

**SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 12, 2011

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present.

THIRD READING OF BILLS

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

HB 2, Free Conference Committee Report No. 1, not adopted as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 186 concurred in as follows:

Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.

Total 32

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Windy Boy, Wittich.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

HB 316 concurred in as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Essmann, Facey, Gillan, Hinkle, Hutton, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Tutvedt, Vincent, Williams, Zinke, Mr. President.

Total 27

Nays: Balyeat, Brenden, Caferro, Erickson, Gallus, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moore, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 363 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, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 45

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

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 372 concurred in as follows:

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

Total 40

Nays: Augare, Blewett, Erickson, Gillan, Kaufmann, Moss, Tropila, Van Dyk, Wanzenried, Williams.

Total 10

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 492 concurred in as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 494 concurred in as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 560 concurred in as follows:

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

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Total 36

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Lake, Olson, Priest, Ripley, Steinbeisser, Vincent, Walker, Windy Boy, Wittich.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 561 concurred in as follows:

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

Total 43

Nays: Arthun, Brenden, Facey, Lake, Steinbeisser, Windy Boy, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 562 concurred in 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, 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, Zinke, Mr. President.

Total 47

Nays: Balyeat, Windy Boy, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

HB 577 concurred in as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 607 concurred in as follows:

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

Total 41

Nays: Augare, Blewett, Erickson, Facey, Kaufmann, Stewart-Peregoy, Tropila, Van Dyk, Williams.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 641 concurred in as follows:

Yeas: 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 49

Nays: Arthun.

Total 1

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 26 adopted as follows:

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

Total 36

Nays: Augare, Caferro, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 27 adopted as follows:

Yeas: 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 49

Nays: Arthun.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

BILLS AND JOURNALS:

4/12/2011

Correctly printed: **HB 444, HB 642.**

Correctly engrossed: **HB 375.**

Correctly enrolled: **SB 16, SB 81, SB 319, SB 358, SR 6, SR 21, SR 22, SR 27.**

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Examined by the sponsor and found to be correct: **SB 29, SB 75, SB 195, SB 212, SB 234, SB 238, SB 241, SB 385, SJR 8, SR 13.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 4/12/2011
SR 4, introduced resolution, be amended as follows:

1. Page 1, line 15.

Strike: "January 1, 2013"

Insert: "April 18, 2013"

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/12/2011
SR 17, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House joint resolution passed and transmitted to the Senate for concurrence: 4/11/2011

HJR 8, introduced by Hunter

Senate bills concurred in and returned to the Senate: 4/11/2011

SB 81, introduced by Wanzenried

SB 319, introduced by Essmann

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

4/11/2011

SB 207, introduced by Moore

SB 233, introduced by Keane

SB 283, introduced by Essmann

SB 379, introduced by Olson

Governor's amendments to House bill not concurred in and transmitted to the Senate:

4/11/2011

HB 333, introduced by Reichner

SB 126 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 126**:

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

4/11/2011

Representative Salomon, Vice Chair
Representative Wagner
Representative Furey

SB 198 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 198**:

4/11/2011

Representative Hendrick, Vice Chair
Representative Kary
Representative B. Bennett

SB 338 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 338**:

4/11/2011

Representative J. Bennett, Vice Chair
Representative Kennedy
Representative Wilmer

SB 97 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 97**:

4/11/2011

Representative Peterson, Vice Chair
Representative Bangerter
Representative Driscoll

FIRST READING AND COMMITMENT OF BILLS

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

HJR 8, introduced by Hunter, O'Hara, Zinke, Caferro, referred to Public Health, Welfare and Safety.

**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 Tutvedt in the chair.

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

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

HB 306 - Senator Jones moved **HB 306** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Perego, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 375 - Senator Lewis moved **HB 375** be concurred in.

HB 375 - Senator Lewis moved **HB 375**, second reading copy, be amended as follows:

1. Page 1, line 24.

Strike: " "
Insert: ":

2. Page 1, line 25.

Following: "(i)"
Insert: "(i)"

3. Page 1, line 27.

Strike: "(I)"
Insert: "(A)"

4. Page 1, line 28.

Strike: "(A)"
Insert: "(I)"
Strike: "5.1%"
Insert: "4.8%"

5. Page 1, line 29.

Strike: "(B)"
Insert: "(II)"
Strike: "20.1%"
Insert: "19.1%"

6. Page 2, line 1.

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Strike: "(C)"
Insert: "(III)"
Strike: "11.7%"
Insert: "11.1%"

7. Page 2, line 2.
Strike: "(D)"
Insert: "(IV)"

8. Page 2, line 3.
Strike: "17.6%"
Insert: "16.7%"

9. Page 2, line 4.
Strike: "(II)"
Insert: "(B)"

10. Page 2, line 5.
Strike: "45.6%"
Insert: "48.3%"

11. Page 2.
Following: line 5

Insert: "(ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-618, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and
(iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be deposited in the motorboat account to be used as provided in 23-2-533;"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, 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, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Erickson, Hawks, Kaufmann, Moss, Wanzenried.

Total 5

Absent or not voting: None.

Total 0

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Excused: None.

Total 0

HB 375 - Senator Lewis moved **HB 375**, as amended, be concurred in. 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 358 - Senator Lake moved **HB 358** be concurred in. Motion carried as follows:

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

Total 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 377 - Senator Hutton moved **HB 377** be concurred in. Motion carried as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, 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, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 44

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: Arthun, Facey, Gallus, Larsen, Van Dyk, Walker.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 458 - Senator Moore moved **HB 458** be concurred in. Motion carried as follows:

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

Total 42

Nays: Blewett, Branae, Erickson, Hamlett, Kaufmann, Tropila, Van Dyk, Williams.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 477 - Senator Barrett moved **HB 477** be concurred in. Motion carried as follows:

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

Total 42

Nays: Brenden, Essmann, Facey, Gallus, Larsen, Sonju, Walker, Wittich.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 495 - Senator Jones moved **HB 495** be concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hawks, Hinkle, Hutton, Jackson,

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

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, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 585 - Senator Vincent moved **HB 585** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 39

Nays: Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 11

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

BILLS AND JOURNALS:

4/12/2011

Correctly printed: **SJR 26, SJR 27, SJR 29, SJR 30, HB 186, HB 306, HB 316, HB 363, HB 372, HB 494, HB 560, HB 561, HB 562, HB 577.**

Correctly engrossed: **SR 4, SR 17, SR 28, SR 30, HB 370, HB 492, HB 518, HB 607, HB 638, HB 641.**

Examined by the sponsor and found to be correct: **SB 1, SB 15, SB 42, SB 54, SB 59, SB 87, SB 99, SB 100, SB 108, SB 110, SB 135, SB 136, SB 138, SB 149, SB 172, SB 173, SB 255, SB 267, SB 268, SB 279, SB 296, SB 311, SB 327, SB 333, SB 340, SB 347, SB 376, SB 382, SB 389, SB 402, SB 415, SJR 4, SJR 11, SR 7, SR 8, SR 9, SR 10, SR 11, SR 12, SR 19.**

Signed by the Speaker at 8:21 a.m., April 12, 2011: **SB 124, SB 166, SB 201, SB 367, SB 413.**

Signed by the President at 4:05 p.m., April 11, 2011: **SB 124, SB 166, SB 201, SB 367, SB 413.**

Signed by the Secretary of the Senate at 11:10 a.m., April 11, 2011: **SB 124, SB 166, SB 201, SB 367, SB 413.**

Delivered to the Governor for approval at 8:40 a.m., April 12, 2011: **SB 124, SB 166, SB 201, SB 367, SB 413.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman):

4/11/2011

SJR 28, do pass. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman):

4/12/2011

HB 444, be concurred in. Report adopted.

HB 642, be concurred in. Report adopted.

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 221**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 221** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 221** (reference copy -- salmon) be amended as follows:

1. Page 10, line 6.

Following: "basis;"

Insert: "(ii) a medicaid primary care case management service within the meaning of 42 CFR 438;"

Renumber: subsequent subsections

For the Senate:

Gillan, Chair
Murphy

For the House:

Berry, Vice Chair
Hunter
Salomon

FREE CONFERENCE COMMITTEE
on **House Bill 43**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 43** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 43** (reference copy -- salmon) be amended as follows:

1. Page 2, line 5.

Following: "duties;"

Insert: "or"

2. Page 2, line 6.

Strike: line 6

Renumber: subsequent subsection

3. Page 5, line 6.

Following: "marijuana"

Strike: "is"

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Insert: "and who is otherwise"

Following: "chapter"

Strike: " "

Insert: "is"

4. Page 5, line 7.

Strike: "[section 5] through "(5)(C) OF THIS SECTION"

Insert: "subsections (5)(b) through (5)(d)"

5. Page 5, line 11 through line 13.

Strike: subsection (c) in its entirety

Insert: "(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the medical use of marijuana, as defined in 50-46-102.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's medical use of marijuana, as defined in 50-46-102. An insurer remains liable for those benefits that the worker would qualify for absent the worker's medical use of marijuana."

6. Page 6, line 25 through page 7, line 4.

Strike: section 5 in its entirety

Renumber: subsequent sections

7. Page 9, line 12 through line 13.

Strike: section 8 in its entirety

Renumber: subsequent sections

8. Page 9.

Following: line 14

Insert: "COORDINATION SECTION. Section 7. Coordination instructions. (1) If both House Bill No. 161 and [this act] are passed and approved, then [sections 2 through 6 of this act] are void.

(2) If House Bill No. 175 is approved by the electorate in 2012, then [sections 2 through 6 of this act] are void on [the effective date of House Bill No. 175]."

Renumber: subsequent section

For the House:

Moore, Chair
Tutvedt
Facey

For the Senate:

MacLaren, Vice Chair
Fitzpatrick
Hunter

MESSAGES FROM THE OTHER HOUSE

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

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

4/12/2011

SB 187, introduced by Shockley
SB 326, introduced by Larsen
SB 329, introduced by Zinke
SB 348, introduced by Barrett
SB 371, introduced by Lewis
SB 417, introduced by Buttrey
SB 423, introduced by Essmann

Senator Essmann moved the Senate recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 1:01 p.m.

**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 Tutvedt in the chair.

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

HB 604 - Senator Zinke moved **HB 604** be concurred in.

HB 604 - Senator Williams moved **HB 604**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

Following: "A"

Insert: "A"

2. Title, page 1, line 5.

Following: "TRANSFER"

Strike: "TRANSFERS"

Insert: "TRANSFER"

3. Title, page 1, line 6.

Following: "ACCOUNT"

Strike: "AND THE OLDER MONTANANS TRUST FUND"

4. Title, page 1, line 13.

Strike: "52-3-115,"

5. Page 2, line 2.

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Strike: "(1)"

6. Page 2, line 5 through line 8.

Strike: subsection (2) in its entirety

7. Page 8, line 6 through page 9, line 23.

Strike: section 12 in its entirety

Renumber: subsequent sections

8. Page 14, line 5.

Strike: "(1)"

9. Page 14, line 10 through line 11.

Strike: subsection (2) in its entirety

10. Page 14, line 19.

Strike: "[SECTIONS 2 AND 12] TERMINATE"

Insert: "[Section 2] terminates"

Amendment **not** adopted as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 604 - Senator Wanzenried moved **HB 604**, second reading copy, be amended as follows:

1. Title, line 4.

Following: "A"

Insert: "A"

2. Title, line 5 and line 6.

Strike: "TRANSFERS"

Insert: "TRANSFER"

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Strike: "TELECOMMUNICATIONS" on line 5 through "AND THE" on line 6

3. Page 2, line 2 through line 5.

Following: "FUND."

Strike: "(1)" on line 2 through "(2)" on line 5

Amendment **not** adopted 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

HB 604 - Thereupon, the Senate reverted to the original motion of Senator Zinke which passed as follows:

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, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

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

Total 36

Nays: Blewett, Caferro, Erickson, Gillan, Hawks, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

"The Ringling Five," a singing group which consists of ranchers from the Shields River Valley, and "Dorothy's Girls" performed various songs for the Senate.

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

April 12, 2011

WHEREAS, each year the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, lupus is an acute and chronic, lifelong autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body. It can affect any part of the body, including the skin, lungs, heart, kidneys, and brain. No organ is spared. The disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure. Lupus costs the nation over \$100 billion a year in direct and indirect medical costs; and

WHEREAS, while lupus strikes mostly women of childbearing age, no one is safe from lupus. Native Americans, African American, Hispanics/Latinos, and Asians are two to three times more likely to develop lupus--a disparity that remains unexplained; and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the cause and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

WHEREAS, there have been no new drugs approved by the U.S. Food and Drug Administration specifically for lupus in 52 years; current treatments for the disease can have damaging side effects. Drugs for lupus that are available today are older, further increasing patient suffering and indirect medical costs of the disease; and

WHEREAS, nearly 5,000 citizens in Montana are directly affected by lupus along with their families and friends.

Now, therefore, be it resolved by the House of Representatives and the Senate of the State of Montana that we do hereby proclaim the month of May as Lupus Awareness Month in Montana.

Senate President Jim Peterson

Speaker of the House Mike Milburn

Senator Carmine Mowbray

Representative Trudi Schmidt

MOTIONS

Senator Essmann moved to reconsider action on **HB 2** and that **HB 2** be placed on third reading on April 13, 2011. The motion carried as follows:

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, Williams, Wittich, Zinke, Mr. President.

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**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 Tutvedt in the chair.

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

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

HB 609 - Senator Priest moved **HB 609** be concurred in. 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 612 - Senator Lewis moved **HB 612** be concurred in. 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 618 - Senator Mowbray moved **HB 618** 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

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 622 - Senator Ripley moved **HB 622** be concurred in. Motion carried as follows:

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

Total 43

Nays: Balyeat, Erickson, Facey, Gallus, Kaufmann, Tropila, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 632 - Senator Balyeat moved **HB 632** be concurred in. Motion **failed** as follows:

Yeas: Arthun, Balyeat, Barrett, Hinkle, Jackson, Jones, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser.

Total 13

Nays: Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 37

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 632 - Senator Essmann moved **HB 632** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hutton, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Olson, Priest, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker,

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

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

Total 37

Nays: Balyeat, Barrett, Buttrey, Gillan, Hawks, Hinkle, Jackson, Jent, Moore, Mowbray, Murphy, Shockley, Steinbeisser.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 633 - Senator Priest moved **HB 633** be concurred in. Motion carried as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 296 - Senator Keane moved **HB 296** be concurred in. Motion carried as follows:

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

Total 38

Nays: Arthun, Balyeat, Buttrey, Essmann, Hinkle, Hutton, Jackson, Priest, Steinbeisser, Tutvedt, Vincent, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Total 0

HB 574 - Senator Hutton moved **HB 574** be concurred in. 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, Vuckovich, Walker, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 445 - Senator Priest moved **HB 445** be concurred in. 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, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 444 - Senator Wittich moved **HB 444** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

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

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 642 - Senator Sonju moved **HB 642** be concurred in. Motion carried as follows:

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

Total 47

Nays: Erickson, Facey, Murphy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 616 - Senator Tutvedt moved **HB 616** be concurred in. Motion carried as follows:

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

Total 42

Nays: Erickson, Facey, Hawks, Kaufmann, Moss, Vuckovich, Williams, Windy Boy.

Total 8

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 Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

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

Total 36

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

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

SR 16 - Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 16**. 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

SR 24 - Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 24**. 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

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 30 - Senator Murphy moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 30**. 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

MOTIONS

Senator Hutton moved that the Senate vote to override the Governor's veto of **HB 30**.

Senator Hutton withdrew his motion.

Senator Barrett moved to reconsider action of HB 475 and that HB 475 be placed on third reading on April 13, 2011. Motion carried as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Mr. President.

Total 29

Nays: Arthun, Balyeat, Buttrey, Erickson, Essmann, Gallus, Hinkle, Jones, Keane, Lake, Lewis, Priest, Shockley, Sonju, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke.

Total 21

SENATE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Caferro moved to change her vote on **HB 622** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Wednesday, April 13, 2011. Motion carried.

Senate adjourned at 4:18 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate