

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 8, 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, except Senators Shockley and Williams, excused. Quorum present.

**BILLS AND JOURNALS:**

4/8/2011

Correctly printed: **SJR 26, SJR 27, HB 5, HB 8, HB 83, HB 165, HB 188, HB 262, HB 377, HB 409, HB 477, HB 492, HB 494, HB 518, HB 551, HB 560, HB 561, HB 562, HB 565, HB 577, HB 587, HB 607, HB 609, HB 619, HB 633, HB 641.**

Correctly engrossed: **SJR 6, SJR 21, SJR 22, SJR 27, SJR 28, SR 5, HB 6, HB 140, HB 186, HB 209, HB 283, HB 296, HB 316, HB 317, HB 372, HB 387, HB 411, HB 439, HB 445, HB 495, HB 611, HB 612, HB 615, HB 621, HB 622, HB 638.**

Correctly enrolled: **SB 54, SB 59, SB 124, SB 135, SB 136, SB 166, SB 173, SB 201, SB 212, SB 234, SB 327, SB 340, SB 367, SJR 4, SJR 8, SR 7, SR 8, SR 9, SR 10, SR 11, SR 12, SR 13, SR 19.**

Examined by the sponsor and found to be correct: **SB 124, SB 166, SB 201, SB 312, SB 367.**

Signed by the Speaker at 12:30 p.m., April 7, 2011: **SB 89, SB 140, SB 179, SB 180, SB 184, SB 213, SB 228, SB 229, SB 254, SB 304, SB 320, SB 324, SB 370.**

Signed by the President at 11:55 a.m., April 7, 2011: **SB 89, SB 140, SB 179, SB 180, SB 184, SB 213, SB 228, SB 229, SB 254, SB 304, SB 320, SB 324, SB 370.**

Signed by the Secretary of the Senate at 8:00 a.m., April 7, 2011: **SB 89, SB 140, SB 179, SB 180, SB 184, SB 213, SB 228, SB 229, SB 254, SB 304, SB 320, SB 324, SB 370.**

Delivered to the Secretary of State at 8:28 a.m., April 8, 2011: **SJR 14.**

Delivered to the Governor for approval at 8:35 a.m., April 8, 2011: **SB 89, SB 140, SB 179, SB 180, SB 184, SB 213, SB 228, SB 229, SB 254, SB 304, SB 320, SB 324, SB 370.**

Signed by the Speaker at 9:50 a.m., April 8, 2011: **SB 28, SB 36, SB 43, SB 52, SB 120, SB 146, SB 174, SB 222, SB 288, SB 298, SB 307, SB 337, SB 352, SB 357.**

Signed by the President at 4:35 p.m., April 7, 2011: **SB 28, SB 36, SB 43, SB 52, SB 120, SB 146, SB 174, SB 222, SB 288, SB 298, SB 307, SB 337, SB 352, SB 357.**

Signed by the Secretary of the Senate at 12:15 p.m., April 7, 2011: **SB 28, SB 36, SB 43, SB 52, SB 120, SB 146, SB 174, SB 222, SB 288, SB 298, SB 307, SB 337, SB 352, SB 357.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman):

4/7/2011

**SR 27**, do adopt. Report adopted.

**HB 621**, be amended as follows:

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1. Title, page 1, line 10 through line 11.

**Strike:** "THE NOXIOUS" on line 10 through "FUND AND" on line 11

2. Title, page 1, line 11.

**Strike:** "80-7-814,"

3. Page 1, line 16 through page 3, line 3.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 3, line 11 through line 12.

**Strike:** "THE" on line 11 through "WEEDS." on line 12

5. Page 4, line 19 through line 21.

**Strike:** subsection (5) in its entirety

6. Page 5, line 6 through line 12.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

7. Page 5, line 16.

**Strike:** "\$208,000"

**Insert:** "\$58,000"

8. Page 5, line 17.

**Strike:** "and"

**Insert:** "(2) to the department of fish, wildlife, and parks \$150,000 from the state general fund for the prevention and control of any nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10; and"

**Renumber:** subsequent subsections

9. Page 5, line 19.

**Strike:** "Eurasian watermilfoil"

**Insert:** "aquatic noxious weeds"

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

**FISH AND GAME** (Brenden, Chairman):  
**HB 370**, be concurred in. Report adopted.

4/7/2011

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 2**

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Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1, line 19.

**Following:** "AND"

**Strike:** "\$8,877"

**Insert:** "\$8,840"

2. Page A-9.

**Following:** line 17

**Insert:** "455,000 455,000" [general fund FY 2012 and FY 2013]

3. Page B-1, line 9.

**Strike:** "29,395,052 29,118,420" [general fund FY 12 and FY 13]

**Insert:** "29,400,741 29,124,109" [general fund FY 12 and FY 13]

**Strike:** " 2,276,504 2,275,518" [state special fund FY 12  
and FY 13]

**Insert:** " 2,278,667 2,277,681" [state special fund FY 12  
and FY 13]

4. Page B-1, line 10.

**Strike:** "223,665,786 222,555,644" [federal special fund FY 12  
and FY 13]

**Insert:** "223,682,070 222,571,928" [federal special fund FY 12  
and FY 13]

5. Page B-1, line 20.

**Strike:** "31,857,539 33,444,233" [general fund FY 12 and FY 13]

**Insert:** "31,873,779 33,460,473" [general fund FY 12 and FY 13]

**Strike:** "26,545,289 27,402,292" [federal special fund FY 12  
and FY 13]

**Insert:** "26,550,974 27,407,977" [federal special fund FY 12  
and FY 13]

6. Page B-2, line 11.

**Following:** "STIPENDS TO"

**Strike:** "REGULAR FOSTER" through "FAMILIES" on line 12

**Insert:** "families who provide regular foster care in a youth foster home and kinship families who provide regular foster care in a kinship foster home"

7. Page B-4, line 9.

**Strike:** "73,724,653 75,174,917" [general fund FY 12 and FY 13]

**Insert:** "73,956,561 75,408,214" [general fund FY 12 and FY 13]

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8. Page B-4, line 14.

**Strike:** "66,513,741 67,532,499" [state special fund FY12 & FY13]

**Insert:** "67,383,145 68,322,968" [state special fund FY12 & FY13]

**Strike:** "415,749,085 443,087,924" [federal special fund FY12 & FY13]

**Insert:** "417,451,121 444,604,720" [federal special fund FY12 & FY13]

9. Page B-4, line 17.

**Strike:** "14,232,744 13,381,377 " [federal special fund FY12 & FY13]

**Insert:** "19,874,759 20,433,896" [federal special fund FY12 & FY13]

10. Page B-5, line 4.

**Strike:** "27,670,974 27,444,949" [state special fund FY 12 FY 13 ]

**Insert:** "28,518,813 28,311,258" [state special fund FY 12 FY 13]

**Strike:** "160,421,396 160,163,011" [federal special fund FY 12 FY 13]

**Insert:** "158,860,132 158,605,217" [federal special fund FY 12 FY 13]

11. Page B-5, line 17.

**Strike:** "62,344,378 62,814,384" [general fund FY 12 and FY 13]

**Insert:** "62,845,099 63,316,558" [general fund FY 12 and FY 13]

12. Page B-6.

**Strike:** line 3 through line 4 in their entirety

13. Page B-6, line 13.

**Following:** "OF"

**Strike:** "A BILL ALLOWING THE TRANSFER OF REVENUES"

**Insert:** "Senate Bill No. 424 in a form that transfers revenue to the general fund"

**Strike:** "MONTANA"

**Insert:** "Montanans"

**Following:** "FUND"

**Insert:** "provided for in 52-3-115"

14. Page B-6, following line 24.

**Insert:** "Direct Care Provider Rate Increase may be used only to raise provider rates for medicaid services to allow for wage increases or lump-sum payments to workers who provide direct care and ancillary services."

15. Page C-3, line 18.

**Following:** "NO."

**Strike:** "610"

**Insert:** "370"

16. Page C-3, line 23.

**Following:** "If"

**Strike:** "LC"

**Following:** "862"

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**Strike:** "411"

**Insert:** "House Bill No. 619"

17. Page C-12, line 7.

**Strike:** "\$1,893,487"

**Insert:** "\$1,543,487"

18. Page C-12, line 8.

**Following:** "AND"

**Strike:** "\$1,893,487"

**Insert:** "\$1,543,487"

**Following:** "DECREASED BY"

**Strike:** "\$1,893,487"

**Insert:** "\$1,543,487"

**Following:** "AND BY"

**Strike:** "\$1,893,487"

**Insert:** "\$1,543,487"

19. Page D-6, line 18.

**Strike:** "73,435,468 73,488,148" [general fund FY 2012 and FY 2013]

**Insert:** "73,535,468 73,588,148" [general fund FY 2012 and FY 2013]

20. Page D-7, line 17.

**Following:** "includes"

**Strike:** "\$6,133,625"

**Insert:** "\$6,119,145"

**Following:** "and"

**Strike:** "\$6,120,961"

**Insert:** "\$6,106,542"

21. Page D-7, line 22.

**Following:** "of"

**Strike:** "\$14,793,778"

**Insert:** "\$14,712,670"

**Following:** "and"

**Strike:** "\$14,796,967"

**Insert:** "\$14,716,201"

22. Page D-7, line 24.

**Following:** "includes"

**Strike:** "\$37,156,156"

**Insert:** "\$36,988,761"

**Following:** "and"

**Strike:** "\$37,168,034"

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**Insert:** "\$37,001,343"

23. Page D-8, line 6.

**Following:** "of"

**Strike:** "\$640,085"

**Insert:** "\$637,329"

**Following:** "and"

**Strike:** "\$639,025"

**Insert:** "\$636,281"

24. Page D-8, line 9.

**Following:** "of"

**Strike:** "\$10,526,138"

**Insert:** "\$10,475,405"

**Following:** "and"

**Strike:** "\$10,532,826"

**Insert:** "\$10,482,306"

25. Page E-1, line 10.

**Strike:** "Teacher Data Module"

**Insert:** "District Education Profiles"

26. Page E-1, line 16.

**Strike:** "~~480,074,235~~ 540,078,580" [general fund FY12 and FY13]

**Insert:** "492,262,212 520,021,232" [general fund FY12 and FY13]

27. Page E-2, line 4.

**Strike:** "51,546,927 51,546,927" [general fund FY12 and FY13]

**Insert:** "52,150,510 52,150,510" [general fund FY12 and FY13]

28. Page E-2, line 8.

**Strike:** "155,895 155,898" [general fund FY 12 and FY13]

**Insert:** "128,957 128,960" [general fund FY 12 and FY13]

29. Page E-2.

**Strike:** line 11 through line 13 in their entirety

**Renumber:** subsequent subsections

30. Page E-2, line 15.

**Strike:** "44,900,000 45,900,000" [State special fund FY12 and FY13]

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**Insert:** "104,951,000 76,811,000" [state special fund FY12 and FY13]

31. Page E-3.

**Strike:** line 1 through line 2 in their entirety

**Renumber:** subsequent subsections

32. Page E-3, line 3.

**Strike:** "AND FUND SWITCH"

33. Page E-3, line 4.

**Strike:** "20,064,547 28,778,088" [State special fund FY12 and FY13]

**Insert:** "10,458,688 19,011,457" [state special fund FY12 and FY13]

34. Page E-3, line 17.

**Strike:** "Teacher Data Module"

**Insert:** "District Education Profiles"

**Strike:** "SENATE BILL NO. 403 IN A FORM"

**Insert:** "a bill "

35. Page E-3, line 18.

**Strike:** "PATHWAY TO EXCELLENCE"

**Insert:** "District Education Profiles online reporting "

36. Page E-3, line 23.

**Strike:** "SENATE BILL NO. 403"

**Insert:** "a bill that eliminates the growth in HB 124 block grants"

**Strike:** "\$1,089,927"

**Insert:** "\$396,344"

**Strike:** "\$1,489,283"

**Insert:** "\$795,700"

37. Page E-3, line 25.

**Strike:** "BASE Aid Fund Switch"

**Insert:** "Guarantee Account"

**Strike:** "and House Bill No. 42"

38. Page E-4, line 1.

**Strike:** "\$28"

**Insert:** "\$25"

**Strike:** "SENATE BILL NO. 403"

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**Insert:** "a bill"

39. Page E-4.

**Strike:** line 3 through line 4 in their entirety

40. Page E-4, line 10.

**Strike:** "4,288,763"

41. Page E-5, line 21.

**Strike:** "3,649,203 3,652,294" [general fund FY 12 and FY 13]

**Insert:** "3,676,141 3,679,232" [general fund FY 12 and FY 13]

For the Senate:

Lewis, Chair  
Ripley

For the House:

McNutt, Vice Chair  
Esp

**MESSAGES FROM THE GOVERNOR**

April 7, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, MT 59620

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

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 531 (HB 531), **"AN ACT REVISING THE CIVIL LIABILITY PROVISIONS FOR MULTIPLE DEFENDANTS; CLARIFYING THE PROCESS FOR MULTIPLE DEFENDANTS IN AN ACTION FOR NEGLIGENCE FOLLOWING THE SETTLEMENT OR RELEASE FROM LIABILITY OF A PERSON; AMENDING SECTION 27-1-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

My objections to HB 531 are two-fold. The bill takes an already complicated statute, Mont. Code Ann. § 27-1-703, governing the apportionment of damages in civil tort actions involving multiple

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defendants and makes it far more complicated. I suspect that the existing statute, itself, is understood by only a few judges and civil trial lawyers -- plaintiff and defendant. This statute has undergone many conversions and been amended heavily over the years. The prior version of this statute was challenged successfully on constitutional grounds, but the current version has been in effect since 1997. I do not believe there is any reason to amend the statute now.

Additionally, I fundamentally disagree with the precepts underlying HB 531, as expressed in the "preamble" to the bill, or the "whereas" clauses. First, the "whereas" clauses state that the bill's intent is to address the high cost of health insurance in this country. The bill, however, addresses all tort litigation, only a small amount of which is medical malpractice litigation. Second, the "whereas" clauses attach blame and responsibility for our country's health care problems and health care provider shortages on our nation's legal system. I believe those remarks are unfair and inflammatory.

For these reasons, I respectfully ask you to sustain my veto of the bill.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate: 4/7/2011

**SB 267**, introduced by Vincent

**SB 268**, introduced by Balyeat

**SB 415**, introduced by Lake

**HB 132** - The House failed to concur in Senate amendments to **HB 132**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 132**:

4/7/2011

Representative Hoven, Vice Chair

Representative McNally

Representative Taylor

**Governor's amendments to House bill not** concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/7/2011

**HB 219**, introduced by McGillvray

**HB 327**, introduced by McClafferty

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Senator Williams present.

Senator Essmann excused.

**MOTIONS**

Senator Olson moved that **HB 243** be taken from Highways and Transportation and be placed on second reading on Monday, April 11, 2011. Motion **failed** as follows:

Yeas: Barrett, Brenden, Brown, Buttrey, Facey, Hamlett, Hawks, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 23

Nays: Arthun, Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 25

Absent or not voting: None.

Total 0

Excused: Essmann, Shockley.

Total 2

Senator Jones moved that **HB 611** be moved to the bottom of the board. Without objection, so ordered.

Senator Brown moved to appoint a Conference Committee on **HB 593** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/08/2011

Senator Olson, Chair

Senator Keane

Senator Walker

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

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

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

**SJR 23** - Senator Essmann moved consideration of **SJR 23** be placed at the bottom of the second reading board. Motion carried.

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**SB 16 - House Amendments** - Senator Brown moved House amendments to **SB 16** be concurred in. Motion carried as follows:

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

Total 42

Nays: Balyeat, Erickson, Hinkle, Kaufmann, Van Dyk, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Essmann, Shockley.

Total 2

**HB 9** - Senator Brenden moved **HB 9** be concurred in. Motion carried as follows:

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

Total 37

Nays: Arthun, Balyeat, Hinkle, Hutton, Jackson, Priest, Sonju, Vincent, Walker, Windy Boy, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: Essmann, Shockley.

Total 2

**HB 51** - Senator Caferro moved **HB 51** be concurred in. Motion carried as follows:

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

Total 41

Nays: Arthun, Balyeat, Brenden, Hinkle, Jackson, Mowbray, Wittich.

Total 7

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Absent or not voting: None.

Total 0

Excused: Essmann, Shockley.

Total 2

Senator Shockley present at this time.

**HB 10** - Senator Sonju moved **HB 10** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, 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 45

Nays: Balyeat, Brenden, Hinkle, Lake.

Total 4

Absent or not voting: None.

Total 0

Excused: Essmann.

Total 1

Senator Essmann present at this time.

**HB 159** - Senator Shockley moved **HB 159** 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, Mr. President.

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 351** - Senator Jones moved **HB 351** be concurred in.

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**HB 351** - Senator Brenden moved **HB 351**, second reading copy, be amended as follows:

1. Title, page 1, line 14.

**Following:** "ACCOUNT"

**Strike:** "AND"

**Insert:** "TO THE STATE GENERAL FUND AND TO THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT; REQUIRING THE TRANSFER OF MONEY FROM"

2. Page 7, line 17.

**Strike:** "\$3.92"

**Insert:** "\$4.49"

3. Page 8, line 17.

**Strike:** "\$1.57"

**Insert:** "\$1"

4. Page 8, line 19.

**Following:** line 18

**Insert:** "(2) The state treasurer shall transfer \$570,000 from the treasure state endowment special revenue account to the treasure state endowment regional water system special revenue account."

**Renumber:** subsequent subsections

5. Page 8, line 21.

**Strike:** "(2)"

**Insert:** "and (3)"

6. Page 8, line 27.

**Strike:** "(2)"

**Insert:** "(3)"

Amendment **not** adopted as follows:

Yeas: Augare, Brenden, Caferro, Essmann, Gillan, Hamlett, Keane, Mowbray, Priest, Steinbeisser, Stewart-Peregoy, Tropila, Wanzenried, Windy Boy, Zinke.

Total 15

Nays: Arthun, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Facey, Gallus, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Shockley, Sonju, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Mr. President.

Total 35

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**HB 351** - Thereupon, the Senate reverted to the original motion of Senator Jones which passed as follows:

Yeas: Arthun, Augare, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hawks, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 35

Nays: Balyeat, Blewett, Branae, Erickson, Facey, Gillan, Hinkle, Jent, Kaufmann, Larsen, Moss, Priest, Shockley, Van Dyk, Wanzenried.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 388** - Senator Jones moved **HB 388** 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 475** - Senator Facey moved **HB 475** be concurred in. Motion carried as follows:

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

Total 31

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Nays: Arthun, Balyeat, Buttrey, Gallus, Hinkle, Hutton, Jackson, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 613** - Senator Jones moved **HB 613** be concurred in. Motion carried as follows:  
Yeas: Arthun, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Zinke, Mr. President.  
Total 29

Nays: Augare, Balyeat, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 615** - Senator Steinbeisser moved **HB 615** be concurred in.

**HB 615** - Senator Hawks moved **HB 615**, second reading copy, be amended as follows:

1. Page 2, line 29 and line 30.  
**Strike:** section 4 in its entirety  
**Renumber:** subsequent sections

Amendment adopted as follows:  
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, 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 45

Nays: Caferro, Erickson, Gallus, Kaufmann, Keane.  
Total 5

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 615** - Senator Steinbeisser moved **HB 615**, 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, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 611** - Senator Jones moved **HB 611** be concurred in.

**HB 611** - Senator Buttrey moved **HB 611**, second reading copy, be amended as follows:

1. Title, page 1, line 9 through line 10.

**Strike:** "REVISING" on line 9 through "COMMERCE;" on line 10

2. Title, page 1, line 11.

**Following:** "20-9-306,"

**Insert:** "AND"

**Strike:** "AND 39-51-409,"

3. Page 5, line 19 through page 6, line 16.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest,

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Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 611** - Senator Jones moved **HB 611**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.  
Total 25

Nays: Augare, Balyeat, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.  
Total 25

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 Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:  
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Windy Boy, Wittich.  
Total 39

Nays: Blewett, Buttrey, Erickson, Hawks, Moss, Ripley, Sonju, Walker, Wanzenried, Zinke, Mr. President.  
Total 11

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

Senator Caferro moved to change her vote on **HB 351** from No to Yes. Without objection, so ordered.

Senator Jones moved to reconsider the second reading action on **HB 611** and place **HB 611** on second reading later that day.

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

Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, 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: None.

Total 0

Senate in recess until 12:45 p.m.

Senate resumed at 12:48 p.m.

Senator Essmann announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senate in recess.

Senate resumed.

Senator Gallus excused.

**REPORTS OF STANDING COMMITTEES**

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chairman):

4/7/2011

**SR 21**, be adopted. Report adopted.

**SR 22**, be adopted. Report adopted.

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**SR 23**, be adopted. Preliminary report adopted.

**FISH AND GAME** (Brenden, Chairman):

4/6/2011

**HB 209**, be amended as follows:

1. Page 5, line 23.

**Strike:** "Fifty percent"

**Insert:** "Two-thirds"

2. Page 5, line 25.

**Strike:** "Fifty percent"

**Insert:** "One-third"

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

**HIGHWAYS AND TRANSPORTATION** (Jones, Chairman):

4/7/2011

**SR 20**, do pass. Preliminary report adopted.

**STATE ADMINISTRATION** (Shockley, Chairman):

4/8/2011

**SR 6**, introduced resolution, be amended as follows:

1. Page 1, line 18 through line 19.

**Strike:** ";" on line 18 through "2014" on line 19

And, as amended, be adopted. Report adopted.

**TAXATION** (Tutvedt, Chairman):

4/8/2011

**HB 358**, be concurred in. Report adopted.

**HB 616**, be concurred in. Report adopted.

**HB 618**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE

on Senate Amendments to **House Bill 525**

Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 525** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 525** (reference copy -- salmon) be amended as follows:

1. Page 1, line 10.

**Following:** "(a)"

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**Insert:** "(a)"

2. Page 1, line 12.

**Following:** "boards to"

**Insert:** "in each interim review one-half of the licensing boards to"

3. Page 1.

**Following:** line 18

**Insert:** "(b) The review in the first interim after [the effective date of this act] must start with the oldest established boards. The review in the second interim after [the effective date of this act] must include the remaining boards. This review process must be repeated in the subsequent two interims."

4. Page 2, line 12.

**Strike:** "2012"

**Insert:** "2018"

For the Senate:

Facey, Chair  
Jackson  
Steinbeisser

For the House:

Arntzen, Vice Chair  
McNiven

**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 Hamlett in the chair.

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

Senator Gallus present at this time.

**HB 611** - Senator Jones moved **HB 611**, as amended, be concurred in. Motion carried as follows:

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

Total 27

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

Total 23

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 23** - Senator Essmann moved **SJR 23** do pass. Motion carried as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 140** - Senator Lewis moved **HB 140** be concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Brown, Essmann, Facey, Hawks, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Williams, Zinke, Mr. President.

Total 26

Nays: Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hinkle, Kaufmann, Keane, Moore, Olson, Shockley, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 188** - Senator Facey moved **HB 188** be concurred in. Motion carried as follows:

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

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Total 37

Nays: Balyeat, Barrett, Brenden, Essmann, Gallus, Hinkle, Olson, Priest, Ripley, Sonju, Vincent, Walker, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 283** - Senator Tutvedt moved **HB 283** be concurred in. Motion carried as follows:

Yeas: Balyeat, Barrett, 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: Arthun, Augare, 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 317** - Senator Lewis moved **HB 317** be concurred in. Motion carried as follows:

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

Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, 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: None.

Total 0

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**HB 439** - Senator Williams moved **HB 439** be concurred in. Motion carried as follows:  
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 36

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Jackson, Moore, Murphy, Priest, Shockley, Sonju, Vincent, Walker, Wittich.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Gallus excused at this time.

**HB 565** - Senator Gillan moved **HB 565** be concurred in. Motion carried as follows:  
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 39

Nays: Balyeat, Essmann, Hinkle, Jackson, Priest, Shockley, Sonju, Vincent, Walker, Wittich.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Gallus.  
Total 1

**HB 209** - Senator Shockley moved **HB 209** be concurred in.

**HB 209** - Senator Shockley moved **HB 209**, second reading copy, be amended as follows:

1. Page 5, line 23.  
**Strike:** "TWO-THIRDS"  
**Insert:** "Fifty percent"

2. Page 5, line 25.  
**Strike:** "ONE-THIRD"

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**Insert:** "Fifty percent"

Amendment adopted as follows:

Yeas: Arthun, 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 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, 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: Gallus.

Total 1

**HB 209** - Senator Shockley moved **HB 209**, as amended, be concurred in. Motion carried as follows:

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

Total 30

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

Total 19

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

**HB 621** - Senator Windy Boy moved **HB 621** be concurred in.

**HB 621** - Senator Jackson moved **HB 621**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through page 9.

**Strike:** "DESIGNATING THE" on line 8 through "AUTHORITY;" on line 9

2. Title, page 1, line 12.

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**Strike:** "80-7-1005,"

3. Page 3, line 20 through line 29.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

4. Page 4, line 8.

**Strike:** "agriculture"

**Insert:** "fish, wildlife, and parks"

5. Page 4, line 9.

**Strike:** "fish, wildlife, and parks"

**Insert:** "agriculture"

Amendment adopted as follows:

Yeas: Balyeat, Brenden, Buttrey, Erickson, Essmann, Hamlett, Hawks, Hinkle, Jackson, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.  
Total 29

Nays: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Facey, Gillan, Hutton, Jent, Kaufmann, Keane, Larsen, Moore, Ripley, Van Dyk, Vuckovich, Williams, Windy Boy.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Gallus.  
Total 1

**HB 621** - Senator Windy Boy moved **HB 621**, as amended, be concurred in. Motion carried 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, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.  
Total 46

Nays: Larsen, Vuckovich, Windy Boy.  
Total 3

Absent or not voting: None.  
Total 0

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Excused: Gallus.

Total 1

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

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, 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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gallus.

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 29, as amended by the House**, passed as follows:

Yeas: Arthun, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hawks, Jackson, Jent, Jones, Keane, Lake, Larsen, Mowbray, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 31

Nays: Augare, Balyeat, Brenden, Gillan, Hamlett, Hinkle, Hutton, Kaufmann, Lewis, Moore, Moss, Murphy, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams.

Total 19

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 75, as amended by the House**, passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

**SB 100, as amended by the House**, passed as follows:

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

Total 36

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

Total 14

Paired: Gallus, Aye; Blewett, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 149, as amended by the House**, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, 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, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 46

Nays: Caferro, Erickson, Kaufmann, Moss.

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Total 4

Paired: Gallus, Aye; Moss, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 172, as amended by the House**, passed as follows:

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

Total 44

Nays: Augare, Caferro, Essmann, Kaufmann, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

**SB 389, as amended by the House**, passed as follows:

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

Total 46

Nays: Walker, Windy Boy, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

**SB 294, as amended by the Governor**, passed as follows:

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Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 41

Nays: Balyeat, Brenden, Essmann, Hinkle, Ripley, Shockley, Steinbeisser, Walker, Wittich.  
Total 9

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 351, as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gallus.  
Total 1

**HB 4** concurred in as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 38

Nays: Balyeat, Essmann, Hinkle, Hutton, Jackson, Lake, Mowbray, Priest, Sonju, Vincent, Walker, Wittich.  
Total 12

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Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 5** concurred in as follows:

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

Total 34

Nays: Balyeat, Brenden, Buttrey, Essmann, Hinkle, Jackson, Lake, Moore, Mowbray, Priest, Ripley, Sonju, Tutvedt, Vincent, Walker, Wittich.

Total 16

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 8** concurred in as follows:

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

Total 38

Nays: Arthun, Balyeat, Essmann, Hinkle, Jackson, Lake, Mowbray, Priest, Sonju, Vincent, Walker, Wittich.

Total 12

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 83** concurred in as follows:

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

Total 43

Nays: Arthun, Balyeat, Hinkle, Sonju, Vincent, Walker, Wittich.

Total 7

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 165** concurred in as follows:

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

Total 28

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

Total 22

Paired: Brown, Aye; Gallus, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 262** concurred in as follows:

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

Total 37

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Nays: Arthun, Balyeat, Essmann, Hinkle, Hutton, Jackson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.  
Total 13

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 411** concurred in as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 37

Nays: Arthun, Essmann, Hinkle, Hutton, Lake, Moore, Olson, Ripley, Steinbeisser, Tutvedt, Walker, Wittich, Zinke.  
Total 13

Paired: Gallus, Aye; Wittich, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 551** concurred in 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

Paired: Brown, Aye; Gallus, No.

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 587** concurred in as follows:

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

Total 48

Nays: Arthun.

Total 1

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

**HB 619** concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hawks, 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, Caferro, Erickson, Facey, Gillan, Hamlett, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 17

Paired: Gallus, Aye; Blewett, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

Senator Essmann moved to appoint a Conference Committee on **SB 338** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

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4/8/2011

Senator Brown, Chair  
Senator Arthun  
Senator Hawks

Senator Essmann moved to appoint a Conference Committee on **SB 198** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/8/2011

Senator Ripley, Chair  
Senator Balyeat  
Senator Facey

Senator Essmann moved to appoint a Conference Committee on **HB 132** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/8/2011

Senator Tutvedt, Chair  
Senator Arthun  
Senator Gillan

Senator Essmann moved to appoint a Conference Committee on **SB 126** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/8/2011

Senator Brown, Chair  
Senator Larsen  
Senator Moore

Senator Williams moved to change her vote on **HB 619** from Yes to No. Without objection, so ordered.

Senator Van Dyk moved to change his vote on **SB 149** from No to Yes. Without objection, so ordered.

Senator Moss moved to change her vote on **SB 29** from Yes to No. Without objection, so ordered.

Senator Jent moved to change his vote on **HB 613** from Yes to No. Without objection, so ordered.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 29**  
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

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We, your Conference Committee met and considered Senate amendments to **House Bill 29** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 29** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.

**Strike:** "DEPLOYMENT"

**Insert:** "SERVICE OVERSEAS"

2. Page 3, line 26 through line 27.

**Strike:** "DEPLOYMENT" on line 26 through "U.S.C. 101(A)(13)" on line 27

**Insert:** "service overseas"

For the House:

Facey  
Moore

For the Senate:

Berry, Vice Chair  
McNiven

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 258**  
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 258** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 258** (reference copy -- salmon) be amended as follows:

1. Page 4, line 12 through line 13.

**Following:** "(2)"

**Insert:** "(a)"

**Strike:** "who" on line 12 through "overnight." on line 13

**Insert:** "whose primary purpose on the guest ranch is to participate in recreational activities regularly provided by the guest ranch for a fee including but not limited to hunting, horseback riding, working cattle, hiking, biking, snowmobiling, or fishing, who may be served food incidental to the activity, and who does not stay overnight.

(b) The term does not include persons attending weddings, parties, large group functions, or other meals not related to the recreational activities described in subsection (2)(a) and who may not be served food unless the guest ranch or other entity serving the food has a license issued pursuant to 50-50-201."

2. Page 4, line 22.

**Following:** "provides"

**Insert:** "recreational activities that include but are not limited to"

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**Following:** "fishing,"

**Insert:** "hiking, biking, snowmobiling,"

For the House:

Mowbray, Chair  
Tropila  
Jackson

For the Senate:

Edmunds, Vice Chair  
Hansen

**SPECIAL ORDERS OF THE DAY**

Senator Brown thanked the Senate pages for their work during the week of April 4-8, 2011.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 12:30 p.m., Monday, April 11, 2011. Motion carried.

Senate adjourned at 4:12 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate