

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

Helena, Montana
January 3, 2011

Senate Chambers
State Capitol

Senate convened at 12:00 p.m. Senator Gillan, Co-Dean of the Senate, presiding.

Senator Gillan appointed Pastor Keith Johnson of Helena as Temporary Chaplain and Nancy Clark of Ryegate as Temporary Sergeant-at-Arms.

The colors were presented by the Montana National Guard Honor Guard, followed by the Pledge of Allegiance.

Invocation was given by Pastor Keith Johnson.

Sen. Gillan appointed Marilyn Miller of Helena as temporary Secretary of the Senate.

Secretary Miller called the roll of the newly elected Senators.

Chas Vincent, SD 01
Jon Sonju, SD 04
Verdell Jackson, SD 05
Shannon Augare, SD 08
Anders Blewett, SD 11
Mitch Tropila, SD 12
Edward Buttrey, SD 13
Llew Jones, SD 14
Jim Peterson, SD 15
Rowlie Hutton, SD 17
Frederick Moore, SD 20
Alan Olson, SD 23
Kendall Van Dyk, SD 25
Jeff Essmann, SD 28
Edward Walker, SD 29
Jason Priest, SD 30
Ron Arthun, SD 31
Larry Jent, SD 32
Art Wittich, SD 35
Terry Murphy, SD 39
Mary Caferro, SD 40
Dave Lewis, SD 42
Gene Vuckovich, SD 43
Bob Lake, SD 44
Tom Facey, SD 48
David Wanzenried, SD 49

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The Honorable Jim Rice, Justice of the Montana Supreme Court, administered the official oath to the new Senators.

Senator Shockley assumed the chair.

Secretary Miller called the roll of the Senate. Forty-nine Senators were present, with the seat for SD 6 being vacant.

Senator Essmann moved that the Rules of the Senate and the Joint Rules as reflected in SR1 and SJ 1, printed and placed on members' desks this day, be adopted as the temporary operating rules of the 62nd Legislature. The motion carried unanimously.

Senator Brenden nominated Senator Jim Peterson, SD 15, for the office of the President of the Senate of the 62nd Legislature, and moved his election carry with it the name of Senator Bruce Tutvedt, SD 3, for the office of President Pro Tempore. Senator Williams moved that the nominations be closed and that Senator Peterson be elected President of the Senate by acclamation. The motion carried unanimously.

Senator Peterson assumed the Chair. President Peterson introduced his family and addressed the Senate. President Peterson introduced Senator Bruce Tutvedt, Chairman Pro Tempore, who addressed the Senate. President Peterson introduced Senator Carol Williams, Minority Leader, and Senator Jeff Essmann, Majority Leader, who introduced their families and addressed the Senate.

President Peterson introduced Brent Volf, Judith Gap, who performed "The Gift" and a Montana tribute.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brenden, Chairman)

Agriculture, Livestock, and Irrigation

Steinbeisser, Donald (R) (Ch)
Brown, Taylor (R) (V Ch)
Branæ, Gary (D)
Hawks, Bob (D)
Hutton, Rowlie (R)
Larsen, Cliff (D)
Moore, Frederick (Eric) (R)
Murphy, Terry (R)
Ripley, Rick (R)
Stewart-Peregoy, Sharon (D)
Windy Boy, Jonathan (D)

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Business, Labor, and Economic Affairs

Balyeat, Joe (R) (Ch)
Jackson, Verdell (R) (V Ch)
Essmann, Jeff (R)
Facey, Tom (D)
Moore, Frederick (Eric) (R)
Steinbeisser, Donald (R)
Stewart-Peregoy, Sharon (D)
Tropila, Mitch (D)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)
Windy Boy, Jonathan (D)

Committee On Committees

Brenden, John (R) (Ch)
Balyeat, Joe (R)
Lewis, Dave (R)
Ripley, Rick (R)
Shockley, Jim (R)
Steinbeisser, Donald (R)

Education and Cultural Resources

Zinke, Ryan (R) (Ch)
Ripley, Rick (R) (V Ch)
Branæ, Gary (D)
Brown, Taylor (R)
Essmann, Jeff (R)
Facey, Tom (D)
Hawks, Bob (D)
Lake, Bob (R)
Moore, Frederick (Eric) (R)
Stewart-Peregoy, Sharon (D)

Energy and Telecommunications

Olson, Alan (R) (Ch)
Jackson, Verdell (R) (V Ch)
Augare, Shannon (D)
Erickson, Ron (D)
Essmann, Jeff (R)
Lake, Bob (R)
Moss, Lynda (D)
Priest, Jason (R)
Tropila, Mitch (D)
Van Dyk, Kendall (D)
Vincent, Chas (R)
Walker, Edward (R)

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Ethics

Shockley, Jim (R) (Ch)
Barrett, Debby (R)
Larsen, Cliff (D)
Moss, Lynda (D)

Finance and Claims

Lewis, Dave (R) (Ch)
Ripley, Rick (R) (V Ch)
Barrett, Debby (R)
Brenden, John (R)
Brown, Taylor (R)
Buttrey, Edward (R)
Caferro, Mary (D)
Gallus, Steve (D)
Hamlett, Bradley Maxon (D)
Hawks, Bob (D)
Jones, Llew (R)
Keane, Jim (D)
Olson, Alan (R)
Priest, Jason (R)
Sonju, Jon (R)
Walker, Edward (R)
Wanzenried, David (D)
Williams, Carol (D)
Zinke, Ryan (R)

Fish and Game

Brenden, John (R) (Ch)
Balyeat, Joe (R) (V Ch)
Barrett, Debby (R)
Facey, Tom (D)
Gallus, Steve (D)
Hamlett, Bradley Maxon (D)
Hinkle, Greg (R)
Jent, Larry (D)
Shockley, Jim (R)
Wittich, Art (R)

Highways and Transportation

Jones, Llew (R) (Ch)
Sonju, Jon (R) (V Ch)
Arthun, Ron (R)
Blewett, Anders (D)
Buttrey, Edward (R)
Caferro, Mary (D)

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Keane, Jim (D)
SD 6 replacement (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)
Wanzenried, David (D)
Zinke, Ryan (R)

Judiciary

Shockley, Jim (R) (Ch)
Murphy, Terry (R) (V Ch)
Augare, Shannon (D)
Blewett, Anders (D)
Hinkle, Greg (R)
Hutton, Rowlie (R)
Jent, Larry (D)
Larsen, Cliff (D)
Moss, Lynda (D)
Peterson, Jim (R)
SD 6 replacement (R)
Vincent, Chas (R)

Legislative Administration

Brown, Taylor (R) (Ch)
Buttrey, Edward (R) (V Ch)
Hawks, Bob (D)
Jones, Lew (R)
Larsen, Cliff (D)

Local Government

Sonju, Jon (R) (Ch)
Wittich, Art (R) (V Ch)
Augare, Shannon (D)
Buttrey, Edward (R)
Gallus, Steve (D)
Moss, Lynda (D)
Olson, Alan (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)

Natural Resources

Barrett, Debby (R) (Ch)
Hinkle, Greg (R) (V Ch)
Brenden, John (R)
Hamlett, Bradley Maxon (D)
Jackson, Verdell (R)

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Kaufmann, Christine (D)
Keane, Jim (D)
Larsen, Cliff (D)
Peterson, Jim (R)
Steinbeisser, Donald (R)
Tropila, Mitch (D)
Vincent, Chas (R)
Walker, Edward (R)
Wanzenried, David (D)

Public Health, Welfare, and Safety

Murphy, Terry (R) (Ch)
Priest, Jason (R) (V Ch)
Caferro, Mary (D)
Gillan, Kim (D)
Hutton, Rowlie (R)
Lewis, Dave (R)
Van Dyk, Kendall (D)

Rules

Essmann, Jeff (R) (Ch)
Olson, Alan (R) (V Ch)
Balyeat, Joe (R)
Blewett, Anders (D)
Brenden, John (R)
Brown, Taylor (R)
Gallus, Steve (D)
Gillan, Kim (D)
Hawks, Bob (D)
Jent, Larry (D)
Keane, Jim (D)
Lewis, Dave (R)
Peterson, Jim (R)
Ripley, Rick (R)
Shockley, Jim (R)
Tutvedt, Bruce (R)
Vincent, Chas (R)
Wanzenried, David (D)
Williams, Carol (D)

State Administration

Shockley, Jim (R) (Ch)
Arthun, Ron (R) (V Ch)
Balyeat, Joe (R)
Blewett, Anders (D)

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Jent, Larry (D)
Jones, Llew (R)
SD 6 replacement (R)
Windy Boy, Jonathan (D)

Taxation

Tutvedt, Bruce (R) (Ch)
Lake, Bob (R) (V Ch)
Arthun, Ron (R)
Branæ, Gary (D)
Erickson, Ron (D)
Essmann, Jeff (R)
Gillan, Kim (D)
Kaufmann, Christine (D)
Peterson, Jim (R)
Van Dyk, Kendall (D)
Vincent, Chas (R)
Wittich, Art (R)

Senator Brenden moved the adoption of the Committee report. The motion carried unanimously.

Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments:

Andersen, Susan, Assistant to the Secretary of the Senate
Armstrong, Bonner, Security
Berger, Rick, Status Tech
Bouchee, Jan, Secretary Aide
Bourquin, Karen, Secretary
Brown, Collin, Minority Aide
Bush, Aubrey, Secretary Aide
Casey, Amanda, Senate Secretary
Christian, Brett, Intern
Clancy, Gilda, Committee Secretary, Education
Clark, Bob, Assistant Sergeant of Arms, Security
Gildroy, Prudence, Committee Secretary, Finance and Claims, Agriculture
Gorshe, Carolyn, Bills Distribution
Halverson, Kendra, Minority Aide
Hill, Betti, Majority Aide
Keim, Linda, Committee Secretary, Business and Labor
Lavinder, Bobby, Secretary Aide
Lundby, Kirk, Committee Secretary, Local Government and Transportation
Lyle, Austin, Minority Aide Intern
McCue, Kevin, Committee Secretary, Fish and Game, Natural Resources
Mead, Brent, Majority Aide
Peterson, Cindy, Journal Clerk

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Polhemus, Debra, Secretary Supervisor/Committee Secretary, Taxation
Renaud, Carolyn, Bills Clerk
Ritter, Dan, Amendments Coordinator
Samhammer, Emily, Minority Aide
Sangray, Andy, Security
Schindler, Pam, Committee Secretary, Judiciary
Schott, Tyler, Majority Aide
Sena, Jessica, Majority Aide
Sidor, Dan, Vote Clerk
Speerschneider, Sam, Minority Aide
Spencer, Kathleen, Assistant Sergeant, Supplies
Spencer, Nadine, Secretary, State Administration
Staley, Lynn, Secretary to the President
Srickland, Larry, Security
Taylor, Liane, Committee Secretary, Public Health, Energy & Telecommunications
Trott, Aaron, Reading Clerk
Vance, Shelley, Page Coordinator
Verzani, Lisa, Secretary Aide
Walleser, Audrey, Bills Coordinator/Word Processing Supervisor

Senator Tutvedt moved the adoption of the Legislative Administration report. The motion carried unanimously.

SPECIAL ORDERS OF THE DAY

Secretary Miller read the letter of appointments from the President. Senator Tutvedt moved to approve the President's appointment of Marilyn Miller, Secretary of the Senate, Nancy Clark, Sergeant-at-Arms, and Pastor Keith Johnson, Chaplain to the Senate, for the 62nd Legislature. The motion carried unanimously.

Sen. Essmann moved that the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Murphy, Chair, Senator Zinke, Senator Wanzenried and Senator Gallus.

Senator Essmann moved that the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Shockley, Chair, Senator Hinkle, Senator Jent and Senator Hamlett.

Senator Essmann moved that the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Lake, Chair, Senator Olson, Senator Caferro and Senator Kaufmann.

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Senator Essmann moved that the Senate stand at ease subject to the call of the Chair, to await the reports of select committees. The motion carried unanimously.

MESSAGES FROM THE OTHER HOUSE

The Honorable Committee from the House of Representatives, consisting of Rep. Warburton and Rep. MacDonald, reported the House of Representatives was organized.

REPORTS OF SELECT COMMITTEES

The select committee appointed to notify the Governor reported they had discharged their duty.

The select committee appointed to notify the Supreme Court reported they had discharged their duty.

The select committee appointed to notify the House of Representatives reported they had discharged their duty.

MOTIONS

Senator Essmann moved that the accredited members of the press, radio and television be granted the privilege of the Senate floor subject to the rules. The motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

SB 1, introduced by Tutvedt, referred to Taxation.

SB 2, introduced by Caferro, referred to Public Health, Welfare and Safety.

SB 3, introduced by Hawks (by request of the Education and Local Government Interim Committee), referred to Education and Cultural Resources.

SB 4, introduced by Lewis, referred to Judiciary.

SB 5, introduced by Brown, referred to Agriculture, Livestock and Irrigation.

SB 6, introduced by Keane, referred to Taxation.

SB 7, introduced by Keane, referred to Energy and Telecommunications.

SB 8, introduced by Murphy (by request of the Water Policy Committee), referred to Natural Resources.

SB 9, introduced by Keane (by request of the Environmental Quality Council), referred to Natural Resources.

SB 10, introduced by Hinkle (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 11, introduced by Erickson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

SB 12, introduced by Erickson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

SB 13, introduced by Brenden, Hinkle, Hutton, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Jones, referred to Finance and Claims.

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- SB 14**, introduced by Lewis, referred to Highways and Transportation.
- SB 15**, introduced by Jent (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 16**, introduced by Brown, referred to Business, Labor, and Economic Affairs.
- SB 17**, introduced by Shockley, referred to Judiciary.
- SB 18**, introduced by Shockley, referred to Judiciary.
- SB 19**, introduced by Shockley, referred to Judiciary.
- SB 20**, introduced by Shockley, referred to Energy and Telecommunications.
- SB 21**, introduced by Shockley, referred to Judiciary.
- SB 22**, introduced by Essmann (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
- SB 23**, introduced by Blewett, referred to Business, Labor, and Economic Affairs.
- SB 24**, introduced by Shockley, referred to Judiciary.
- SB 25**, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
- SB 26**, introduced by Blewett, referred to Judiciary.
- SB 27**, introduced by Kaufmann, referred to Business, Labor, and Economic Affairs.
- SB 28**, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
- SB 29**, introduced by Moss (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 30**, introduced by Wanzenried (by request of the Department of Environmental Quality), referred to Natural Resources.
- SB 31**, introduced by Wanzenried (by request of the Code Commissioner), referred to State Administration.
- SB 32**, introduced by Wanzenried (by request of the Legislative Council), referred to Business, Labor, and Economic Affairs.
- SB 33**, introduced by Wanzenried (by request of the Secretary of State), referred to State Administration.
- SB 34**, introduced by Essmann (by request of the Legislative Council), referred to Legislative Administration.
- SB 35**, introduced by Hamlett (by request of the Environmental Quality Council and the Water Policy Committee), referred to Natural Resources.
- SB 36**, introduced by Hamlett (by request of the Water Policy Committee), referred to Judiciary.
- SB 37**, introduced by Hawks (by request of the Office of Budget and Program Planning), referred to Public Health, Welfare and Safety.
- SB 38**, introduced by Hawks (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
- SB 39**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 40**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 41**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

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- SB 42**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 43**, introduced by Keane (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
- SB 44**, introduced by Brown (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
- SB 45**, introduced by Lewis (by request of the Secretary of State), referred to State Administration.
- SB 46**, introduced by Tropila (by request of the Office of Budget and Program Planning), referred to Judiciary.
- SB 47**, introduced by Vincent (by request of the Environmental Quality Council), referred to Natural Resources.
- SB 48**, introduced by Branae (by request of the Secretary of State), referred to State Administration.
- SB 49**, introduced by Branae, referred to Highways and Transportation.
- SB 50**, introduced by Gallus (by request of the Legislative Finance Committee), referred to Judiciary.
- SB 51**, introduced by Tropila (by request of the Legislative Audit Committee), referred to Business, Labor, and Economic Affairs.
- SB 52**, introduced by Tropila (by request of the Legislative Audit Committee), referred to State Administration.
- SB 53**, introduced by Balyeat (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
- SB 54**, introduced by Balyeat (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
- SB 55**, introduced by Jent (by request of the Secretary of State), referred to State Administration.
- SB 56**, introduced by Jent (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
- SB 57**, introduced by Vuckovich (by request of the Department of Justice), referred to Judiciary.
- SB 58**, introduced by Moss (by request of the Law and Justice Interim Committee), referred to Judiciary.
- SB 59**, introduced by Moss (by request of the Capitol Complex Advisory Council), referred to State Administration.
- SB 60**, introduced by Gillan (by request of the Department of Justice), referred to Judiciary.
- SB 61**, introduced by Moss (by request of the Department of Justice), referred to Judiciary.
- SB 62**, introduced by Jones (by request of the Public Service Commission), referred to Energy and Telecommunications.
- SB 63**, introduced by Steinbeisser (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.
- SB 64**, introduced by Steinbeisser (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
- SB 65**, introduced by Jackson (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
- SB 66**, introduced by Lake (by request of the Education and Local Government Interim Committee), referred to Education and Cultural Resources.
- SB 67**, introduced by Shockley (by request of the Supreme Court), referred to Judiciary.

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- SB 68**, introduced by Jent (by request of the Department of Justice), referred to Judiciary.
- SB 69**, introduced by Wanzenried (by request of the Capitol Complex Advisory Council), referred to State Administration.
- SB 70**, introduced by Wanzenried (by request of the Governor), referred to Taxation.
- SB 71**, introduced by Hawks (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
- SB 72**, introduced by Gillan (by request of the Department of Corrections), referred to Judiciary.
- SB 73**, introduced by Murphy (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
- SB 74**, introduced by Steinbeisser (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
- SB 75**, introduced by Sonju (by request of the Department of Revenue), referred to Taxation.
- SB 76**, introduced by Jent (by request of the Department of Public Health and Human Services), referred to Judiciary.
- SB 77**, introduced by Branae (by request of the Department of Revenue), referred to Taxation.
- SB 78**, introduced by Ripley (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
- SB 79**, introduced by Branae (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
- SB 80**, introduced by Blewett (by request of the Governor), referred to Education and Cultural Resources.
- SB 81**, introduced by Wanzenried (by request of the Department of Justice), referred to Highways and Transportation.
- SB 82**, introduced by Hamlett (by request of the Department of Justice), referred to Highways and Transportation
- SB 83**, introduced by Brenden, referred to Fish and Game.
- SB 84**, introduced by Brenden, referred to Fish and Game.
- SB 85**, introduced by Larsen, referred to Local Government.
- SB 86**, introduced by Hawks, referred to Natural Resources.
- SB 87**, introduced by Steinbeisser, referred to Natural Resources.
- SB 88**, introduced by Facey, referred to Education and Cultural Resources.
- SB 89**, introduced by Wittich, referred to Natural Resources.
- SB 90**, introduced by Essmann, referred to Fish and Game.
- SB 91**, introduced by Brown, referred to Local Government.
- SB 92**, introduced by Jent, referred to Fish and Game.
- SB 93**, introduced by Erickson, referred to Energy and Telecommunications.
- SB 94**, introduced by Erickson, referred to Taxation.
- SB 95**, introduced by Shockley, referred to Local Government.
- SB 96**, introduced by Gillan, referred to Energy and Telecommunications.
- SB 97**, introduced by Shockley, referred to Judiciary.
- SB 98**, introduced by Brenden, referred to Taxation.
- SB 99**, introduced by Brenden, referred to Fish and Game.
- SB 100**, introduced by Shockley, referred to Natural Resources.
- SB 101**, introduced by Jackson, referred to Business, Labor, and Economic Affairs.

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

SJR 1, introduced by Essmann (by request of the Joint Rules Committee), referred to Rules.

SJR 2, introduced by Lewis, referred to Judiciary.

SJR 3, introduced by Wanzenried (by request of the Legislative Council), referred to Legislative Administration.

SJR 4, introduced by Wittich, referred to Energy and Telecommunications.

SJR 5, introduced by Wittich, referred to Energy and Telecommunications.

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

SR 1, introduced by Essmann (by request of the Senate Rules Standing Committee), referred to Rules.

SPECIAL ORDERS OF THE DAY

Senator Essmann introduced the newly elected Republican Senators:

Ron Arthun
Ed Buttrey
Rowlie Hutton
Llew Jones
Bob Lake
Eric Moore
Alan Olson
Jason Priest
Jon Sonju
Chas Vincent
Edward Walker
Art Wittich

Senator Williams introduced the newly elected Democrat Senators:

Shannon Augare
Anders Blewett
Mary Caferro
Tom Facey
Kendall Van Dyk
Gene Vuckovich

Each new Senator spoke to the body.

President Peterson recognized the Senators' families and members of the military.

ANNOUNCEMENTS

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Senator Essmann reviewed the Senators' schedule for the week.

SPECIAL ORDERS OF THE DAY

Senators introduced their family and friends.

Mr. Volf sang his version of "Oh Beautiful."

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, January 4, 2011. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate