

**SENATE JOURNAL
62ND LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 12, 2011

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Zinke, excused. Quorum present.

BILLS AND JOURNALS:

3/12/2011

Correctly printed: **SB 81, SB 110, SB 199, SB 329, SB 338, HB 53, HB 78, HB 79, HB 82, HB 92, HB 93, HB 98, HB 176, HB 254, HB 259, HB 270, HB 287, HB 367, HB 399, HJR 1.**

Correctly engrossed: **SB 312, SB 317, HB 29, HB 59, HB 169, HB 233, HB 251, HB 252, HB 300, HB 419.**

Examined by the sponsor and found to be correct: **SB 64, SB 69, SB 72, SB 73, SB 95, SB 152, SB 165, SB 186.**

Signed by the Speaker at 2:45 p.m., March 11, 2011: **SB 26, SB 41, SB 46, SB 51, SB 53, SB 60, SB 62, SB 65.**

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman):
HB 61, be amended as follows:

3/11/2011

1. Page 1, line 18.

Following: "road"

Insert: "or less than 25 miles an hour on an unpaved road"

Following: "or"

Insert: "or"

2. Page 1, line 19 through line 21.

Strike: "(D)" on line 19 through "(E)" on line 21

Insert: "(d)"

3. Page 2.

Following: line 17

Insert: "(8) A speed limit set on an unpaved road under subsection (1)(c) must be the same for all types of motor vehicles that may be operated on the road."

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

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HB 380, be amended as follows:

1. Title, line 17.

Following: " ;"

Strike: "AND"

2. Title, line 18.

Following: "MCA"

Insert: " ; AND PROVIDING AN APPLICABILITY DATE"

3. Page 3, line 26.

Following: "salary"

Insert: "in excess of the amounts provided in 7-13-2273(2)"

4. Page 4, line 1.

Strike: "must"

Insert: "may"

Following: "salary"

Insert: " ."

5. Page 4, line 4 through line 9.

Strike: "in an" on line 4 through "district." on line 9

Insert: "(2) Except as provided in subsection (3), a salary may not exceed the following amounts:

(a) \$60 in districts with a population of no more than 500 persons;

(b) \$80 in districts with a population that exceeds 500 but is no more than 5,000 persons;

and

(c) \$100 in districts with a population of more than 5,000 persons.

(3) A salary may exceed the amounts provided under subsection (2) if the salary is in an amount proposed by the president of the board and approved by one of the following methods:

(a) an affirmative vote of the majority of the votes cast by the qualified voters of the district in an election held either by mail ballot, as provided in Title 13, chapter 19, or in conjunction with a regular or primary election; or

(b) an affirmative vote of the majority of the qualified voters of the district who are present and voting at an annual organizational meeting of the district."

Renumber: subsequent subsections

6. Page 4, lines 10 and 11.

Following: "receive" on line 10

Strike: "a"

Insert: "the"

Following: "salary"

Insert: ", if any,"

Strike: "equal" on line 10 through "section"

Insert: "established for the board member position at the time that the member was elected"

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7. Page 9.

Following: line 1

Insert: "NEW SECTION. Section 13. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent section

8. Page 9.

Following: line 5

Insert: "NEW SECTION. Section 15. Applicability. The provisions of [section 6] apply to a change in salary occurring after [the effective date of this act]."

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

HB 426, be concurred in. Report adopted.

HB 552, be amended as follows:

1. Page 9, line 1.

Strike: "a not-for-profit"

Insert: "an"

Following: "service"

Insert: "not otherwise covered by subsection (1)(g)"

2. Page 12, line 19.

Strike: "FIREFIGHTER"

Insert: "emergency medical technician"

3. Page 12, line 20.

Strike: "FIREFIGHTER"

Insert: "emergency medical technician"

4. Page 12, lines 22 through 24.

Strike: "THE TRUSTEES" on line 22 through "BENEFITS." on line 24

Following: "MADE" on line 24

Insert: "as provided in subsection (12)(a)"

5. Page 12, lines 26 through 28.

Strike: subsection (d) in its entirety

Renumber: subsequent subsection

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

NATURAL RESOURCES (Barrett, Chairman):

HB 28, be concurred in. Report adopted.

HB 37, be concurred in. Report adopted.

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HB 52, be concurred in. Report adopted.
HB 402, be concurred in. Report adopted.
HB 422, be concurred in. Report adopted.
HB 497, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/11/2011
SB 325, do pass. Report adopted.
HB 99, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/11/2011
HB 103, be amended as follows:

1. Title, line 7.

Following: "AS THE"

Insert: "DEPARTMENT'S"

2. Title, line 8.

Following: "DISPOSE OF"

Insert: "ITS"

3. Page 3, line 18.

Following: "dispose of"

Insert: "its"

4. Page 3, line 21.

Following: "place of the"

Insert: "department's"

5. Page 3, line 22.

Following: "the"

Insert: "department's"

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

SB 253, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "CONVERSION,"

Insert: "THE QUALIFIED ENDOWMENTS CREDIT,"

2. Title, line 16 through line 17.

Strike: "REPEALING" on line 16 through "LICENSE TAXES;" on line 17

3. Title, page 1, line 22.

Following: "7-21-3715,"

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Insert: "15-1-230,"

Following: "15-30-2320,"

Insert: "15-30-2327, 15-30-2328, 15-30-2329,"

4. Title, page 1, line 23.

Following: "15-31-151,"

Insert: "15-31-161, 15-31-162,"

5. Title, line 27.

Strike: "15-50-207,"

6. Page 30.

Following: line 1

Insert: 15-1-230. Report on income tax credit to committee."

7. Page 30.

Following: line 3

Insert: 15-30-2327. Qualified endowments credit -- definitions -- rules.

15-30-2328. Credit for contributions to qualified endowment -- recapture of credit -- deduction included as income.

15-30-2329. Beneficiaries of estates -- credit for contribution to qualified endowment.

8. Page 30.

Following: line 9

Insert: 15-31-161. Credit for contribution by corporations to qualified endowment -- recapture of credit -- deduction included as income.

15-31-162. Small business corporation, partnership, and limited liability company credit for contribution to qualified endowment -- recapture of credit -- deduction included as income.

9. Page 31, line 17.

Strike: line 17 in its entirety

And, as amended, do pass. Report adopted.

SB 288, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "unlawful"

Insert: "erroneous"

2. Page 1, line 16.

Strike: "unlawful"

Insert: "erroneous"

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3. Page 1, line 19.

Following: "(b)"

Insert: "(i)"

4. Page 1.

Following: line 21

Insert: "(ii) If an appeal is filed before the administrative board and the board does not find in favor of the taxpayer and if a payment was made under protest or the taxpayer makes a payment under protest before the assessment becomes delinquent, the taxpayer may initiate an action in court as provided in subsection (2)."

And, as amended, do pass. Report adopted.

SB 295, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "DESCRIPTION;"

Insert: "PROVIDING THAT THE CONSIDERATION PAID ON A MORTGAGE FORECLOSURE MUST BE DISCLOSED IN A REALTY TRANSFER CERTIFICATE;"

2. Title, page 1, line 10.

Following: "PRACTICE;"

Insert: "REQUIRING THAT ERRONEOUS CALCULATION ERRORS MUST BE CORRECTED FOR ALL AFFECTED PROPERTIES;"

Strike: "AND"

3. Title, page 1, line 11.

Following: "15-7-102"

Insert: ", 15-7-307,"

Strike: "AND"

Following: "15-8-111,"

Insert: "AND 15-8-601,"

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

4. Page 2, line 25.

Strike: "annually"

Insert: "at any time but only once each valuation cycle"

5. Page 2, line 26.

Following: "price"

Insert: "or the capitalization of net income method"

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6. Page 2, line 28.

Strike: "2"

Insert: "4"

7. Page 2, line 29.

Following: "residential"

Insert: "and commercial"

Following: "objector"

Insert: "by posted mail or e-mail, unless the objector waives receiving the information,"

8. Page 3.

Following: line 3

Insert: "(c) For properties valued using the capitalization of net income method as one approximation of market value, notice must be provided that the taxpayer will be given a form to acknowledge confidentiality requirements for the receipt of all information that the department used in the valuation model for the property."

Renumber: subsequent subsections

9. Page 4, line 3.

Insert: "**Section 2.** Section 15-7-307, MCA, is amended to read:

"15-7-307. Certificate -- exceptions. The certificate required by this part applies to all transfers. However, the certificate filed for the following transfers need not disclose the consideration paid or to be paid for the real estate transferred:

- (1) an instrument recorded prior to July 1, 1975;
- (2) the sale of agricultural land when the land is used for agricultural purposes;
- (3) the sale of timberland when the land is used for producing timber;
- (4) a transfer by the United States, this state, or any instrumentality, agency, or subdivision of the United States or this state;
- (5) an instrument that (without added consideration) confirms, corrects, modifies, or supplements a previously recorded instrument;
- (6) a transfer pursuant to a court decree;
- (7) a transfer pursuant to mergers, consolidations, or reorganizations of corporations, partnerships, or other business entities;
- (8) a transfer by a subsidiary corporation to its parent corporation without actual consideration or in sole consideration of the cancellation or surrender of subsidiary stock;
- (9) a transfer of decedents' estates;
- (10) a transfer of a gift;
- (11) a transfer between husband and wife or parent and child with only nominal actual consideration for the transfer;
- (12) an instrument the effect of which is to transfer the property to the same party or parties;
- (13) a sale for delinquent taxes or assessments, a sheriff's sale, or a sale pursuant to a bankruptcy action court order, or mortgage foreclosure;
- (14) a transfer made in contemplation of death."

Renumber: subsequent section

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10. Page 4, line 21.

Following: "following the"

Insert: "appropriate"

Following: "practice"

Insert: "for mass appraisal"

11. Page 6.

Following: line 15

Insert: "**Section 4.** Section 15-8-601, MCA, is amended to read:

"15-8-601. Assessment revision -- conference for review. (1) (a) Except as provided in subsection (1)(b), whenever the department discovers that any taxable property of any person has in any year escaped assessment, been erroneously assessed, or been omitted from taxation, the department may assess the property provided that the property is under the ownership or control of the same person who owned or controlled it at the time it escaped assessment, was erroneously assessed, or was omitted from taxation. All revised assessments must be made within 10 years after the end of the calendar year in which the original assessment was or should have been made.

(b) Within the time limits set by 15-23-116, whenever the department discovers property subject to assessment under Title 15, chapter 23, that has escaped assessment, been erroneously assessed, or been omitted from taxation, the department may issue a revised assessment to the person, firm, or corporation who owned the property at the time it escaped assessment, was erroneously assessed, or was omitted from taxation, regardless of the ownership of the property at the time of the department's revised assessment.

(c) If an erroneous assessment is due to a calculation error by the department, the department shall revise the assessment of like properties that were also erroneously assessed using the same calculation.

(2) When the department proposes to revise the statement reported by the taxpayer under 15-8-301, the action of the department is subject to the notice and conference provisions of this section. Revised assessments of centrally assessed property are subject to review pursuant to 15-1-211.

(3) (a) Notice of revised assessment pursuant to this section must be made by the department by postpaid letter addressed to the person interested within 10 days after the revised assessment has been made. If the property is locally assessed, the notice must include the opportunity for a conference on the matter, at the request of the person interested, within 30 days after notice is given.

(b) An assessment revision review conference is not a contested case as defined in the Montana Administrative Procedure Act. The department shall keep minutes in writing of each assessment revision review conference, and the minutes are public records.

(c) Following an assessment revision review conference or expiration of the opportunity for a conference, the department shall order an assessment that it considers proper. Any party to the conference aggrieved by the action of the department or a taxpayer who does not request a conference may appeal to the county tax appeal board within 30 days of receipt of the revised assessment or the department's assessment made pursuant to the conference.

(4) The department shall enter in the property tax record all changes and corrections made by it."

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Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2012."

And, as amended, do pass. Report adopted.

SB 333, do pass. Report adopted.

SB 376, do pass. Report adopted.

HB 219, be concurred in. Report adopted.

HB 293, be concurred in. Report adopted.

HB 348, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/11/2011

HB 467, introduced by Brodehl

Senate bills concurred in and returned to the Senate: 3/11/2011

SB 203, introduced by Zinke

SB 211, introduced by Hutton

SB 256, introduced by Gillan

SB 258, introduced by Buttrey

SB 289, introduced by Zinke

SB 335, introduced by Shockley

Senate joint resolution concurred in and returned to the Senate: 3/11/2011

SJR 9, introduced by Hutton

FIRST READING AND COMMITMENT OF BILLS

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

SB 404, introduced by Blewett, referred to State Administration.

SB 405, introduced by Blewett, referred to Agriculture, Livestock and Irrigation.

SB 406, introduced by Essmann, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 17, introduced by Tutvedt, referred to Taxation.

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

HB 467, introduced by Brodehl, Hiner, McChesney, Cook, Roberts, Hollenbaugh, Cuffe, Sesso, Greef, O'Neil, Miller, Vance, Berry, Walker, Kennedy, Zinke, Evans, Hollandsworth, K. Williams,

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Gibson, Read, Lavin, Beck, Osmundson, referred to Taxation.
HB 568, introduced by Wagner, referred to Natural Resources.

**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 Facey in the chair.

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

HB 69 - Senator Jent moved consideration of **HB 69** be passed for the day. Without objection, so ordered.

SB 237 - Senator Arthun moved **SB 237** do pass. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 31

Nays: Augare, Balyeat, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hinkle, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Hinkle introduced The Zylawy Brothers Band from Mineral County, Montana. The brothers were Roman, Kenley, and Wyatt.

HB 12 - Senator Blewett moved **HB 12** be concurred in.

HB 12 - Senator Essmann moved consideration of **HB 12** be passed for the day. Without objection, so ordered.

HB 62 - Senator Gallus moved **HB 62** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

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Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Balyeat, Gallus, Kaufmann.
Total 3

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 81 - Senator Buttrey moved **HB 81** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 42

Nays: Arthun, Facey, Hinkle, Priest, Sonju, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 86 - Senator Jent moved **HB 86** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 43

Nays: Essmann, Priest, Sonju, Vincent, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

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Excused: Zinke.

Total 1

HB 120 - Senator Blewett moved consideration of **HB 120** be passed for the day. Without objection, so ordered.

HB 125 - Senator Steinbeisser moved **HB 125** be concurred in.

HB 125 - Senator Steinbeisser moved **HB 125**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "INSURERS;"

Insert: "REVISING THE DEFINITION OF "INSURER" RELATING TO CAPTIVE RISK RETENTION GROUPS;"

2. Title, page 1, line 16.

Following: "33-2-601,"

Insert: "33-2-1501,"

3. Page 5.

Following: line 20

Insert: "**Section 8.** Section 33-2-1501, MCA, is amended to read:

"33-2-1501. Definitions. As used in parts 15 through 17 of this chapter, the following definitions apply:

(1) "Accredited state" means a state in which the department of insurance or regulatory agency has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the national association of insurance commissioners.

(2) "Actuary" means a person who is a member in good standing of the American academy of actuaries.

(3) "Captive insurer" means:

(a) an insurer that is owned by another entity and whose exclusive purpose is to insure risks of the parent entity and its affiliates; or

(b) in the case of a group or association, an insurer that is owned by the member insureds and whose exclusive purpose is to insure risks to member insureds and their affiliates.

(4) "Control" or "controlled" has the meaning defined in 33-2-1101.

(5) "Controlled insurer" means an authorized insurer that is controlled, directly or indirectly, by a producer.

(6) "Controlling person" means a person, firm, association, or corporation that has the power to direct or cause to be directed the management, control, or activities of a reinsurance intermediary.

(7) "Controlling producer" means a producer who, directly or indirectly, controls an insurer.

(8) (a) "Insurer" means any person, firm, association, or corporation authorized, under Title 33, chapter 2, part 1, to transact insurance business in this state.

(b) The With regard to part 15 only, the following are not insurers:

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- (i) risk retention groups as defined in:
 - (A) the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986);
 - (B) the Liability Risk Retention Act of 1986, 15 U.S.C. 3901, et seq.; or
 - (C) Title 33, chapter 11, part 1;
 - (ii) residual market pools and joint underwriting authorities or associations; or
 - (iii) captive insurers.
 - (c) With regard to parts 16 and 17, captive insurers are not insurers but captive risk retention groups are insurers.
- (9) "Licensed producer" means a producer or reinsurance intermediary licensed pursuant to this title.
- (10) (a) "Managing general agent" means a person who:
- (i) manages all or part of the insurance business of an insurer and acts as an agent for the insurer;
 - (ii) either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross written premiums equal to or more than 5% of the policyholder surplus in any quarter or year; and
 - (iii) engages in one or more of the following activities on the business produced:
 - (A) adjustment or payment of claims in excess of an amount determined by the commissioner; or
 - (B) negotiation of reinsurance on behalf of the insurer.
 - (b) Notwithstanding the provisions of subsection (10)(a), the following persons are not considered managing general agents:
 - (i) an employee of the insurer;
 - (ii) a manager of the United States branch of an alien insurer;
 - (iii) an underwriting manager who, pursuant to contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, is subject to Title 33, chapter 2, part 11, and whose compensation is not based solely on the value of premiums written; or
 - (iv) the attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or an interinsurance exchange under powers of attorney.
- (11) "NAIC" means the national association of insurance commissioners.
- (12) "Producer" means an insurance producer or reinsurance intermediary authorized or licensed pursuant to this title.
- (13) (a) "Qualified United States financial institution" means a financial institution that:
- (i) is organized or licensed under the laws of the United States or any state;
 - (ii) is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies and that either:
 - (A) is determined by the commissioner to meet the standards of financial condition and standing considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit are acceptable to the commissioner; or
 - (B) is eligible to act as a fiduciary of a trust or has been granted authority to operate with fiduciary powers.
 - (b) For purposes of this definition, the commissioner may by rule adopt standards of financial condition and standing that may be developed from time to time by the securities valuation office of the NAIC.

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(14) "Reinsurance intermediary" means a reinsurance intermediary-broker or a reinsurance intermediary-manager.

(15) "Reinsurance intermediary-broker" means a person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the insurer.

(16) (a) "Reinsurance intermediary-manager" means a person who:

(i) has authority to bind or who manages all or part of the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office; and

(ii) acts as an agent for the reinsurer, whether known as a reinsurance intermediary-manager, manager, or other similar term.

(b) The following persons are not considered reinsurance intermediary-managers with respect to the reinsurer:

(i) an employee of the reinsurer;

(ii) a manager of the United States branch of an alien reinsurer;

(iii) an underwriting manager who, pursuant to contract, manages all of the reinsurance operations of the reinsurer, is under common control with the reinsurer, is subject to Title 33, chapter 2, part 11, and whose compensation is not based on the volume of premiums written; or

(iv) a person who manages groups, associations, pools, or organizations of insurers that engage in joint underwriting or joint reinsurance and that are subject to examination by the insurance commissioner of the state in which the manager's principal business office is located.

(17) "Reinsurer" means a person, firm, association, or corporation licensed in this state under this title as an insurer with authority to assume reinsurance.

(18) "Underwrite" means the authority to accept or reject risk on behalf of the insurer.""

Renumber: subsequent sections

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, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

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HB 125 - Senator Steinbeisser moved **HB 125**, as amended, be concurred in.

HB 125 - Senator Williams made a **substitute motion** that consideration of **HB 125** be passed for the day. Without objection, so ordered.

HB 191 - Senator Murphy moved **HB 191** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, 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, Mr. President.

Total 47

Nays: Gillan, Jackson.

Total 2

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report 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, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

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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 81 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Larsen, Lewis, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Nays: Balyeat, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jones, Keane, Lake, Moore, Mowbray, Priest, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 17

Paired: Zinke, Aye; Essmann, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 338 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Paired: Zinke, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 53 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones,

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Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 46

Nays: Essmann, Sonju, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

HB 64 concurred in as follows:

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

Total 44

Nays: Augare, Gallus, Kaufmann, Moss, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

HB 79 concurred in 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, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Zinke.

Total 1

HB 82 concurred in as follows:

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

Total 43

Nays: Gallus, Moore, Mowbray, Ripley, Steinbeisser, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

HB 92 concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.

Total 37

Nays: Augare, Blewett, Caferro, Gallus, Kaufmann, Keane, Larsen, Stewart-Peregoy, Van Dyk, Vuckovich, Williams, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

HB 93 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, 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, Mr. President.

Total 48

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Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

HB 169 concurred in as follows:

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

Total 44

Nays: Blewett, Facey, Gallus, Kaufmann, Van Dyk.

Total 5

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

HB 233 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, 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, Mr. President.

Total 46

Nays: Erickson, Gallus, Kaufmann.

Total 3

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

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HB 252 failed as follows:

Yeas: Arthun, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moss, Olson, Priest, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 25

Nays: Augare, Balyeat, Barrett, Blewett, Essmann, Gallus, Hinkle, Hutton, Kaufmann, Lake, Moore, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 25

Paired: Gillan, Aye; Zinke, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 419 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, 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, Mr. President.

Total 47

Nays: Blewett, Gallus.

Total 2

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of March 7-12, 2011.

MOTIONS

Senator Jent moved **HB 12** and **HB 69** be moved from the Committee of the Whole to the Judiciary committee.

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

Total 42

Nays: Brenden, Jones, Priest, Ripley, Walker, Windy Boy, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

Senator Balyeat moved **HB 125** be moved from the Committee of the Whole to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

Sen. Tropila moved to reconsider the Third Reading action on **HB 252** and HB 252 be placed on Third Reading on Monday, March 14, 2011.

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

Total 44

Nays: Balyeat, Lewis, Murphy, Tutvedt, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: Zinke.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, March 14, 2011. Motion carried.

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Senate adjourned at 9:51 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate