

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
FORTIETH LEGISLATIVE DAY**

Helena, Montana  
February 18, 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. Quorum present.

**BILLS AND JOURNALS:**

2/18/2011

Correctly printed: **SB 2, SB 97, SB 144, SB 168, SB 242, SB 268, SB 280, SB 283, SB 289, SB 290, SB 302.**

Correctly engrossed: **SB 91, SB 111, SB 113, SB 183, SB 191, SB 208, SB 236, SB 241, SB 243, SB 260, SB 279, SB 284, SB 286, SB 287, SB 299, SB 311, SB 337, SJ 11.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman): 2/17/2011  
**SJR 14**, do pass. Report adopted.  
**HB 294**, be concurred in. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman): 2/18/2011

**SB 294**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "EMPLOYED;"

**Insert:** "PROVIDING ALTERNATE CRITERIA FOR WAGES FOR NEW JOBS;"

2. Page 3, line 30.

**Following:** "employed:"

**Insert:** "A grant may be provided only for a new job for which the average weekly wage is at least 75% of the current average weekly wage of the county in which the employee is to be principally employed or 150% of the state's minimum wage, whichever is less, provided minimum wage requirements are met."

And, as amended, do pass. Report adopted.

**SB 341**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "AND"

2. Title, page 1, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE"

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3. Page 2.

**Following:** line 2

**Insert:** "NEW SECTION. Section 2. Delayed effective date. [This act] is effective January 1, 2012."

**Insert:** "NEW SECTION. Section 3. Contingent voidness. If the U.S. department of labor declares Montana out of conformity with the Federal Unemployment Tax Act, 26 U.S.C. 3301, et seq., based on the provisions of [this act], [this act] is void. The department of labor and industry shall notify the secretary of state and the code commissioner regarding notification by the U.S. department of labor on the conformity issue by December 31, 2011."

And, as amended, do pass. Report adopted.

**SB 342**, introduced bill, be amended as follows:

1. Page 4, line 7 through line 9.

**Following:** "(19)"

**Insert:** "(a)"

**Strike:** "means" on line 7 through "employer" on line 9

**Insert:** "includes but is not limited to the following conduct by an employee:

(i) willful or wanton disregard of the rights, title, and interests of a fellow employee or the employer;

(ii) deliberate violations or disregard of standards of behavior that the employer has the right to expect of an employee;

(iii) carelessness or negligence that causes or is likely to cause serious bodily harm to the employer or a fellow employee; or

(iv) carelessness or negligence of a degree or that reoccurs to a degree to show an intentional or substantial disregard of the employer's interest.

(b) The term does not include:

(i) inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(ii) inadvertent or ordinary negligence in isolated instances; or

(iii) good faith errors in judgment or discretion"

And, as amended, do pass. Report adopted.

**SB 361**, do pass. Report adopted.

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

2/17/2011

**SB 254**, do pass. Report adopted.

**SB 292**, do pass. Report adopted.

**SB 297**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "THE CONVERSION OF"

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**Insert:** "A FACILITY OR SURFACE PREMISES WHERE"

**Following:** "COAL"

**Insert:** "IS CONVERTED"

2. Page 2, line 28.

**Following:** "operated"

**Insert:** ", owned, "

3. Page 5, line 26.

**Following:** the first "the"

**Insert:** "surface"

4. Page 5, line 28.

**Following:** the first "or"

**Insert:** "surface"

And, as amended, do pass. Report adopted.

**SB 305**, do pass. Report adopted.

**SB 320**, introduced bill, be amended as follows:

1. Page 3, line 25.

**Following:** "laws"

**Insert:** ", with respect to reliability of service,"

And, as amended, do pass. Report adopted.

**SB 330**, introduced bill, be amended as follows:

1. Page 1.

**Following:** line 9

**Insert:** "NEW SECTION. Section 1. Long-term waiver. A public utility may petition the commission for a long-term waiver, in whole or in part, of the renewable energy standards required pursuant to 69-3-2004(2) and (3) for compliance years after 2011 if the public utility can show that the procurement of electricity from renewable energy resources or renewable energy credits will result in adverse customer impacts."

**Renumber:** subsequent sections

2. Page 1, line 13.

**Following:** "69-3-2007"

**Insert:** ", [section 1],"

**Strike:** "(12)"

**Insert:** "(13)"

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3. Page 3, line 4.

**Following:** "in"

**Insert:** "[section 1] and"

**Strike:** "~~(12)~~"

**Insert:** "(13) of this section"

4. Page 3, line 11.

**Strike:** "A"

**Insert:** "Except as provided in subsection (12), a"

5. Page 3.

**Following:** line 27

**Insert:** "(12) A public utility or competitive electricity supplier may not petition the commission for a waiver pursuant to subsection (10) if the public utility or competitive electricity supplier has insufficient renewable energy credits to comply with subsections (2) and (3) because the public utility or competitive electricity supplier sold renewable energy credits to another party that would otherwise have been used by the public utility or competitive electricity supplier to meet the requirements of subsections (2) and (3)."

**ReNUMBER:** subsequent subsection

6. Page 4, line 1.

**Strike:** "(12)(a)"

**Insert:** "(13)(a)"

7. Page 5, line 16.

**Strike:** "~~and (11)~~"

**Insert:** "through (12)"

8. Page 5.

**Following:** line 16

**Insert:** "(d) define the process by which long-term waivers from full or partial compliance with this part may be granted in accordance with [section 1];"

**ReNUMBER:** subsequent subsections

9. Page 5.

**Following:** line 20

**Insert:** "NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 20, and the provisions of Title 69, chapter 3, part 20, apply to [section 1]."

**ReNUMBER:** subsequent sections

And, as amended, do pass. Report adopted.

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**SJR 12**, introduced joint resolution, be amended as follows:

1. Page 1, line 13 through line 15.

**Strike:** line 13 through line 15 in their entirety

And, as amended, do pass. Report adopted.

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

2/17/2011

**SB 301**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "PURCHASE OF"

**Insert:** "CERTAIN"

2. Title, line 5.

**Strike:** "2015"

**Insert:** "2013"

3. Title, line 6.

**Strike:** "87-1-285,"

4. Page 2, line 4.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

5. Page 2, line 16.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

6. Page 3, line 4.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

7. Page 5, line 11.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

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8. Page 7, line 12.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

9. Page 7, line 14 through page 8, line 2.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

10. Page 10, line 3.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

11. Page 10, line 27.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

12. Page 11, line 14.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

13. Page 12, line 1.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

14. Page 13, line 3.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

**Strike:** "2015"

**Insert:** "2013"

15. Page 13, line 19.

**Following:** "in fee"

**Insert:** "if land is more than 100 acres in size or costs more than \$100,000"

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**Strike:** "2015"

**Insert:** "2013"

16. Page 13, line 26.

**Strike:** "2015"

**Insert:** "2013"

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Jones, Chairman):  
**SB 81**, introduced bill, be amended as follows:

2/17/2011

1. Title, page 1, line 10.

**Following:** "61-5-112,"

**Strike:** "61-5-114,"

2. Page 2, line 21.

**Following:** line 20

**Insert:** "(8) A downgrade or subsequent upgrade of a CDLIS driver record pursuant to this section is an electronic transaction. The department may not require the surrender or replacement of a commercial driver's license under this section unless the license is expired.

(9) Unless the commercial driver's license is expired, the department may not require a license holder to take the knowledge and road or skills tests required under 61-5-110 or 61-5-111 to reinstate the commercial driver's license pursuant to subsection (6)."

3. Page 17, line 1 through line 19.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

4. Page 26, line 27.

**Strike:** "8 and 9"

**Insert:** "7 and 8"

5. Page 26, line 28.

**Strike:** "12 and 13"

**Insert:** "11 and 12"

And, as amended, do pass. Report adopted.

**SB 211**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "REMOVING"

**Insert:** "CHANGING"

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2. Page 1, line 11.

**Following:** "and"

**Insert:** "that is less than 15 years of age and"

And, as amended, do pass. Report adopted.

**SB 278**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/17/2011

**HB 25**, introduced by Roberts

**HB 70**, introduced by Menahan

**HB 79**, introduced by Evans

**HB 100**, introduced by Vance

**HB 133**, introduced by Salomon

**HB 252**, introduced by Hoven

**HB 293**, introduced by Connell

**HB 330**, introduced by B. Bennett

**HB 361**, introduced by Washburn

**HB 422**, introduced by Hale

**MOTIONS**

Senator Brenden moved **SB 13** be moved to the Finance and Claims committee. Motion carried as follows:

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

Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, 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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**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 387**, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.

**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 Lake in the chair.

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

**SB 272** - Senator Murphy moved consideration of **SB 272** be placed at the bottom of the second reading board. Motion carried.

**SB 307** - Senator Tutvedt moved **SB 307** do pass. Motion carried as follows:

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

Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, 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

**SJR 10** - Senator Priest moved **SJR 10** do pass. Motion carried as follows:

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

Total 30

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

Total 20

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 114** - Senator Hinkle moved **SB 114** do pass. Motion carried as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 198** - Senator Balyeat moved **SB 198** do pass. 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

**SB 225** - Senator Priest moved **SB 225** do pass. Motion carried 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,

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Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.  
Total 41

Nays: Caferro, Erickson, Kaufmann, Larsen, Moss, Stewart-Peregoy, Vuckovich, Williams, Windy Boy.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 258** - Senator Buttrey moved **SB 258** 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, 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

**SB 271** - Senator Gallus moved **SB 271** 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, 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

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Excused: None.

Total 0

**SB 227** - Senator Priest moved **SB 227** do pass. 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

**SB 275** - Senator Zinke moved **SB 275** 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, 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

**SB 285** - Senator Olson moved **SB 285** do pass. Motion carried as follows:

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

Total 44

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Nays: Balyeat, Gallus, Hinkle, Jackson, Vincent, Walker.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 269** - Senator Buttrey moved **SB 269** do pass. Motion carried as follows:

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

Total 39

Nays: Essmann, Jackson, Lake, Lewis, Mowbray, Murphy, Priest, Sonju, Steinbeisser, Tutvedt, Walker.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 272** - Senator Murphy moved consideration of **SB 272** be passed for the day. Motion carried.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake 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, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 46

Nays: Keane, Stewart-Peregoy, Williams, Windy Boy.

Total 4

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**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 97** passed 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, Windy Boy, Wittich, Zinke, Mr. President.

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 144** passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, 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 31

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: None.

Total 0

**SB 168** passed as follows:

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

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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, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 49

Nays: Steinbeisser.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 242** passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 35

Nays: Augare, Blewett, Branae, Caferro, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 268** passed as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 30

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

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Murphy, Chairman):  
**SB 276**, do pass. Report adopted.  
**SB 324**, do pass. Report adopted.

2/18/2011

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, February 19, 2011. Motion carried.

Senate adjourned at 2:52 a.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate