

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

Helena, Montana
March 24, 2011

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Tutvedt presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator J. Peterson, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Augare introduced Kacie West, the current Miss Montana, who escorted Sotara Barnaby into the Senate chamber. Senator Augare read the following Joint proclamation:

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

Honoring Sotara Barnaby

March 24, 2011

Commending Sotara Barnaby, a ten-year old Native American girl from Pablo, who is being treated at Shodair Children's Hospital, and whose optimism and determination helps her triumph over a rare genetic condition, allowing her to live a fruitful life with family and community.

WHEREAS, Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the U.S. and Canada, spotlights the heroic battles of children like Sotara with illnesses of all kinds; and

WHEREAS, Sotara Barnaby will represent Montana in the Children's Miracle Network Hospitals program honoring remarkable children who have met the challenges of severe medical conditions: Champions Across America; and

WHEREAS, Sotara has been selected for her courage, tenacity, and perseverance as the sole representative of children's genetic health needs, and an ambassador for the 17 million children treated each year at Children's Miracle Network affiliated children's hospitals.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MONTANA, that we congratulate Sotara Barnaby for her positive attitude in the face of a significant medical condition, and convey to her their sincere best wishes for safe travel and memorable experiences during her year as Montana's Champion.

President of the Senate
Jim Peterson

Speaker of the House
Mike Milburn

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Senate Minority Leader
Carol Williams

House Minority Leader
Jon Sesso

BILLS AND JOURNALS:

3/24/2011

Correctly printed: **SB 343, HB 25, HB 30, HB 41, HB 123, HB 142, HB 206, HB 225, HB 318, HB 338, HB 339, HB 391, HB 403, HB 430, HB 469, HB 479, HB 498, HB 529, HB 541, HB 566, HB 584.**

Correctly engrossed: **SB 409, SB 410, HB 2, HB 43, HB 100, HB 166, HB 212, HB 237, HB 291, HB 295, HB 341, HB 352, HB 428, HB 467, HB 522, HB 593.**

Correctly enrolled: **SB 351.**

Examined by the sponsor and found to be correct: **SB 176, SB 294, SB 351.**

Signed by the Speaker at 4:48 p.m., March 23, 2011: **SB 7, SB 12, SB 92, SB 125, SB 205, SB 342.**

Signed by the President at 3:45 p.m., March 23, 2011: **SB 7, SB 92, SB 125, SB 205, SB 342.**

Signed by the Secretary of the Senate at 3:05 p.m., March 24, 2011: **SB 7, SB 92, SB 125, SB 205, SB 342.**

Signed by the Secretary of the Senate at 4:20 p.m., March 23, 2011: **SB 12.**

Signed by the President at 4:21 p.m., March 23, 2011: **SB 12.**

Delivered to the Governor for approval at 11:58 a.m., March 24, 2011: **SB 7, SB 12, SB 92, SB 125, SB 205, SB 342.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
HB 275, be amended as follows:

3/24/2011

1. Page 2, line 16.

Following: "lifetime"

Insert: "but not including expenses necessary to care for dependents of the deceased party"

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

HB 408, be amended as follows:

1. Page 2, lines 24 through 25.

Strike: "[the effective" on line 24 through "act]" on line 25

Insert: "July 1, 2012"

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

HB 464, be concurred in. Report adopted.

HB 487, be concurred in. Report adopted.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

JUDICIARY (Murphy, Chairman):
HB 12, be amended as follows:

3/24/2011

1. Title, line 6 through line 7.
Following: the second "OFFENSES" on line 6
Strike: remainder of line 6 through "YEAR" on line 7
2. Page 1, line 15.
Strike: "1 year"
Insert: "6 months"
3. Page 2, line 19.
Strike: "10 days"
Insert: "6 months"
4. Page 2, line 21.
Strike: "20 days"
Insert: "6 months"
5. Page 2, line 24.
Strike: "30 days"
Insert: "1 year"
6. Page 2, line 26.
Strike: "60 days"
Insert: "1 year"
7. Page 2, line 30.
Strike: "10"
Insert: "30"
8. Page 3, line 3.
Strike: "20"
Insert: "60"

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

HB 69, be amended as follows:

1. Page 1, line 28.
Strike: "1 year"
Insert: "6 months"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

2. Page 3, line 10.

Following: "of a"

Insert: "first"

3. Page 3, line 11.

Strike: "1 year"

Insert: "6 months"

4. Page 3, line 13.

Strike: "1 year"

Insert: "6 months"

5. Page 3, line 17.

Strike: "30 days"

Insert: "1 year"

6. Page 3, line 26.

Following: "of a"

Insert: "third"

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

HB 102, be concurred in. Report adopted.

HB 106, be amended as follows:

1. Page 7, line 30.

Strike: "2 years"

Insert: "1 year"

2. Page 8, line 2.

Strike: "2-year"

Insert: "1-year"

3. Page 8, line 3.

Strike: "2-year"

Insert: "1-year"

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

HB 167, be amended as follows:

1. Page 2, lines 12 through 17.

Following: "**exceptions.**" on line 12

Strike: remainder of line 12 through "behalf." on line 17

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Insert: "A prosecution for a violation of 45-5-102 or 45-5-103 with regard to the death of an unborn child may not be brought against:

- (1) a person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which the consent is implied by law;
- (2) a person for any medical treatment of the pregnant woman or her unborn child; or
- (3) a woman with respect to her unborn child."

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

HB 185, be concurred in. Report adopted.

HB 269, be concurred in. Report adopted.

HB 480, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

3/23/2011

HB 91, be amended as follows:

1. Title, page 1, line 19.

Following: "13-25-101,"

Insert: "AND"

Strike: "AND 13-38-202,"

2. Page 50, line 16 through line 29.

Strike: section 76 in its entirety

Renumber: subsequent sections

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

HB 152, be amended as follows:

1. Page 4, line 20.

Following: line 19

Insert: "COORDINATION SECTION. Section 5. Coordination instruction. If both House Bill No. 91 and [this act] are passed and approved, then the section of House Bill No. 91 that amends 13-13-602 is void."

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

HB 279, be amended as follows:

1. Title, page 1, line 11.

Following: "PROVIDING AN"

Insert: "IMMEDIATE"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

2. Page 9, line 8.

Strike: "July 1, 2011."

Insert: "on passage and approval."

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

HB 297, be amended as follows:

1. Page 1, line 15.

Strike: "2015"

Insert: "2013"

2. Page 2, line 29.

Strike: "2020"

Insert: "2025"

3. Page 3, line 2.

Strike: "2020"

Insert: "2025"

4. Page 3, line 6.

Strike: "2020"

Insert: "2025"

5. Page 3, line 10.

Strike: "2020"

Insert: "2025"

6. Page 3, line 15.

Strike: "2020"

Insert: "2025"

7. Page 3, line 18.

Strike: "2020"

Insert: "2025"

8. Page 3, line 20.

Strike: "2020"

Insert: "2025"

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

HB 431, be concurred in. Report adopted.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

TAXATION (Tutvedt, Chairman):

3/24/2011

SB 406, introduced bill, be amended as follows:

1. Title, page 1, lines 11 and 12.

Strike: "CLARIFYING" on line 11 through "MEDIATOR;" on line 12

2. Title, page 1, line 13.

Following: "15-23-104,"

Insert: "AND"

Strike: "AND 26-1-813,"

3. Page 12, line 7 through page 13, line 10.

Strike: section 10 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 413, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "A LEGAL FEDERAL HOLIDAY"

Insert: "CERTAIN FEDERAL HOLIDAYS OR FEDERALLY DECLARED DISASTERS"

2. Page 5, line 20.

Following: "(b)"

Insert: "(i)"

Strike: "legal federal"

Following: "holiday"

Insert: "that defers a filing date as recognized by the Internal Revenue Service and"

3. Page 5.

Following: line 21

Insert: "(ii) The department may extend filing dates and defer or waive interest, penalties, and other effects of late filing for a period not exceeding 1 year for taxpayers affected by a federally declared disaster or a terroristic or military action recognized for federal tax purposes under 26 U.S.C. 7508A."

4. Page 9, line 23.

Following: "(b)"

Insert: "(i)"

Strike: "legal federal"

Following: "holiday"

Insert: "that defers a filing date as recognized by the Internal Revenue Service and"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

5. Page 9.

Following: line 24

Insert: "(ii) The department may extend filing dates and defer or waive interest, penalties, and other effects of late filing for a period not exceeding 1 year for taxpayers affected by a federally declared disaster or a terroristic or military action recognized for federal tax purposes under 26 U.S.C. 7508A."

And, as amended, do pass. Report adopted.

HB 107, be amended as follows:

1. Title, line 8.

Following: "PAYMENTS;"

Insert: "PROVIDING FOR AN AUDIT, AFTER NOTICE, OF COAL ROYALTIES PAID TO THE STATE;"

2. Page 1, line 18.

Following: "at"

Strike: "a"

Insert: "the legal"

Strike: "31-1-107"

Insert: "31-1-106"

3. Page 1, line 28.

Insert: "NEW SECTION. Section 2. Audit -- notice -- action to compel payment. (1) Except as provided in subsection (2), the department may, within 5 years of the filing of a report pursuant to 77-3-317, commence an audit of a lessee's or former lessee's operation to determine whether the report is complete and accurate and whether all royalties owed have been paid. The department shall notify the lessee in writing of the audit. The notice must describe the period for which the audit is being conducted. Upon conclusion of the audit, the department shall notify the lessee of the department's conclusions and, if the department has determined that additional royalties are owed, the basis for that determination. An action to compel payment of royalties due must be commenced within 2 years of the date of mailing the notice.

(2) If a lessee or former lessee, with intent to evade payment of royalties, purposely or knowingly files a false report or purposely or knowingly fails to pay royalties owed, the department may conduct an audit and file an action to collect royalties at any time after the royalties are due."

Renumber: subsequent sections

4. Page 1, line 29.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

5. Page 1, line 30.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

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

MESSAGES FROM THE GOVERNOR

March 23, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 26** sponsored by Senator Blewett, **Senate Bill 41** sponsored by Senator Shockley, **Senate Bill 46** sponsored by Senator Tropila, **Senate Bill 51** sponsored by Senator Tropila, **Senate Bill 53** sponsored by Senator Balyeat, **Senate Bill 60** sponsored by Senator Gillan, **Senate Bill 65** sponsored by Senator Jackson, **Senate Bill 73** sponsored by Senator Murphy, **Senate Bill 95** sponsored by Senator Shockley, and **Senate Bill 152** sponsored by Senator Brown on March 23, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/23/2011

HB 9, introduced by Hollenbaugh
HB 10, introduced by Hollenbaugh
HB 15, introduced by Schmidt
HB 51, introduced by Barrett
HB 375, introduced by Cook
HB 533, introduced by Berry

HB 490, introduced by Warburton, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

Yeas - 65
Nays - 32

3/23/2011

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

HB 574, introduced by Warburton, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/23/2011

Yeas - 66
Nays - 31

Senate amendments to House bill concurred in:

3/23/2011

HB 171, introduced by Ingraham

Senate bill concurred in and returned to the Senate:

3/23/2011

SB 351, introduced by Ripley

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/23/2011

SB 238, introduced by Blewett

MOTIONS

Senator Essmann moved the Senate reconsider its Third Reading action on **SB 403**.

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

Total 28

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

Total 21

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

Senator Essmann moved **SB 403** be moved from third reading to the Finance and Claims committee.

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

Total 29

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

FIRST READING AND COMMITMENT OF BILLS

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

SB 424, introduced by C. Williams, referred to Finance and Claims.

SB 425, introduced by Essmann, referred to Education and Cultural Resources.

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

SJR 23, introduced by Essmann, 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 Brown in the chair.

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

SB 328 - Senator Lewis moved consideration of **SB 328** be passed for the day. Without objection, so ordered.

SB 295 - Senator Lake moved consideration of **SB 295** be placed below **HB 342** on the second reading board. Without objection, so ordered.

HB 315 - Senator Essmann moved consideration of **HB 315** and **HB 528** be placed at the bottom of the second reading board for the purpose of amendment. Without objection, so ordered.

HB 90 - Senator Buttrey moved **HB 90** be concurred in. Motion carried 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, Ripley, Shockley, Steinbeisser,

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 41

Nays: Balyeat, Hinkle, Olson, Priest, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 319 - Senator Essmann moved **SB 319** do pass.

SB 319 - Senator Blewett moved **SB 319**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "LIMITING" through "TECHNICIANS;"

2. Page 1, line 29 through page 2, line 2.
Strike: section 3 in its entirety
Renumber: subsequent sections

3. Page 2, line 25 through line 26.
Strike: section 5 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 35

Nays: Balyeat, Brenden, Buttrey, Caferro, Hinkle, Lake, Moore, Murphy, Ripley, Sonju, Tutvedt, Vincent, Walker, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

SB 319 - Senator Essmann moved **SB 319**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 39

Nays: Balyeat, Hinkle, Hutton, Murphy, Priest, Shockley, Sonju, Vincent, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 402 - Senator Balyeat moved **SB 402** do pass. Motion carried 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, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke.
Total 44

Nays: Erickson, Kaufmann, Moss, Williams, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SJR 17 - Senator Tutvedt moved **SJR 17** be adopted. 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.
Total 49

Nays: None.
Total 0

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 77 - Senator Blewett moved **HB 77** 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.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 116 - Senator Balyeat moved **HB 116** 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, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.

Total 48

Nays: Jackson.

Total 1

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 131 - Senator Jent moved **HB 131** be concurred in.

HB 131 - Senator Jent moved consideration of **HB 131** be passed for the day. Motion carried.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

HB 255 - Senator Windy Boy moved **HB 255** 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.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 256 - Senator Arthun moved **HB 256** 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.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 336 - Senator Facey moved **HB 336** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, 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, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 43

Nays: Balyeat, Brenden, Vincent, Walker, Wittich, Zinke.
Total 6

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 342 - Senator Tutvedt moved consideration of **HB 342** be passed for the day. Without objection, so ordered.

SB 295 - Senator Lake moved **SB 295** do pass.

SB 295 - Senator Kaufmann moved **SB 295**, second reading copy, be amended as follows:

1. Title, page 1, line 11.

Following: "CERTIFICATE;"

Insert: "ALLOWING PARTIAL DISCLOSURE OF CERTAIN REAL ESTATE SALES SUBJECT TO THE REALTY TRANSFER CERTIFICATE;"

2. Title, page 1, line 13.

Following: "15-7-307,"

Insert: "15-7-308,"

3. Page 5, line 7.

Insert: "**Section 3.** Section 15-7-308, MCA, is amended to read:

"15-7-308. Disclosure of information restricted -- exceptions. (1) Except as provided in subsection (2), the certificate required by this part and the information contained in the certificate is not a public record and must be held confidential by the county clerk and recorder and the department. This is because the legislature finds that the demands of individual privacy outweigh the merits of public disclosure. The confidentiality provisions do not apply to compilations from the certificates or to summaries, analyses, and evaluations based upon the compilations.

(2) The confidentiality provisions of this section do not apply to:

(a) the information contained in the water right ownership update form or any other form prepared and filed with the department of natural resources and conservation pursuant to 85-2-424 for purposes of maintaining a system of centralized water right records as mandated by Article IX, section 3(4), of the Montana constitution. A person may access water right transfer information through the department of natural resources and conservation pursuant to the department's implementation of the requirements of 85-2-112(3).

(b) the property address, the legal property description, and the actual sales price listed on the realty transfer certificate for class four residential and commercial property as described in 15-6-134(1)(e) through (1)(g)."

Renumber: subsequent section

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hawks, Jent,

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Kaufmann, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke.
Total 27

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 295 - Thereupon, the Senate reverted to the original motion of Senator Lake which 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, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke.
Total 46

Nays: Stewart-Peregoy, Vuckovich, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 575 - Senator Tutvedt moved **HB 575** be concurred in.

HB 575 - Senator Wittich moved **HB 575**, second reading copy, be amended as follows:

1. Page 4, line 9 through line 11.

Following: "county" on line 9

Insert: "."

Strike: "from" on line 9 through "in order" on line 11

Insert: "If requested by the county, the municipality shall consult with the county governing body or its representatives"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

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.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 575 - Senator Tutvedt moved **HB 575**, as amended, 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.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HJR 19 - Senator Larsen moved **HJR 19** 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.

Total 49

Nays: None.

Total 0

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

Senator Sonju assumed the chair.

HB 315 - Senator Brown moved **HB 315** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich.

Total 34

Nays: Blewett, Caferro, Gallus, Gillan, Keane, Ripley, Sonju, Stewart-Peregoy, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.

Total 15

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 528 - Senator Brown moved **HB 528** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Larsen, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams.

Total 32

Nays: Balyeat, Barrett, Brenden, Caferro, Gallus, Hinkle, Keane, Lake, Lewis, Olson, Steinbeisser, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke.

Total 17

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

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:

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich.
Total 44

Nays: Brenden, Keane, Vuckovich, Windy Boy, Zinke.
Total 5

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

THIRD READING OF BILLS

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

SB 343 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke.
Total 45

Nays: Balyeat, Keane, Vuckovich, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 25 concurred in as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 40

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Nays: Balyeat, Hinkle, Hutton, Mowbray, Sonju, Vincent, Walker, Wittich, Zinke.

Total 9

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 142 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, Zinke.

Total 48

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 212 concurred in as follows:

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

Total 41

Nays: Arthun, Balyeat, Brenden, Gallus, Hinkle, Sonju, Walker, Wittich.

Total 8

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 338 concurred in as follows:

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

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

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.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 403 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, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke.

Total 45

Nays: Gallus, Ripley, Windy Boy, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 428 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, Zinke.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Excused: Mr. President.

Total 1

HB 467 concurred in 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, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.

Total 45

Nays: Balyeat, Hinkle, Shockley, Walker.

Total 4

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 469 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, Zinke.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 479 concurred in as follows:

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

Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams,

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 541 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, Zinke.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 584 concurred in as follows:

Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson, Shockley, Sonju, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich.

Total 34

Nays: Arthun, Balyeat, Barrett, Brenden, Facey, Hinkle, Lake, Moore, Murphy, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Windy Boy, Zinke.

Total 15

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman):
SB 397, introduced bill, be amended as follows:

3/24/2011

1. Title, page 1, line 5.

Strike: "ELECTION MATERIAL"

Insert: "CAMPAIGN ADVERTISING"

2. Title, page 1, line 7.

Strike: "SECTION"

Insert: "SECTIONS 2-2-121, 13-1-101,"

3. Page 1, line 7.

Following: "13-35-225,"

Insert: "AND 13-37-226,"

4. Page 1, line 11.

Strike: "materials"

Insert: "campaign advertising"

5. Page 1, line 13.

Strike: "election materials violate"

Insert: "campaign advertising violates"

6. Page 1, line 14.

Strike: "election material"

Insert: "campaign advertising"

7. Page 1, line 22.

Following: line 21

Insert: "(3) An order of noncompliance issued under 13-35-225(6) is not subject to immediate judicial review."

Renumber: subsequent subsections

8. Page 1, line 25.

Insert: "**Section 2.** Section 2-2-121, MCA, is amended to read:

"2-2-121. Rules of conduct for public officers and public employees. (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(4) A candidate, as defined in ~~13-1-101(6)(a)~~ 13-1-101(7)(a), may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(6) A public officer or public employee may not engage in any activity, including lobbying, as defined in 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(7) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.

(8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.

(9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act."

Insert: "Section 3. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) "Campaign advertising" means a communication that:

(a) supports or opposes a candidate, a ballot issue, or a committee organized to support

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

or oppose a candidate, ballot issue, or petition for nomination;

(b) is disseminated or targeted to more than 1% of the electors eligible to vote for a particular candidate or on a ballot issue; and

(c) is made or financed by expenditures in a total amount exceeding:

(i) for advertising identifying political parties, statewide candidates, or a ballot issue, the individual contribution limit amount provided by 13-37-216 for statewide candidates other than the candidates for governor or lieutenant governor; or

(ii) for advertising identifying other candidates, the contribution limit amount provided by 13-37-216 for a candidate for any other public office.

~~(6)~~(7) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

~~(7)~~(8) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

~~(8)~~(9) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

~~(9)~~(10) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

~~(10)~~(11) "Elector" means an individual qualified to vote under state law.

~~(11)~~(12) (a) "Expenditure" means a purchase, payment, distribution, loan, advance,

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection ~~(7)~~ (8);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

~~(12)~~(13) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

~~(13)~~(14) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

~~(14)~~(15) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

~~(15)~~(16) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

~~(16)~~(17) "Individual" means a human being.

~~(17)~~(18) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

~~(18)~~(19) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

~~(19)~~(20) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

~~(20)~~(21) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

~~(21)~~(22) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

~~(22)~~(23) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(23)~~(24) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(24)~~(25) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

~~(25)~~(26) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(26)~~(27) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

~~(27)~~(28) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

~~(28)~~(29) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(29)~~(30) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

~~(30)~~(31) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(31)~~(32) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(32)~~(33) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

~~(33)~~(34) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

~~(34)~~(35) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

~~(35)~~(36) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

~~(36)~~(37) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

Renumber: subsequent sections

9. Page 1, line 27.

Strike: "Election materials"

Insert: "Campaign advertising"

10. Page 1, line 28 and line 29.

Strike: "All" on line 28 through "issue" on line 29

Insert: "Campaign advertising"

11. Page 2, line 2.

Strike: "communication"

Insert: "campaign advertising"

Strike: "When"

Insert: "The attribution must contain:

(a) for campaign advertising financed by"

Following: "campaign"

Insert: ", "

12. Page 2, line 3.

Strike: "finances" through "be"

13. Page 2, line 4.

Following: "campaign"

Strike: "."

Insert: "; and"

Strike: "In the case of"

Insert: "(b) for campaign advertising financed by"

14. Page 2, line 4 through line 5.

Strike: "the attribution" on line 4 through "treasurer," on line 5

Insert: "the name"

Strike: "or the committee treasurer"

15. Page 2, line 6.

Strike: "Communications"

Insert: "Campaign advertising"

16. Page 2, line 8.

Strike: "Printed election material"

Insert: "Campaign advertising"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

17. Page 2, line 16.

Strike: "election material"

Insert: "campaign advertising"

18. Page 2, line 18.

Strike: "communication"

Insert: "campaign advertising"

Strike: "election material"

Insert: "campaign advertising"

19. Page 2, line 21.

Strike: "the material"

20. Page 2, line 22.

Strike: "communication"

Insert: "campaign advertising"

21. Page 2, line 25.

Strike: "the material"

22. Page 2, line 26.

Strike: "communication"

Insert: "campaign advertising"

23. Page 2, line 29.

Strike: "material"

Insert: "campaign advertising"

24. Page 2, line 30.

Strike: "communication"

Insert: "campaign advertising"

25. Page 3, line 1.

Strike: "election material"

Insert: "campaign advertising"

26. Page 3, line 2.

Strike: "material"

Insert: "campaign advertising"

Following: "opportunity"

Insert: ", as defined by rule,"

27. Page 3, line 3.

Strike: the first "material"

Insert: "campaign advertising"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Strike: the second "material"

Insert: "campaign advertising"

28. Page 3, line 6.

Insert: "Section 5. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports electronically as follows:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

(b) on the 10th day of March, April, July, August, and September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of \$200 or more if received between the 10th day before the election and the day of the election;

(e) not more than 20 days after the date of the election; and

(f) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which the text of the proposed ballot issue is submitted for review and approval pursuant to 13-27-202 during the year or years prior to the election year that an issue is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September in each year that an election is to be held;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before the election and the day of the election;

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, the public service commission, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held;

(b) within 48 hours after receiving a contribution of \$100 or more if received between the 17th day before the election and the day of the election. The report under this subsection (3)(b) must be made by mail or by electronic communication to the commissioner and the election administrator of the appropriate county pursuant to 13-37-225.

(c) not more than 20 days after the date of the election; and

(d) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file:

(a) a report on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) a report within 24 hours of making an expenditure or incurring a debt or obligation of \$500 or more for ~~election material~~ campaign advertising described in 13-35-225(1) if made between the 17th day before the election and the day of the election;

(c) a report not more than 20 days after the date of the election in which it participates by making an expenditure; and

(d) a report on a date to be prescribed by the commissioner for a closing report at the close of each calendar year.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are incidental political committees shall report their politically related activities in accordance with this chapter.

(7) Except as provided in subsections (1)(d), (2)(d), (3)(b), and (5)(b), all reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 310, be amended as follows:

1. Title, page 1, line 12.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 2, line 18.

Strike: "for and against"

Insert: "yes and no"

3. Page 3, line 11.

Strike: "For and against"

Insert: "Yes and no"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

4. Page 4, line 11.

Strike: "For and against"

Insert: "Yes and no"

5. Page 5, line 15.

Strike: "For and against"

Insert: "Yes and no"

6. Page 6, line 15.

Strike: "For and against"

Insert: "Yes and no"

7. Page 7, line 15.

Strike: "for and against"

Insert: "yes and no"

8. Page 7, line 28.

Strike: "for and against"

Insert: "yes and no"

9. Page 8, line 1.

Strike: "FOR"

Insert: "YES"

10. Page 8, line 3.

Strike: "AGAINST"

Insert: "NO"

11. Page 9, line 14.

Strike: "for and against"

Insert: "yes and no"

12. Page 9, line 27.

Following: line 26

Insert: "NEW SECTION. Section 10. Applicability. [This act] applies to initiatives placed on the ballot for the November 2012 or subsequent elections and to referenda placed on the ballot for the November 2014 or subsequent elections."

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

TAXATION (Tutvedt, Chairman):

3/24/2011

SB 94, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "PREVENTING" through "COMPANIES;"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

2. Title, page 1, lines 9 and 10.

Following: "15-31-323," on line 9

Insert: "AND"

Strike: "AND 15-31-326," on lines 9 and 10

3. Page 1, line 23.

Following: "States"

Insert: "that has more than 20% of its payroll and property assignable to locations inside the United States"

4. Page 2, line 5.

Following: "or"

Insert: "or"

5. Page 2, line 6 through line 9.

Strike: subsection (f) in its entirety

Renumber: subsequent subsections

6. Page 2, line 18.

Strike: "(1)(g)"

Insert: "(1)(f)"

7. Page 2, line 25.

Strike: "(1)(f)"

Insert: "(1)(e)"

8. Page 2, line 29.

Strike: "(1)(g)"

Insert: "(1)(f)"

9. Page 3, line 9.

Strike: "(1)(g)"

Insert: "(1)(f)"

10. Page 3, line 17.

Strike: "(1)(g)"

Insert: "(1)(f)"

11. Page 3, line 20.

Strike: ",(1)(f),"

12. Page 3, line 24 through page 4, line 1.

Strike: section 4 in its entirety

Renumber: subsequent sections

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

And, as amended, do pass. Report adopted.

SB 411, introduced bill, be amended as follows:

1. Page 1, line 18 through line 20.

Strike: "In" on line 18 through "taxpayer." on line 20

Insert: "When the department enters into a payment plan with a taxpayer that allows the taxpayer to make installment payments of delinquent taxes, interest, and penalties, the department may agree to waive an additional \$100 of interest per tax period if the taxpayer makes each payment required by the plan on or before the due date of the payment and complies in a timely manner with all other terms of the payment plan."

2. Page 2, line 21.

Strike: "(a)"

3. Page 2, line 23.

Strike: "late payment"

4. Page 2, line 26.

Strike: "(b)"

Insert: "(4)"

Following: "liable for"

Strike: "a"

Insert: "an additional"

5. Page 2, line 28.

Following: "penalty"

Insert: ", interest,"

6. Page 2, line 29.

Strike: "(c)"

Insert: "(5)"

7. Page 2, line 30.

Following: "is one"

Insert: "that is filed by a person"

8. Page 3, line 3.

Following: "penalty"

Insert: ", interest,"

9. Page 3, line 4.

Strike: "(4)"

Insert: "(6)"

Renumber: subsequent subsections

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

10. Page 3, line 5.

Strike: "(4)(a)(i)"

Insert: "(6)(a)(i)"

11. Page 3, line 6.

Strike: "(4)(a)"

Insert: "(6)(a)"

12. Page 3, line 17.

Strike: "(5)(b)"

Insert: "(7)(b)"

13. Page 3, line 29.

Strike: "(4)(a)(i)"

Insert: "(6)(a)(i)"

Strike: "(5)(a)"

Insert: "(7)(a)"

14. Page 4, line 1.

Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If Senate Bill No. 199 is not passed and approved, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 426, introduced by Balyeat, referred to Taxation.

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

SJR 24, introduced by Shockley, referred to State Administration.

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

SR 4, introduced by Steinbeisser (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.

ANNOUNCEMENTS

Committee meetings were announced by Committee chairs.

Senator Essmann moved the Senate recess until 5:30 p.m. Motion carried.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Senate in recess.

Senate reconvened at 5:31 p.m.

Roll Call. All members present, except Senator Vincent, excused. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

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

SB 427, introduced by Priest, referred to Taxation.

Senator Vincent present.

**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 Tropila in the chair.

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

HB 43 - Senator Moore moved **HB 43** be concurred in. Motion carried as follows:

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

President.

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 134 - Senator Balyeat moved **HB 134** 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,

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

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 225 - Senator Wittich moved **HB 225** 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, Lewis, Moore, Moss, 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 48

Nays: Larsen, Williams.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 328 - Senator Lewis moved **HB 328** be concurred in. Motion carried as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

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

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/24/2011
HB 132, be amended as follows:

1. Page 8, line 8.
Strike: "1,200-pound"
Insert: "1,000-pound"

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

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 3/24/2011
HB 195, be concurred in. Report adopted.
HB 265, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND ARBITRARILY"

2. Page 1, line 20.
Strike: "and arbitrarily"

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

HB 594, be concurred in. Report adopted.

Senator Gallus raised a point of parliamentary procedure question regarding whether the Standing Committee Report on **SB 403** could be read across the rostrum.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Senate in recess.

Senate reconvened.

President Peterson ruled the Standing Committee Report would be read the next day.

Senator Wanzenried questioned whether a hearing was held on **SB 403**. President Peterson noted Senator Wanzenried's objection and ruled a hearing was held on **SB 403**.

FIRST READING AND COMMITMENT OF BILLS

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

SB 428, introduced by Kaufmann, referred to Education and Cultural Resources.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 12:00 p.m., Friday, March 25, 2011. Motion carried.

Senate adjourned at 7:24 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate