

**SENATE JOURNAL
62ND LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 21, 2011

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

President Lincoln, also known as Harry Fritz of Missoula, addressed the Senate.

BILLS AND JOURNALS: 2/21/2011

Correctly printed: **SB 183, SB 191, SB 206, SB 228, SB 234, SB 236, SB 244, SB 272, SB 279, SB 298, SB 299, SB 311, SB 315, SB 335, SB 351, SB 354, SB 355, SB 357, SB 374, SJR 4, HB 204, HB 208, HJR 5.**

Correctly engrossed: **SB 340, SB 347, SB 352, SB 379.**

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 2/21/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 19, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	John Miller, Judith Gap
	Morgan Simkins, Missoula
	Sean Van Horssen, Helena
	Megan Henke, Chester
	Brendan Hooks, Helena
	Shadya Jarecke, Joliet
	Katie Lesh, Miles City

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 21, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Holly Capp, Great Falls
	Courtney Lotto, Missoula
	Holly Hollinger, Missoula
	Eleanor Krueger, Anaconda
	Joe Bullington, Helena
	Sydney Stivers, Lewistown
	Mercedes Running Crane, Browning

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Report Adopted.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 2/21/2011
SB 343, introduced bill, be amended as follows:

1. Page 2, line 17.

Following: "parks,"

Insert: ", upon the mutual agreement of the directors of the departments of agriculture and fish, wildlife, and parks,"

Strike: "plant or animal"

2. Page 2, line 17 through line 18.

Strike: "threatens" on line 17 through "waters or" on line 18

3. Page 2, line 25.

Strike: "has" through "61-1-101"

Insert: "includes motorboats and personal watercraft, as each is defined in 23-2-502, and nonmotorized boats"

4. Page 2, line 28.

Strike: ", maintain, and distribute"

5. Page 2, line 29.

Strike: "and" through "species"

6. Page 3, lines 21 through 22.

Strike: ":", on line 21 through "(a)" on line 22

7. Page 3, lines 23 through 26.

Strike: "; and" on line 23 through "announcements" on line 26

8. Page 4, lines 18 through 19.

Strike: "are" on line 18 through "suspected to" on line 19

9. Page 5, line 13.

Strike: "Signs" through "area."

And, as amended, do pass. Report adopted.

SB 384, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "ELIMINATING" on line 6 through "AGRICULTURE;" on line 7

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2. Title, page 1, line 10 through line 12.

Strike: "80-2-201," on line 10 through "80-2-244," on line 12

3. Title, page 1, line 15.

Strike: "2-15-3003,"

4. Page 1, line 20 through page 9, line 8.

Strike: section 1 through section 15 in their entirety

Renumber: subsequent sections

5. Page 19.

Strike: line 30

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman):

2/21/2011

SB 83, introduced bill, be amended as follows:

1. Page 3, line 21.

Following: line 20

Insert: "NEW SECTION. Section 3. Contingent voidness. (1) If the department of fish, wildlife, and parks receives a written determination from the United States fish and wildlife service that the provisions of [this act] constitute a diversion of license fees, [this act] is void.

(2) The department of fish, wildlife, and parks shall notify the code commissioner of the receipt of the written documentation made pursuant to subsection (1)."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 174, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman):

2/17/2011

SB 359, do pass. Report adopted.

JUDICIARY (Murphy, Chairman):

2/21/2011

SB 304, do pass. Report adopted.

SB 336, do pass. Report adopted.

TAXATION (Tutvedt, Chairman):

2/21/2011

SB 383, introduced bill, be amended as follows:

1. Page 1, line 29.

Strike: "(a)"

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2. Page 2, line 3.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

3. Page 2, line 8 through line 10.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/19/2011

HB 230, introduced by Gibson

HB 337, introduced by Menahan

HB 352, introduced by Osmundson

HB 359, introduced by Vance

HB 410, introduced by Beck

HB 412, introduced by Harris

HB 419, introduced by Beck

MOTIONS

Senator Williams moved the Democrats recess for caucus. Senator Essmann moved the Republicans recess for caucus. Motion carried.

Senate in recess.

Senate reconvened at 1:36 p.m.

Senator Jent moved to refer **SB 336** to the Judiciary committee. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Brenden, Hinkle.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

Senator Van Dyk moved that **SB 332** be taken from the Energy and Telecommunications committee and brought before the Committee of the Whole committee. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Gillan moved that **SB 141** be taken from Education and Cultural Resources and brought before the Committee of the Whole. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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FIRST READING AND COMMITMENT OF BILLS

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

HB 70, introduced by Menahan (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 79, introduced by Evans (by request of the Department of Natural Resources and Conservation), referred to Finance and Claims.

HB 81, introduced by Roberts (by request of the State Auditor), referred to Finance and Claims.

HB 86, introduced by Wilmer (by request of the Teachers' Retirement Board), referred to State Administration.

HB 100, introduced by Vance, Priest, referred to Business, Labor, and Economic Affairs.

HB 133, introduced by Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

HB 134, introduced by Squires (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 203, introduced by Menahan, referred to Judiciary.

HB 206, introduced by MacLaren, Arntzen, Berry, Connell, Flynn, Greef, Howard, McGillvray, Read, Reichner, C. Smith, Warburton, Welborn, Balyeat, Essmann, Olson, Sonju, referred to Public Health, Welfare and Safety.

HB 218, introduced by Miller, Hendrick, referred to Highways and Transportation.

HB 237, introduced by Menahan, Welborn, Ankney, Belcourt, referred to Energy and Telecommunications.

HB 252, introduced by Hoven, referred to Finance and Claims.

HB 263, introduced by Vance, referred to Local Government.

HB 265, introduced by Vance, Sonju, referred to Business, Labor, and Economic Affairs.

HB 293, introduced by Connell, referred to Taxation.

HB 306, introduced by Berry, Warburton, referred to State Administration.

HB 310, introduced by Blyton, Howard, Hendrick, Ingraham, Wagner, Loney, More, K. Peterson, Knudsen, O'Hara, Regier, Small, Clark, Warburton, Kary, MacLaren, Skees, Blasdel, Taylor, Flynn, C. Smith, Kennedy, Price, Skattum, Yates, McNutt, Jones, Hansen, Burnett, B. Bennett, Connell, Hands, Osmundson, Rosendale, referred to State Administration.

HB 312, introduced by C. Smith, Blasdel, Wagner, Balyeat, Howard, Taylor, Miller, Hale, Regier, Rosendale, O'Hara, Salomon, Edmunds, MacLaren, Beck, O'Neil, More, McGillvray, Skees, Kary, Vance, Yates, Connell, Burnett, K. Peterson, Kerns, Randall, Kennedy, Read, Knox, referred to Public Health, Welfare and Safety.

HB 318, introduced by Warburton, Stahl, G. Bennett, Brown, Ingraham, Ehli, Blyton, Miller, Salomon, Kary, McNiven, referred to Agriculture, Livestock and Irrigation.

HB 330, introduced by B. Bennett, Wilmer, Malek, Small, Reinhart, Squires, Furey, Swanson, McClafferty, Hill, Greef, Skees, Price, Brodehl, Pease-Lopez, Ingraham, Edmunds, Blyton, G. Bennett, Hands, Knox, referred to State Administration.

HB 336, introduced by Menahan, referred to Fish and Game.

HB 339, introduced by Bangerter, Shockley, Price, Flynn, Stahl, Welborn, Wilmer, referred to Fish and Game.

HB 361, introduced by Washburn, referred to Fish and Game.

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HB 379, introduced by Menahan, referred to Judiciary.

HB 401, introduced by Arntzen, referred to Highways and Transportation.

HB 402, introduced by Rosendale, Cuffe, O'Hara, Ankney, Olson, Brenden, McChesney, Tutvedt, Knox, referred to Natural Resources.

HB 409, introduced by Beck, Sonju, Blasdel, Caferro, referred to Public Health, Welfare and Safety.

HB 422, introduced by Hale, Vincent, G. Bennett, Olson, Murphy, McClafferty, Vuckovich, Yates, Noonan, Keane, referred to Natural Resources.

HB 492, introduced by Howard, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

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

SB 113 - Senator Jent moved **SB 113** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 41

Nays: Balyeat, Brenden, Hinkle, Lake, Mowbray, Murphy, Sonju, Steinbeisser, Walker.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 205 - Senator Olson moved **SB 205** do pass.

SB 205 - Senator Olson moved **SB 205**, second reading copy, be amended as follows:

1. Page 1, line 11.

Following: "territory."

Insert: "An electricity supplier may provide electricity supply service in the service territory of a public utility as provided in 69-8-411."

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2. Page 1.

Following: line 29

Insert: "(8) "Electricity supplier" means any person, corporation, or governmental entity that:

(a) sells electricity to customers at retail rates in the state; and

(b) is not a public utility or a cooperative."

Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 205 - Senator Olson moved **SB 205**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 208 - Senator Erickson moved **SB 208** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy,

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Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Buttrey, Hinkle, Jackson, Mowbray, Priest, Sonju, Vincent, Walker.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 - Senator Ripley moved **SB 212** do pass.

SB 212 - Senator Ripley moved **SB 212**, second reading copy, be amended as follows:

1. Page 3, line 9.

Following: "BISON ONTO PRIVATE"

Insert: "or public"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 - Senator Ripley moved **SB 212**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 33

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Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 - Senator Priest moved **SB 226** do pass. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 - Senator Williams moved **SB 226** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 254 - Senator Hutton moved **SB 254** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 289 - Senator Zinke moved **SB 289** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 48

Nays: Hinkle, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 35

Nays: Augare, Blewett, Caferro, Erickson, Hamlett, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

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Total 15

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:

SB 183 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 191 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 39

Nays: Balyeat, Brenden, Buttrey, Hinkle, Jackson, Lake, Priest, Ripley, Tutvedt, Vincent, Walker.

Total 11

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 206 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 228 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 234 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 39

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Nays: Augare, Blewett, Branae, Erickson, Facey, Hawks, Kaufmann, Moss, Stewart-Peregoy, Van Dyk, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 236 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Augare, Blewett, Branae, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 passed as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Moore, Moss, Murphy, Ripley, Shockley, Sonju, Stewart-Peregoy, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke.
Total 35

Nays: Arthun, Brenden, Caferro, Facey, Gallus, Larsen, Lewis, Mowbray, Olson, Priest, Steinbeisser, Tropila, Tutvedt, Williams, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 279 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 311 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 44

Nays: Balyeat, Hinkle, Sonju, Tropila, Wittich, Zinke.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 335 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 4 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of February 21-24, 2011.

MOTIONS

Senator Brenden moved to change his vote on **SB 236** from No to Yes. Without objection, so ordered.

Senator Gallus moved **SB 226** be moved from the Committee of the Whole committee to the Energy and Telecommunications committee. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.

Total 26

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Gallus moved to postpone action on **SB 226** until the 46th Legislative day. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
SB 387, introduced bill, be amended as follows:

2/21/2011

1. Title, page 1, line 5.

Following: "BENEFITS;"

Insert: "AND"

2. Title, page 1, line 6.

Following: "MCA"

Strike: "; AND" through "DATE"

3. Page 1, line 18.

Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Tuesday, February 22, 2011. Motion carried.

Senate adjourned at 3:14 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate