

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

Helena, Montana
March 15, 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, except Senators Gallus, Gillan excused. Quorum present.

Senator Gallus present.

Senator Gillan present.

"Expressions of Silence," from the Montana School for the Deaf and the Blind, performed a variety of songs using sign language and dance.

BILLS AND JOURNALS:

3/15/2011

Correctly printed: **SB 385, HB 78, HB 98, HB 120, HB 171, HB 176, HB 374, HB 456.**

Correctly engrossed: **SB 372, HB 95, HB 287, HB 288, HB 356, HB 367, HB 399.**

Examined by the sponsor and found to be correct: **SB 19, SB 203, SB 211, SB 256, SB 258, SB 289, SB 335, SJR 9.**

Signed by the Speaker at 2:30 p.m., March 15, 2011: **SB 19, SB 203, SB 211, SB 256, SB 258, SB 289, SB 335, SJR 9.**

Signed by the President at 4:50 p.m., March 14, 2011: **SB 19, SB 203, SB 211, SB 256, SB 258, SB 289, SB 335, SJR 9.**

Signed by the Secretary of the Senate at 3:40 p.m., March 14, 2011: **SB 19, SB 203, SB 211, SB 256, SB 258, SB 289, SB 335, SJR 9.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):

3/15/2011

HB 324, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman):

3/15/2011

HB 141, be concurred in. Report adopted.

HB 446, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman):

3/14/2011

HB 181, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman):

3/14/2011

HB 526, be amended as follows:

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1. Page 1, line 28.

Strike: "even though health care regulation is properly the authority and responsibility of the states."

Insert: "and placed increasing strain on state budgets, impairing other responsibilities such as education, infrastructure, and public safety."

2. Page 2, line 15.

Following: "services,"

Strike: "or"

Following: "supplies"

Insert: ", or plans"

3. Page 2, line 19.

Strike: "and"

4. Page 2, line 20.

Strike: "."

Insert: "; and"

Following: line 20

Insert: "(iii) an individual or group plan that provides or pays the cost of care, services, or supplies related to the health of an individual."

5. Page 2, line 21.

Strike: "goods and services"

Insert: "any care, services, supplies, or plans"

6. Page 2, line 22.

Following: "affairs"

Insert: "or provided to Indians"

7. Page 2, line 28.

Following: "compact"

Insert: "in order to return the authority to regulate health care to the member states consistent with the goals and principles articulated in this compact"

8. Page 3.

Following: line 5

Strike: line 6 through line 8

Insert: "Each member state, within its state, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to the compact. Federal laws, rules, regulations, and orders regarding health care remain in effect unless a member state expressly suspends them pursuant to its authority under the compact. For any federal law, rule, regulation, or order that remains in effect in a member state after [the effective date

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of this act], that member state is responsible for the associated funding obligations in its state."

9. Page 3, line 30.

Following: "reconciled"

Insert: "by the congress of the United States"

10. Page 4, line 17.

Strike: "costs"

Insert: "prices"

11. Page 4, line 18.

Following: "."

Insert: "Notwithstanding any other provision in the compact, no member state may disclose to the commission the health information of any individual, nor shall the commission disclose the health information of any individual."

12. Page 4, line 29.

Strike: "the"

Insert: "at least two"

13. Page 5, line 1.

Strike: "and to supersede"

Insert: "pursuant to this compact and to suspend the operation of"

14. Page 5, line 2.

Strike: "law"

Insert: "laws, rules, regulations, and orders"

15. Page 5, line 7.

Following: "by"

Insert: "unanimous"

Following: "states"

Strike: remainder of line 7 through line 8

Insert: "without the prior consent or approval of the congress of the United States."

16. Page 5, line 9.

Following: "(2)"

Strike: remainder of line 9 through line 10

Insert: "Any amendment is effective unless, within 1 year, the congress of the United States disapproves the amendment."

17. Page 5, line 11.

Following: "(3) "

Strike: remainder of line 11 through line 13

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Insert: "Any state may join the compact after the date on which the congress of the United States consents to the compact by adopting the compact into law under its state constitution."

18. Page 5.

Following: line 16

Insert: "(2) Withdrawal may not take effect until 6 months after the governor of the withdrawing member state has given notice of the withdrawal to the other member states.

(3) A withdrawing state is liable for any obligations that it may have incurred prior to the date its withdrawal becomes effective."

Renumber: subsequent subsections

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

HB 573, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

3/14/2011

HB 484, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman):

3/15/2011

SB 253, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "THE QUALIFIED ENDOWMENTS CREDIT,"

2. Title, page 1, line 22.

Strike: "15-1-230,"

3. Title, page 1, line 23.

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

4. Title, page 1, line 24.

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

5. Page 30, line 3.

Strike: line 3 in its entirety

6. Page 30, line 6 through line 9.

Strike: line 6 through line 9 in their entirety

7. Page 30, line 16 through line 20.

Strike: line 16 through line 20 in their entirety

8. Page 32, line 22.

Insert: "COORDINATION SECTION. Section 18. Coordination instruction. If Senate Bill No. 372 is not passed and approved, then [this act] is void."

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Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 358, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "URBAN RENEWAL AND"

2. Title, line 6.

Strike: "URBAN RENEWAL AREAS AND"

3. Title, page 1, line 7.

Following: "FINANCING;"

Insert: "REMOVING SCHOOL RETIREMENT AND STATE SCHOOL MILLS FROM THE INCREMENTAL VALUE WITHIN TAX INCREMENT FINANCE PROVISIONS FOR AN AREA OR DISTRICT THAT EXCEEDS 640 ACRES, INCLUDING ADJACENT AREAS OR DISTRICTS;"

4. Title, line 10 through line 15.

Strike: "7-15-4202" on line 10 through "7-15-4281," on line 15

Strike: "7-15-4285," on line 15

Strike: "7-15-4287," on line 15

5. Title, line 16.

Strike: "7-15-4289,"

Strike: "7-15-4291,"

6. Title, line 17.

Strike: "7-15-4305" through "7-15-4323,"

Insert: "AND"

Following: "7-15-4324,"

Strike: "AND 71-3-1506,"

7. Page 1, line 27.

Strike: "local governments"

Insert: "municipalities"

8. Page 1, line 29.

Strike: "local governments"

Insert: "municipalities"

9. Page 1, line 30.

Following: "impeding"

Strike: "the"

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Insert: "their"

Following: "ability"

Strike: "of local governments"

10. Page 2, line 8.

Strike: "local governing body"

Insert: "municipality"

11. Page 2, line 19 through line 20.

Strike: "local governing body"

Insert: "municipality"

12. Page 2, line 23.

Strike: "local governing body"

Insert: "municipality"

13. Page 2, line 24.

Strike: "local governing body"

Insert: "municipality"

14. Page 3, line 7.

Strike: "local governing body"

Insert: "municipality"

15. Page 3, line 9.

Strike: "local government"

Insert: "municipality"

16. Page 3, line 10 through line 11.

Strike: "local government"

Insert: "municipality"

17. Page 3, line 13 through page 26, line 6.

Strike: section 5 through section 45 in their entirety

Renumber: subsequent sections

18. Page 26, line 18.

Following: "7-15-4294"

Insert: "and [sections 1 through 4]"

19. Page 27.

Following: line 15

Insert: "(4) "Municipality", for the purposes of a targeted economic development district, means any incorporated city or town, a county, or a city-county consolidated local government."

Renumber: subsequent subsections

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20. Page 28, line 5.

Strike: "local government"

Insert: "municipality"

21. Page 28, line 9.

Strike: "resolution,"

22. Page 28, line 12 through line 16.

Strike: section 49 in its entirety

Renumber: subsequent sections

23. Page 28, line 27 through line 28.

Following: "bodies"

Insert: "as specified in subsection (2)(b)"

Strike: ", except for the university system mills levied and assessed against property," on lines 27 and 28

24. Page 28, line 29.

Strike: "local government"

Insert: "municipality"

25. Page 28.

Following: line 29

Insert: "(b) If the size of the area or district is less than 640 acres, the tax increment does not include university system mills assessed against the property. If the size of the area or district is 640 acres or greater or if the acreage of other areas or districts within 5 miles of the boundary of the area or district when added to the number of acres in the area or district equals or exceeds 640 acres, the tax increment does not include university system mills or school mills levied under 20-9-331, 20-9-333, and 20-9-360."

Renumber: subsequent subsections

26. Page 29, line 3 through line 19.

Strike: section 51 in its entirety

Renumber: subsequent sections

27. Page 29, line 23.

Strike: "local governing body"

Insert: "municipality"

28. Page 30, line 15.

Strike: "local government"

Insert: "municipality"

29. Page 31, line 1 through line 4.

Strike: section 53 in its entirety

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Renumber: subsequent sections

30. Page 31, line 22.

Strike: "local government"

Insert: "municipality"

31. Page 31, line 25.

Strike: "local government"

Insert: "municipality"

32. Page 31, line 28.

Strike: "local government"

Insert: "municipality"

33. Page 31, line 30.

Strike: "local government"

Insert: "municipality"

34. Page 32, line 4 through line 8.

Strike: section 55 in its entirety

Renumber: subsequent sections

35. Page 32, line 20.

Strike: "local government"

Insert: "municipality"

36. Page 32, line 23 through line 24.

Strike: "local government"

Insert: "municipality"

37. Page 33, line 19.

Strike: "local"

38. Page 33, line 20.

Following: "municipality"

Insert: "of a municipality"

39. Page 33, line 22.

Strike: "local governing body"

Insert: "municipality"

40. Page 34, line 10.

Strike: "local governing body"

Insert: "municipality"

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41. Page 35, line 1.

Strike: "local"

Following: "municipality"

Insert: "of the municipality"

42. Page 35, line 7.

Strike: "local government"

Insert: "municipality"

43. Page 35, line 9.

Strike: "local governing body's"

Insert: "municipality's"

44. Page 35, line 16.

Strike: "local government"

Insert: "municipality"

45. Page 35, line 23 through line 24.

Strike: "local government"

Insert: "municipality"

46. Page 35, line 25.

Strike: "local government"

Insert: "municipality"

47. Page 35, line 29.

Strike: "local government"

Insert: "municipality"

48. Page 35, line 30.

Strike: "local government"

Insert: "municipality"

49. Page 36, line 1.

Strike: "local government"

Insert: "municipality"

50. Page 36, line 5 through line 6.

Strike: "local government"

Insert: "municipality"

51. Page 36, line 9.

Strike: "local"

Following: "municipality"

Insert: "of the municipality"

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52. Page 36, line 18.

Strike: "local government"

Insert: "municipality"

53. Page 36, line 21 through line 22.

Strike: "local government"

Insert: "municipality"

54. Page 36, line 27.

Strike: "local government"

Insert: "municipality"

55. Page 37, line 1.

Strike: "local governing body"

Insert: "municipality"

56. Page 37, line 8.

Strike: "local government"

Insert: "municipality"

57. Page 37, line 15 through page 39, line 3.

Strike: section 62 through section 65 in their entirety

Renumber: subsequent sections

58. Page 39, line 13.

Strike: "local"

59. Page 39, line 16.

Strike: "local governing body"

Insert: "municipality"

60. Page 39, line 20 through line 23.

Strike: section 67 in its entirety

Renumber: subsequent sections

61. Page 39, line 29 through line 30.

Strike: "local governing body"

Insert: "municipality"

And, as amended, do pass. Report adopted.

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FIRST READING AND COMMITMENT OF BILLS

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

SB 407, introduced by Lake, referred to Taxation.

SB 408, introduced by Kaufmann, referred to Taxation.

**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 Wanzenried in the chair.

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

SB 67 - House Amendments - Senator Shockley moved House amendments to **SB 67** be concurred in. 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 110 - Senator Brenden moved **SB 110** 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, 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

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 199 - Senator Balyeat moved **SB 199** do pass. Motion carried as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 288 - Senator Gillan moved **SB 288** 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 312 - Senator Vincent moved **SB 312** do pass.

SB 312 - Senator Hamlett moved **SB 312**, second reading copy, be amended as follows:

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1. Page 18, line 29.

Strike: "50"

Insert: "10"

Amendment **not** adopted as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 312 - Thereupon, the Senate reverted to the original motion of Senator Vincent which passed as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 325 - Senator Balyeat moved **SB 325** do pass. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Due to the two-thirds voting requirement, **SB 325** will proceed to Third Reading.

SB 329 - Senator Zinke moved **SB 329** 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 333 - Senator Shockley moved **SB 333** 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

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Excused: None.

Total 0

SB 347 - Senator Lake moved **SB 347** 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

HB 28 - Senator Hamlett moved **HB 28** be concurred in. Motion carried as follows:

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

Total 46

Nays: Jackson, Mowbray, Tutvedt, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 37 - Senator Walker moved **HB 37** be concurred in. 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

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

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

Total 44

Nays: Brenden, Essmann, Keane, Lake, Tutvedt, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 70 - Senator Jent moved **HB 70** be concurred in. Motion carried as follows:

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

Total 41

Nays: Brenden, Buttrey, Gillan, Priest, Ripley, Sonju, Walker, Wittich, Zinke.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 426 - Senator Brown moved **HB 426** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

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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 325 - Senator Gallus moved **SB 325** be indefinitely postponed. 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 Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Wanzenried 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, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

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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 385 passed as follows:

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

Total 35

Nays: Arthun, Balyeat, Brenden, Buttrey, Essmann, Hinkle, Jackson, Lake, Lewis, Mowbray, Olson, Priest, Steinbeisser, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 78 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, Zinke, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 98 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, Zinke, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 120 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, Zinke, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 171 concurred in as follows:

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

Total 44

Nays: Brenden, Essmann, Hutton, Murphy, Ripley, Wittich.

Total 6

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 176 concurred in as follows:

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

Total 43

Nays: Blewett, Erickson, Kaufmann, Moss, Tutvedt, Van Dyk, Williams.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 287 concurred in as follows:

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

Total 45

Nays: Erickson, Kaufmann, Larsen, Moss, Williams.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 356 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried,

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Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Essmann, Gallus, Hutton, Olson, Sonju.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 367 concurred in as follows:

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

Total 43

Nays: Brenden, Caferro, Gallus, Hawks, Ripley, Steinbeisser, Van Dyk.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 399 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, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 47

Nays: Gallus, Stewart-Peregoy, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

3/15/2011

HB 2, introduced by McNutt

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 2, introduced by McNutt (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, March 16, 2011. Motion carried.

Senate adjourned at 2:54 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate