 49

Nays: Fielder.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 218 - Free Conference Committee Report No. 1 - Senator Rosendale moved the Free Conference Committee report to **HB 218** be adopted. 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 240 - Free Conference Committee Report No. 1 - Senator F. Moore moved the Free Conference Committee report to **HB 240** be adopted. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 173 - Free Conference Committee Report No. 1 - Senator Keane moved the Free Conference Committee report to **SB 173** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

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Total 27

Nays: Arthun, Boulanger, Brenden, T. Brown, Fielder, Jackson, Jent, Jergeson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 18 - Free Conference Committee Report No. 1 - Senator Thomas moved the Free Conference Committee report to **SJR 18** be adopted. Motion carried as follows:

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

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 323 - Conference Committee Report No. 1 - Senator Thomas moved the Conference Committee report to **SB 323** be adopted. Motion carried as follows:

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

Total 31

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

Total 19

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 274 - Governor's Amendments - Senator Sonju moved Governor's amendments to **HB 274** 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 359 - Governor's Amendments - Senator Fielder moved Governor's amendments to **HB 359** 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

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EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2013

SB 282 - Free Conference Committee Report No. 1 - Senator Thomas moved the Free Conference Committee report to **SB 282** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jones, Larsen, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Sesso, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Malek, Moore, Phillips, Rosendale, Sales, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Wanzenried, Webb, Windy Boy, Wittich.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, 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, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, Kaufmann, Malek, Phillips, Wanzenried.
Total 5

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 10:00 a.m., Wednesday, April 24, 2013, the eighty-seventh legislative day. Motion carried.

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Senate adjourned at 6:34 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate