

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

Helena, Montana
February 7, 2011

Senate Chambers
State Capitol

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

SPECIAL ORDERS OF THE DAY

President Peterson introduced Noemi Ban, an 88-year-old survivor of the Auschwitz-Birkenau concentration camp during World War II. Ms. Ban lost her mother, grandmother, 13-year-old sister, and 6-month-old baby brother at the German Camp.

The Senate welcomed Ms. Ban to the Senate.

MOTIONS

Senator Essmann moved that the Senate recess and proceed to the House of Representatives for the purpose of receiving an address by the Honorable Congressman from the State of Montana, Denny Rehberg. Upon adjournment of the joint session, the Senate will reconvene at 2:00 p.m.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Congressman Denny Rehberg that the House and Senate were in joint session and ready to receive his address. Motion carried. President Peterson appointed Senator Brenden, Senator Larsen, Representative More, and Representative Reinhart. The committee was discharged to escort Congressman Rehberg into the House chambers. The committee escorted Congressman Rehberg to the rostrum.

Thank you, Speaker Milburn and President Peterson. Addressing the Montana Legislature is always a high honor for me and also a bit of a homecoming.

I look around this Chamber and I see a lot of my old friends and former colleagues. Your faces remind me of all the ways we have worked together to serve the people of Montana - and make sure our state remains a great place to start a small business or to raise a big family!

Of course, it's good to see a lot of new faces out there as well! Congratulations to all of you who have taken your seats in this Legislature for the first time. Last November, people across Montana and across America spoke with a clear voice. Today, they speak through your voices.

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I know you will never forget what an honor it is to serve our state. On January 5 of this year, I took an Oath of Office myself once again. As in this Chamber, there were a lot of new faces as well. Like today, there was a man who was new to the title of "Speaker" but who wore it very well!

The Oath I took was to support and defend the Constitution of the United States and to "well and faithfully discharge" the duties of my office. My purpose today is to share with all of you how I propose that the new Congress and this new Legislature can work together effectively and live up to our Oaths together.

As you know, there are two basic visions of how the federal government should be in relationship with the states and rarely in American history has the difference between those visions been more obvious. One vision, paternalism, has been guiding the power brokers in Washington over the last two years:

It's the idea that the federal government knows best; it's the idea that state legislators like you need to be told what to do; it's the idea that the American people just need to shut up and let the "experts" do their thing.

I, for one, am glad that the American people did not shut up; and I'm glad they have rejected the insufferable arrogance that they saw coming out of Washington, DC.

The American people showed they believe in the second vision which is called states' rights. It's the idea that the people are the experts and that the best government is self-government; it's the idea that the states created the federal government not the other way around and that states like Montana remain the best "laboratories of democracy" in the entire world. It's the idea that Washington has important responsibilities but limited powers, and that when Washington tries to do too much, most of the time it tends to screw things up.

Like most Americans, I believe that states' rights is the right vision. Why? One reason is that our founders got a lot of things right. One of them, James Madison, wrote in the Federalist Papers that "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

Another Founder, Thomas Jefferson, wrote this: "The several states composing the United States of America are not united on the principle of unlimited submission to their general government;" Madison and Jefferson were smart guys - but I say: if you want to understand the wisdom of states' rights, you don't need to read about it in a history book; you can see it - right here in the assembled representatives of the Montana Legislature.

As members of the Montana Legislature, you represent the character and vitality of our great state. Some of you are job creators and running your own small businesses; some of you are public school teachers - and helping our children realize their full potential; others work in health care, energy, and other fields where technology is creating opportunities that our parents never dreamed of; I see a few fellow parents in this Chamber by the way - and a few grandparents as well.

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All of you have one thing in common: every single one of you is a citizen-legislator. The taxes you raise you will have to pay; the regulations you impose, you will have to comply with. You don't have to visit your constituents - you are your constituents: and your perspective will guide you to govern well.

My job as your Congressman is to defend the states' rights principle in Washington. That means focusing on the core responsibilities of the federal government; that means getting Washington off the backs of our people - as well as legislators like you in state capitals across America; and that means ending federal management of the gray wolf population here in Montana.

Unfortunately, the only thing growing faster than the gray wolf population is the number of obstructionist environmental groups and their lawyers. Environmental obstructionists found a federal judge in Missoula that was willing to ignore the scientific evidence as well as the expert opinions of on-the-ground wildlife managers here in Montana. And he ruled last August that the grey wolf had to remain on the Endangered Species List.

When I first heard his decision, like many of you, I wanted to take action immediately. I asked: How can we put some of these judicial activists on the Endangered Species List? I am still working on that! But in the meantime, I have introduced legislation that would permanently end federal jurisdiction over the gray wolf population - and return responsibility to the wildlife managers here in Montana.

By the way, I am glad to hear that Senator Baucus supports the federalist principle when it comes to the gray wolf population. I understand he told this Chamber a few weeks ago that: "Montanans, not Washington bureaucrats, know best how to manage wolves." That was well said. But I wonder when he's going to figure out that Montanans, not Washington bureaucrats, know best how to manage our own health care too!

You don't need me to tell you that the new federal health care law is one of the biggest affronts to states' rights in American history. Some Americans call this law "ObamaCare." But two federal judges have now called it "unconstitutional."

We knew some of the bad news on the front end: It's got half a trillion dollars in higher taxes; Another half trillion in cuts to Medicare; and thousands of pages of red tape.

But somehow the more we learn about the new health care law, the less there is to like. We have discovered that the new law imposed a huge burden of paperwork on small businesses by requiring them to submit countless "1099 Forms" to the IRS. We have heard that the employer mandate is so onerous that it may be cheaper for some employers to just pay the fine and eliminate health insurance coverage for their current employees. We have seen how the Obama Administration has granted "waivers" from its own health care law for more than 700 organizations a lot of them unions and the big dogs who can afford to hire the best-dressed lobbyists in Washington. And legislators like you have learned the full extent of the unfunded mandate imposed through the expansion of the Medicaid program which in our state is estimated to blow a hole in our state budget of more than \$100 million through 2019.

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I appreciate that the Supreme Court may ultimately declare the health care bill unconstitutional. I certainly hope they do so if it comes to that as a matter of law. But Congress passed this law, so Congress can repeal it. And on January 19th, I was proud to stand with 244 of my colleagues as we voted to repeal this terrible law. Unfortunately, we can't repeal the failed stimulus bill or all the other reckless federal spending over the last two years because the money's already out the door. You all know the numbers: the federal budget deficit this year will be over one trillion dollars for the third straight year, according to the nonpartisan Congressional Budget Office; Washington now borrows more than 40 cents of every dollar we spend; and our federal debt has grown to an unbelievable 14 trillion dollars.

All this spending has been unsuccessful because it didn't keep our national unemployment rate below 8 percent as the White House promised. And a lot of this spending has been just plain dumb: the Obama Administration sent about 89,000 stimulus checks to dead people; the stimulus bill also included: \$1.9 million for international ant research; \$700,000 to study why monkeys respond negatively to inequity; and nearly \$200,000 to study voter perceptions of the stimulus bill itself!

Here in Montana, we were promised that millions of stimulus dollars would go to the Whitetail Port of Entry until the Canadians decided that 5 vehicles a day wasn't worth their own taxpayer dollars and decided to close their side. And in what has to be the most ironic earmark of them all the omnibus spending bill that was blocked in the Senate right before Christmas included more than \$700,000 to compensate ranchers in Wisconsin, Minnesota, and Michigan whose cattle are eaten by--you guessed it--endangered wolves!

But the biggest travesty of Washington's stimulus spending spree is not that it was a waste of money; it's that the money has been stolen in plain sight from our children and grandchildren. Every dollar of the national debt is a dollar our children will not have the freedom to spend or to save for themselves. Every paycheck they receive will be smaller; their family budgets tighter, not because they chose to send their hard-earned money to Washington but because Washington took it and spent it before they even earned it--before they even got a chance to vote--for many of our children, before they were even born! This is what "taxation without representation" looks like in the 21st Century. And, it means our nation's fiscal mess is not just a math problem, it's a moral problem and we owe our children much better leadership.

The new majority in the House of Representatives believes we need to face our spending problem head-on--and that's why we unanimously voted to ban all earmarks in the 112th Congress. I stand before you as a reformed earmarker; I know this reform is long overdue; and I know it's just the first step we needed to take to get back on the path of fiscal discipline. More difficult spending decisions lie ahead and I will help lead this effort as Chairman of the Appropriations Subcommittee for Labor, Health and Human Services, and Education. This is the subcommittee that has the power to end funding for ObamaCare. It's the subcommittee with major responsibilities for entitlement reform.

My colleagues and I will help re-establish fiscal discipline in Washington but that doesn't mean the battle for states' rights is over. Instead, we can already see the battle shifting: from the halls of the Capitol to the layers of federal bureaucracy that are imposing huge new regulatory burdens on

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the American people. And even when Congress hasn't given federal agencies more power, they've taken it anyway: when Congress didn't pass the disastrous "cap and trade" bill, the Environmental Protection Agency said: no problem! We'll just reclassify carbon dioxide - that's the stuff you and I are exhaling right this very minute as a "pollutant" that they now can regulate under the Clean Air Act.

And last week, the EPA claimed that it now has jurisdiction over spilled milk. I am not making this up. You see, Congress gave the agency responsibility over oil spills - which makes sense. But someone told them that milk contains animal fat - which is a form of non-petroleum oil. And ... well you get the picture. The impact on Montana's dairy farmers could be severe not to mention surreal. They may soon have to develop "emergency management plans" for spilled milk - as well as train "first responders." I say: If anyone wants a "first responder" for spilled milk, just adopt a cat!

Here's another example of regulatory overreach that hits us close to home here in Montana. A lot of us were surprised to learn that the Obama Administration developed a secret plan in the Interior Department to take over millions of acres of our state by declaring them a "national monument." To borrow a phrase from President Obama: "Let me be clear." No additional national monuments should be created in our state without input from the people of Montana and the approval of Congress. I've introduced legislation to stop federal bureaucrats from abusing their regulatory powers and I assure you I will be on high alert for any other power grabs that could impact our state.

As I'm fighting the battle for states' rights in Washington, I encourage all of you to continue to make the case for good government here in Helena. I implore you: keep the pressure on us in Congress. Show us how the new health care law is busting the state budget and don't make it any easier for it to be implemented in our state.

Don't wait on Congress to send a balanced budget amendment to the states for ratification: instead, send a petition to Congress to force us to call a constitutional convention if we fail to act! And continue to pass resolutions to call attention to our broken immigration system and other ways the federal government is failing the people of Montana.

By far the best thing you can do is to continue to be one of the best performing "laboratories of democracy" in America: by keeping government spending and taxes under control; by making sure Montana remains a great place to build a business and raise a family; by showing that Montana doesn't have a lot to learn from Washington though we do have a lot of commonsense solutions to share.

I believe over the next several years we will witness the implosion of the "paternalistic" model of government: California has doubled down on its high tax, high regulation experiment with big government. Illinois just raised personal income taxes by 66 percent! Our state has a tremendous opportunity: to present itself as the compelling contrast to these failed models; to help restore faith in limited government and to prove the wisdom of states' rights.

Conclusion: Honor the Troops

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Whatever happens over the next 90 days and during your entire term in office, I hope you will remember to be humble in your public service as I am: None of us are perfect creatures in the sight of God - but all of us are made in His image - and our oaths call us to live and lead by His example of love and self-sacrifice. Also remember that our freedom isn't free. Even as we speak, Montanans are defending liberty in far-off places that are full of danger. Everybody says to pray for our troops - and of course we all should. But we should also try to see America - and our beloved Montana - as our troops see it: a place well worth defending; Because it remains a land of promise.

God bless you all and God Bless the Great State of Montana.

The committee escorted Congressman Rehberg and honored guests from the Joint session.

Senator Essmann moved that the Joint session be adjourned. Motion carried.

The Joint Session adjourned.

Senate reconvened at 1:41.

BILLS AND JOURNALS:

2/7/2011

Correctly printed: **SB 34, SB 149, SB 151, SB 153, SB 176, SB 180, SB 194, SB 222, SJR 8.**
Correctly engrossed: **SB 172.**

LEGISLATIVE ADMINISTRATION (Brown, Chairman):

2/7/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 5, 2011:

TITLE

NAME

Pages:	Lee Barbisan, Bozeman Cheyenne Cole, Dixon Becca Harper, Helena Sarah Rice, Miles City
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and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 7, 2011:

TITLE

NAME

Pages:	Anna Williams, Bozeman Catherine Alvernaz, Glasgow Lauren Buechler, Malta Hailey Muller, Billings
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Jeanne Breakall, Twin Bridges
Jessica Davis, Choteau

Report Adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/5/2011

HB 123, introduced by McClafferty
HB 185, introduced by Berry
HB 211, introduced by Ingraham
HB 212, introduced by Ingraham
HB 294, introduced by Cook
HB 298, introduced by McNutt

MOTIONS

Senator Hawks moved to take **SB 86** from the table in the Natural Resources committee and be placed on second reading on Thursday, Feb. 10, 2011. Motion **failed** as follows:

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

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

Senator Wanzenried moved to suspend the Rules to allow the late introduction of a bill. Motion **failed** as follows:

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

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

Total 27

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

**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 Kaufmann in the chair.

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

SB 182 - Senator Van Dyk moved **SB 182** do pass. Motion carried as follows:

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

Total 43

Nays: Barrett, Lake, Moore, Mowbray, Ripley.

Total 5

Absent or not voting: Hawks.

Total 1

Excused: Jones.

Total 1

SB 192 - Senator Erickson moved **SB 192** do pass. Motion carried as follows:

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

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Total 46

Nays: Moore, Steinbeisser, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

SB 204 - Senator Blewett moved **SB 204** do pass. Motion carried as follows:

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

Total 39

Nays: Arthun, Brenden, Lewis, Moore, Mowbray, Sonju, Steinbeisser, Walker, Wittich, Zinke.

Total 10

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

SB 213 - Senator Vuckovich moved **SB 213** do pass. Motion carried as follows:

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

Total 48

Nays: Ripley.

Total 1

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

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SB 216 - Senator J. Peterson moved **SB 216** do pass. Motion carried as follows:

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

Total 34

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

Total 15

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

SB 218 - Senator Steinbeisser moved **SB 218** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, 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: Jones.

Total 1

SB 238 - Senator Blewett moved **SB 238** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, 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

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

SB 256 - Senator Gillan moved **SB 256** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, 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: Jones.

Total 1

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

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, 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: Jones.

Total 1

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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 3 passed as follows:

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

Total 36

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Jackson, Lewis, Ripley, Shockley, Sonju, Vincent, Walker, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

SB 34 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, 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: Jones.

Total 1

SB 43 passed as follows:

Yeas: Arthun, Augare, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss,

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Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Barrett, Blewett, Erickson, Jackson, Kaufmann, Mowbray, Van Dyk, Wanzenried, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 149 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Caferro, Erickson, Kaufmann, Moss, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 151 passed as follows:

Yeas: Arthun, Augare, Balyeat, Branae, Brenden, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Barrett, Blewett, Caferro, Erickson, Essmann, Jackson, Kaufmann, Sonju, Steinbeisser, Tutvedt, Wittich.
Total 11

Absent or not voting: None.

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Total 0

Excused: Jones.

Total 1

SB 153 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, 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: Caferro.

Total 1

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

SB 176 passed as follows:

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

Total 22

Absent or not voting: None.

Total 0

Excused: Jones.

Total 1

SB 180 passed as follows:

Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray,

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Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Balyeat, Blewett, Caferro, Erickson, Hamlett, Kaufmann, Shockley, Stewart-Peregoy.
Total 8

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 194 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, 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 47

Nays: Tropila, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SJR 8 passed as follows:

Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 31

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Jackson, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Van Dyk, Walker, Wittich, Zinke.
Total 18

Absent or not voting: None.
Total 0

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Excused: Jones.

Total 1

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of February 7-12, 2011.

Senator Essmann commemorated Past-President Ronald Reagan's 100th Birthday on February 6, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, February 8, 2011. Motion carried.

Senate adjourned at 2:52 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate