

**SENATE JOURNAL
62ND LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 22, 2011

Senate Chambers
State Capitol

Senate convened at 8:00 a.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:

2/22/2011

Correctly printed: **SB 113, SB 174, SB 208, SB 254, SB 289, SB 304, SB 336, SB 359.**

Correctly engrossed: **SB 83, SB 205, SB 212, SB 343, SB 367, SB 383, SB 384, SB 387.**

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 113 passed as follows:

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

Total 44

Nays: Balyeat, Brenden, Hinkle, Lake, Murphy, Steinbeisser.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 208 passed as follows:

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

Total 41

Nays: Balyeat, Hinkle, Jackson, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker.

Total 9

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 254 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, 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

SB 289 passed as follows:

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

Total 45

Nays: Hinkle, Hutton, Lake, Stewart-Peregoy, Windy Boy.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman):

2/21/2011

SB 329, introduced bill, be amended as follows:

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1. Title, line 10.

Following: "EXCEED"

Insert: "REVENUE"

Strike: "ANY PRIOR YEAR"

Insert: "THE PREVIOUS 5 YEARS"

2. Title, line 11 through line 16.

Strike: "REQUIRING" on line 11 through "GRANTS;" on line 16

3. Title, line 18 through line 19.

Strike: "ELIMINATING" on line 18 through "ACT;" on line 19

4. Title, line 19.

Strike: "20-9-342,"

5. Title, line 20 through line 21.

Strike: "20-9-516, 20-9-630," on line 20

Strike: "REPEALING" on line 20 through "MCA;" on line 21

6. Title, line 22.

Strike: "IMMEDIATE"

7. Page 2, line 16.

Insert: "(4) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."

8. Page 3, line 7.

Strike: "Whenever"

Insert: "Except as otherwise provided by law, whenever"

9. Page 5, line 1.

Strike: "Montana"

Following: "vendor"

Insert: ", including a Montana vendor,"

10. Page 5, line 2.

Strike: "their"

Insert: "the vendor's"

11. Page 6, line 1.

Following: "transfer"

Insert: ", in which case the funds may be spent for the purpose approved on the ballot"

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12. Page 6, line 10.

Insert: "(4) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."

13. Page 6, line 20.

Following: "over"

Strike: "tax levels"

Insert: "revenue"

14. Page 6, line 21.

Following: "in"

Strike: "a prior year"

Insert: "any of the previous 5 years"

15. Page 7, line 5 through line 19.

Strike: section 6 in its entirety

Renumber: subsequent sections

16. Page 7, line 26.

Following: "over"

Strike: "tax levels"

Insert: "revenue"

17. Page 7, line 27.

Following: "in"

Strike: "a prior year"

Insert: "any of the previous 5 years"

18. Page 8, line 25.

Following: "reimbursement"

Strike: ", the transfer of a tuition fund balance,"

19. Page 8, line 29.

Following: "project"

Strike: ", funds transferred from a closed tuition fund,"

20. Page 9, line 4 through page 11, line 4.

Strike: sections 9 and 10 in their entirety

Renumber: subsequent sections

21. Page 12, line 3 through line 15.

Strike: section 12 in its entirety

Renumber: subsequent section

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22. Page 12, line 17.

Strike: "on passage and approval"

Insert: "July 1, 2011"

And, as amended, do pass. Report adopted.

SB 388, introduced bill, be amended as follows:

1. Page 1, line 20 through line 22.

Strike: "The salary" on line 20 through "." on line 22

Insert: "The salary for the new teaching or administrative position described in subsection (1) may not be altered if the transfer occurs after a school fiscal year has begun. If the transfer occurs at the beginning of a school fiscal year, the teacher's salary must be the same as the salary that the teacher would have received if the teacher had been continuously employed in the new position."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman):

2/21/2011

SB 306, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

2. Page 1, line 15 through line 18.

Strike: subsection (3) in its entirety

Insert: "(3)(a) Except as provided in subsection (3)(b), a person who holds an operating permit for an open-pit mine may have ore from that mine or other metalliferous product derived from that ore processed with cyanide ore-processing reagent in a facility at a mine that on November 3, 1998, was using cyanide ore-processing reagent pursuant to an operating permit that included both the facility and the associated mine.

(b) If the mine referred to in subsection (3)(a) was using cyanide ore-processing reagent at a heap leaching facility, the mine may process ore or metalliferous product from another open-pit mine using cyanide ore-processing reagent only if the permit has not been and is not amended to expand the boundaries of the permitted area beyond the permitted area as it existed on November 3, 1998."

And, as amended, do pass. Report adopted.

SB 312, introduced bill, be amended as follows:

1. Page 15, line 16 through line 18.

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Strike: "The" on line 16 through "applicant." on line 18

Insert: "If the proposed modifications substantially change the proposed plan of operation or reclamation, the department may terminate the draft permit and review the application as modified pursuant to subsection (1) for completeness and compliance and issuance of a new draft permit.

(b) The department shall consult with the applicant before placing stipulations in a draft or final permit."

2. Page 15, line 18.

Following: "may"

Insert: ", unless the applicant consents,"

3. Page 15, line 19.

Following: "part"

Insert: "and rules adopted pursuant to this part"

4. Page 15, line 20.

Strike: "(b)"

Insert: "(c)"

5. Page 15, line 22.

Strike: "(c)"

Insert: "(d)"

6. Page 15, line 25.

Strike: "(d)"

Insert: "(e)"

Following: "bond"

Insert: "and subject to subsection (1)(h)"

And, as amended, do pass. Report adopted.

SB 317, introduced bill, be amended as follows:

1. Page 2, line 18 through line 19.

Strike: "moral" on line 18 through "material" on line 19

2. Page 2, line 23.

Strike: "moral and material"

3. Page 3, line 7 through line 8.

Strike: "and" on line 7 through "facilitate" on line 8

4. Page 3, line 27.

Strike: "encouraging"

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Insert: "allowing"

5. Page 3, line 29.

Strike: "moral and material"

6. Page 6, line 17.

Strike: "(3)(c)"

Insert: "(3)(d)"

7. Page 9, line 13.

Strike: "and"

8. Page 9, line 14.

Strike: "."

Insert: "; and

(vii) initiate and use ecological information in the planning and development of resource-oriented state-sponsored projects."

9. Page 9, line 16.

Strike: "(3)(h)"

Insert: "(3)(i)"

Strike: "required" through "a"

Insert: "authorized and within the scope of an agency's authority to consider alternatives under the substantive regulatory act under which it is regulating the"

10. Page 9, line 17.

Following: the second "action"

Insert: ", except as provided in this section"

11. Page 9, line 25.

Strike: "(3)(b)"

Insert: "(3)(c)"

12. Page 9, line 26.

Strike: "(3)(b)"

Insert: "(3)(c)"

13. Page 9, line 29.

Strike: "and economic"

14. Page 9, line 30.

Following: "Montana"

Strike: "."

Insert: ". An agency may conduct original scientific studies only if:

(i) the subject of the study is directly relevant to the impacts of the project at issue and the

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agency has the authority to regulate the applicant in regard to that subject under the substantive regulatory act under which the agency is proceeding; and

(ii) the agency director, not a designee, makes a finding that the conditions in subsection (3)(a)(i) are met and an analysis of the reasonably foreseeable environmental impacts determined based on existing, publicly available information cannot be adequately completed without the proposed original scientific study. If the agency director makes a finding under this subsection (3)(a)(ii) requiring the agency to undertake a study, this finding is immediately reviewable in district court.

(b) a statement of the reasonably foreseeable economic impacts of the proposed action in Montana, based on information in the record and other publicly available economic information that the agency, in its sole discretion, decides to gather and analyze;"

Renumber: subsequent subsections

15. Page 10, line 13.

Strike: "(3)(c)"

Insert: "(3)(d)"

16. Page 11, line 24.

Strike: ", including" through "comment,"

17. Page 18, line 26.

Strike: "50%"

Insert: "75%"

18. Page 18, line 27.

Strike: "50%"

Insert: "25%"

19. Page 20, line 29.

Strike: "parts 1 through 3"

Insert: "this part"

20. Page 20, line 30 through page 21, line 3.

Strike: "parts" on page 20, line 30 through "action" on page 21, line 3

Insert: "this part"

And, as amended, do pass. Report adopted.

SB 327, do pass. Report adopted.

SB 356, do pass. Report adopted.

SB 364, do pass. Report adopted.

SB 367, introduced bill, be amended as follows:

1. Page 13, line 21.

Strike: "A"

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Insert: "The department shall approve the use of a"

Strike: "is available to"

Insert: "for"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/21/2011
SB 370, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/21/2011
SB 291, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "AGENCY;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE AND AN APPLICABILITY DATE"

2. Page 1, line 17.

Strike: "labor,"

3. Page 1, line 18.

Following: "included"

Insert: "legibly"

Following: "broadcast or on the"

Strike: "front"

Insert: "exterior cover"

4. Page 1, line 20.

Following: "estimated"

Strike: "taxpayer"

Following: "\$..."

Strike: "for advertising"

5. Page 1, line 27.

Following: line 26

Insert: "(4) For the purposes of this section, "advertising" means when an elected or appointed officer or agency director appears or speaks in broadcast media or the picture of the officer or director appears in printed material."

6. Page 2, line 4.

Following: line 3

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2011."

Insert: "NEW SECTION. Section 4. Applicability. [This act] applies to media purchased or produced on or after [the effective date of this act]."

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And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/21/2011

HB 161, introduced by Milburn
HB 275, introduced by Reichner
HB 338, introduced by Esp
HB 341, introduced by C. Smith
HB 342, introduced by C. Smith
HB 346, introduced by Beck
HB 366, introduced by Rosendale
HB 399, introduced by Arntzen
HB 408, introduced by C. Smith
HB 416, introduced by Klock
HB 421, introduced by Malek
HB 426, introduced by MacLaren
HB 448, introduced by Kerns
HB 464, introduced by Blasdel
HB 471, introduced by Kennedy
HB 480, introduced by Menahan
HB 496, introduced by Menahan
HB 498, introduced by MacLaren
HB 523, introduced by Arntzen

MOTIONS

Senator Brenden moved that **SB 303** be taken from Local Government and brought before the Committee of the Whole. Motion carried as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

Senator Hinkle moved that **SJR 2** be taken from Judiciary and brought before the Committee of the Whole. Motion **failed** as follows:

Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lewis, Murphy, Priest, Ripley, Shockley, Steinbeisser, Walker, Wittich.

Total 17

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Olson, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 33

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Lewis moved **SB 282** be moved from the Taxation committee to the Finance and Claims committee. Motion carried as follows:

Yeas: 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 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 389, introduced by Van Dyk, referred to Business, Labor, and Economic Affairs.

SB 390, introduced by Jones, referred to Fish and Game.

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SB 391, introduced by Wittich, referred to Energy and Telecommunications.

**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 Tropila in the chair.

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

SB 255 - Senator Brenden moved **SB 255** do pass. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 280 - Senator Brown moved **SB 280** 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, 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: Lewis.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 287 - Senator Keane moved **SB 287** do pass. Motion carried as follows:

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

Total 35

Nays: Arthun, Balyeat, Buttrey, Essmann, Hinkle, Hutton, Jackson, Priest, Shockley, Sonju, Van Dyk, Vincent, Walker, Wittich, Zinke.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 260 - Senator Windy Boy moved **SB 260** do pass. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 32

Nays: Arthun, Barrett, Brenden, Buttrey, Essmann, Hutton, Jackson, Lake, Murphy, Olson, Priest, Ripley, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 290 - Senator Zinke moved **SB 290** do pass. Motion carried as follows:

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

Total 49

Nays: Blewett.

Total 1

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 292 - Senator Olson moved **SB 292** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, 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 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 11 - Senator J. Peterson moved **SJR 11** do pass. Motion carried as follows:

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

Nays: Erickson, Kaufmann, Larsen.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 14 - Senator Hawks moved **SJR 14** 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,

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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

Senate in recess.

Senate reconvened.

Senator Essmann moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose.

Senate resumed. Chairman Essmann moved the Senate resolve itself into the Committee of the Whole. Motion carried. Senator Tropila in the Chair.

SB 91 - Senator Brown moved **SB 91** 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 224 - Senator Priest moved consideration of **SB 224** be placed below **SB 297** on the second reading board. Without objection, so ordered.

SB 237 - Senator Arthun moved consideration of **SB 237** be placed at the bottom of the second reading board. Without objection, so ordered.

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SB 276 - Senator Williams moved consideration of **SB 276** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 294 - Senator Buttrey moved consideration of **SB 294** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 297 - Senator Essmann moved **SB 297** 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

Senator Essmann moved the committee rise, and beg leave to sit again. Motion carried. Committee arose.

Senate resumed. President Peterson in the chair. Chairman Tropila 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, 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

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REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 2/21/2011
SB 385, introduced bill, be amended as follows:

1. Page 2, line 20.

Strike: "50"

Insert: "25"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/21/2011
SB 366, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "60-day"

Insert: "30-day"

2. Page 1, line 28.

Following: "job"

Insert: "without good cause"

3. Page 1, line 30.

Strike: "60"

Insert: "30"

4. Page 2, line 1.

Strike: "60"

Insert: "30"

5. Page 4, line 5.

Following: "job"

Insert: "without good cause"

6. Page 4, line 7.

Strike: "60"

Insert: "30"

7. Page 4, line 8.

Strike: "60"

Insert: "30"

And, as amended, do pass. Report adopted.

Senator Essmann moved the Senate recess until 12:00 noon. Motion carried.

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Senate in recess.

Senate reconvened at 12:00.

Roll Call. All members present, except Senator Gallus, excused. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 25, introduced by Roberts (by request of the Economic Affairs Interim Committee), referred to Public Health, Welfare and Safety.

HB 28, introduced by McNutt (by request of the Water Policy Committee), referred to Natural Resources.

HB 161, introduced by Milburn, referred to Judiciary.

HB 230, introduced by Gibson, Burnett, Hollandsworth, Hollenbaugh, Menahan, Hiner, Wilmer, Taylor, O'Hara, Roberts, McChesney, Lewis, Brodehl, Cook, Ripley, Zinke, Kerns, McGillvray, Regier, C. Smith, Warburton, MacLaren, Buttrey, G. Bennett, Walker, Milburn, Osmundson, referred to Judiciary.

HB 264, introduced by Vance, Sonju, referred to Business, Labor, and Economic Affairs.

HB 275, introduced by Reichner, Sonju, Wagner, Klock, Arntzen, Stahl, Blasdel, Ripley, Randall, Hutton, Lavin, Arthun, Knudsen, Greef, Vance, Tutvedt, Salomon, Rosendale, McNiven, Clark, Welborn, C. Smith, Essmann, referred to Business, Labor, and Economic Affairs.

HB 287, introduced by Clark, referred to Fish and Game.

HB 295, introduced by Cook, referred to Natural Resources.

HB 324, introduced by MacLaren, referred to Business, Labor, and Economic Affairs.

HB 337, introduced by Menahan, referred to Fish and Game.

HB 338, introduced by Esp, referred to Local Government.

HB 341, introduced by C. Smith, Taylor, referred to Judiciary.

HB 342, introduced by C. Smith, Taylor, referred to Judiciary.

HB 346, introduced by Beck, Ehli, referred to State Administration.

HB 348, introduced by Malek, referred to Taxation.

HB 352, introduced by Osmundson, J. Peterson, Edmunds, Kennedy, Vance, C. Smith, Rosendale, Connell, referred to Natural Resources.

HB 354, introduced by Stahl, referred to Business, Labor, and Economic Affairs.

HB 359, introduced by Vance, Read, referred to Business, Labor, and Economic Affairs.

HB 366, introduced by Rosendale, Loney, C. Smith, Jackson, O'Hara, Vance, Tutvedt, Sonju, Priest, referred to Local Government.

HB 399, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.

HB 408, introduced by C. Smith, Taylor, McGillvray, Skees, Stahl, Blasdel, referred to Business, Labor, and Economic Affairs.

HB 410, introduced by Beck, Sonju, Blasdel, Caferro, referred to Public Health, Welfare and Safety.

HB 412, introduced by Harris, Hale, Beck, Hendrick, Edmunds, Hinkle, Vance, Loney,

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Osmundson, Hollandsworth, C. Smith, Skees, Blyton, Wagner, Kary, Lavin, referred to Judiciary.

HB 414, introduced by Harris, Jackson, Hale, Beck, Olson, Balyeat, Edmunds, Hendrick, Osmundson, Hollandsworth, Hinkle, Blyton, C. Smith, Wagner, Sonju, Wittich, Loney, Knox, Skees, Kary, Blasdel, Lavin, Skattum, Kennedy, Arthun, Buttrey, Jones, referred to State Administration.

HB 416, introduced by Klock, referred to Business, Labor, and Economic Affairs.

HB 419, introduced by Beck, Arthun, referred to Business, Labor, and Economic Affairs.

HB 421, introduced by Malek, referred to Education and Cultural Resources.

HB 426, introduced by MacLaren, Sonju, Olson, C. Smith, McGillvray, Tutvedt, referred to Local Government.

HB 448, introduced by Kerns, referred to Judiciary.

HB 464, introduced by Blasdel, Milburn, referred to Judiciary.

HB 471, introduced by Kennedy, Skattum, G. Bennett, Read, Connell, Brodehl, O'Neil, Harris, Loney, K. Peterson, MacLaren, Yates, Ankney, referred to Fish and Game.

HB 480, introduced by Menahan, referred to Judiciary.

HB 496, introduced by Menahan, referred to Judiciary.

HB 498, introduced by MacLaren, Steinbeisser, Clark, McChesney, Stahl, Kerns, Lewis, Ankney, referred to Agriculture, Livestock and Irrigation.

HB 523, introduced by Arntzen, referred to Highways and Transportation.

MOTIONS

Senator Gallus present.

Senator Williams moved the Democrats recess for caucus. Without objection, so ordered.

Senator Essmann moved the Republicans recess for caucus. Without objection, so ordered.

Senate in recess.

Senate reconvened at 12:23 p.m.

Senator Priest moved that **SB 226** be placed on Second Reading on February 23, 2011.

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.

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Total 0

Excused: None.

Total 0

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

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

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

SB 224 - Senator Priest moved **SB 224** 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 298 - Senator Vincent moved **SB 298** do pass. Motion carried as follows:

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

Nays: Erickson, Hawks, Jent.

Total 3

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 302 - Senator Ripley moved **SB 302** do pass. Motion **failed** as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 302 - Senator C. Williams moved **SB 302** be **indefinitely postponed**. Motion **failed** as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 304 - Senator Shockley moved **SB 304** do pass.

SB 304 - Senator Augare moved **SB 304**, second reading copy, be amended as follows:

1. Page 1, line 15.

Following: "(1)"

Strike: "In"

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Insert: "Except as provided in the federal Indian Child Welfare Act, in"

2. Page 4, line 28.

Following: line 27

Insert: "(6) Except as provided in the federal Indian Child Welfare Act, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434."

Renumber: subsequent subsections

3. Page 5, line 16.

Following: "probable cause"

Insert: "or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence"

4. Page 8, line 14.

Following: "(5)"

Strike: "The"

Insert: "Except as provided in the federal Indian Child Welfare Act, if applicable, the"

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, 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 304 - Senator Shockley moved **SB 304**, as amended, 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 305 - Senator Jackson moved **SB 305** 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 315 - Senator Ripley moved **SB 315** 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 320 - Senator Jones moved **SB 320** 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,

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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 330 - Senator Walker moved **SB 330** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 - Senator C. Williams moved **SB 330** be indefinitely postponed. 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, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

Senator Sonju assumed the chair.

SB 340 - Senator Vincent moved **SB 340** 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 342 - Senator Buttrey moved **SB 342** 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, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Murphy, Vincent, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 347 - Senator Lake moved **SB 347** 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

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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 352 - Senator Steinbeisser moved **SB 352** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, 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 48

Nays: Blewett, Caferro.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 355 - Senator Hamlett moved **SB 355** 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

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SB 357 - Senator Hamlett moved **SB 357** do pass.

SB 357 - Senator Hamlett moved **SB 357**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.

Following: line 29

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

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, 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 357 - Senator Hamlett moved **SB 357**, as amended, 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 361 - Senator Ripley moved **SB 361** do pass.

SB 361 - Senator Ripley moved **SB 361**, second reading copy, be amended as follows:

1. Page 2, line 16.

Following: "approved"

Insert: "types of games, including"

2. Page 2, line 17.

Following: "games"

Insert: ", "

3. Page 3, line 1.

Following: "cash."

Insert: "Video line games may be offered only in a multigame video gambling machine cabinet."

4. Page 3, lines 16 through 17.

Strike: "gambling operator" on line 16 through "manufacturer" on line 17

Insert: "machine owner"

5. Page 3, line 20.

Following: "distributor,"

Insert: "route operator,"

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, 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

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SB 361 - Senator Ripley moved **SB 361**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Caferro, Erickson, Essmann, Hinkle, Hutton, Jackson, Kaufmann, Larsen, Moss, Van Dyk, Walker, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 237 - Senator Arthun moved **SB 237** do pass.

SB 237 - Senator Arthun moved **SB 237**, second reading copy, be amended as follows:

1. Page 2, line 17.

Strike: "using statistically sound data to evaluate the risk of brucellosis transmission to livestock"

Insert: "examination of brucellosis surveillance and prevalence reduction information acquired pursuant to subsection (2) (a) or (2)(b)"

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, 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

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SB 237 - Senator Arthun moved **SB 237**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 28

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 - Senator Facey moved consideration of **SB 276** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 294 - Senator Buttrey moved **SB 294** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, 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 45

Nays: Augare, Gillan, Hinkle, Keane, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved to reconsider action on **SB 330**. 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,

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Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise and report. 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

Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted.

SB 224 - Senator Gillan made a **substitute motion** that **SB 224** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

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

Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, 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

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Excused: None.

Total 0

SB 224 - Senator Gillan moved that **SB 224** be segregated from the Committee of the Whole report.

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

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

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

Total 49

Nays: Erickson.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman):

2/21/2011

SB 141, introduced bill, be amended as follows:

1. Title, line 8 through line 9.

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Following: "POLICY;"

Strike: "AND REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO DEVELOP A MODEL POLICY"

Insert: "ESTABLISHING THE STANDARD OF CARE FOR LIABILITY OF SCHOOL DISTRICTS; AND PROVIDING PERSONAL IMMUNITY FROM SUIT FOR INDIVIDUALS"

2. Page 1, line 13.

Strike: "4"

Insert: "6"

3. Page 1, line 16.

Following: "any"

Insert: "persistent"

4. Page 1, line 17.

Following: "conduct"

Strike: "or"

Insert: ", including"

5. Page 1, line 18 through line 19.

Following: "that"

Strike: "a reasonable" on line 18 through "effect of" on line 19

6. Page 1, line 20.

Strike: "placing"

Insert: "causes a student physical harm, damages a student's property, or places"

7. Page 1, line 21.

Following: "substantially"

Strike: "interfering with a student's educational performance or opportunities"

Insert: "and materially interferes with a student's access to an educational opportunity or benefit"

8. Page 1, line 22.

Following: "substantially"

Strike: "disrupting"

Insert: "and materially disrupts"

9. Page 1, line 26.

Following: "prohibited."

Insert: "(1)"

10. Page 1, line 28.

Strike: "strictly"

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Following: "prohibited"

Insert: ". This prohibition includes but is not limited to bullying, harassment, or intimidation"

11. Page 1, line 29.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

12. Page 2, line 1.

Following: "including"

Insert: "when the student is traveling to and from school or"

13. Page 2, line 2.

Following: "substantially"

Insert: "and materially"

14. Page 2, line 5.

Insert: "(2) A student who is determined by a school district to have engaged in bullying, harassment, or intimidation is subject to discipline in accordance with the provisions of 20-5-201 and 20-5-202, including suspension, expulsion, and any other sanction authorized by law."

15. Page 2, line 7.

Strike: "prohibiting"

Insert: "addressing"

16. Page 2, line 9 through line 11.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

17. Page 2, line 19.

Following: "investigation"

Insert: ", as defined in the district policy,"

18. Page 2, line 22.

Strike: "outside"

Insert: "subject to"

Following: "school"

Strike: "or"

Following: "district"

Insert: "or of another public agency, including law enforcement,"

19. Page 2, line 24.

Following: "notification"

Insert: ", as defined in the district policy,"

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20. Page 2, line 26.

Strike: "including counseling"

Insert: "as defined in the district policy"

21. Page 2, line 27.

Strike: "including counseling"

Insert: "as defined in the district policy"

22. Page 2, line 29.

Strike: "prominent"

23. Page 3, line 1 through line 2.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

24. Page 3, line 3.

Following: "sections"

Strike: "1 through 4"

Insert: "2 through 6"

25. Page 3, line 5.

"NEW SECTION. Section 5. Liability -- standard of care. (1) [This act] may not be construed to create any new cause of action against or liability of a school district beyond causes of action and theories of liability that existed prior to [the effective date of this act].

(2) A school district may be held liable for bullying, harassment, or intimidation if it is shown by a preponderance of the evidence that the school district had actual knowledge of the bullying, harassment, or intimidation, that the bullying, harassment, or intimidation was so severe, pervasive, and objectively offensive that it effectively deprived a pupil of access to an educational opportunity or benefit, and that the school district was deliberately indifferent to the bullying, harassment, or intimidation."

26. Page 3, line 5.

Insert: **"NEW SECTION. Section 6. Personal immunity from suit.** An individual investigating or reporting an incident of bullying, harassment, or intimidation or participating in resulting administrative or judicial proceedings is personally immune from any suit, civil or criminal, that might otherwise arise and from any liability that might otherwise be imposed unless the individual was grossly negligent, acted in bad faith or with malicious purpose, or provided information knowing the information to be false."

Renumber: subsequent section

27. Page 3, line 6.

Strike: "4"

Insert: "6"

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28. Page 3, line 7.

Strike: "4"

Insert: "6"

And, as amended, do pass. Report adopted.

MOTIONS

Senator Essmann moved the Senate reconsider its action on **SB 224** and **SB 224** be placed on second reading on Legislative day 44. Motion carried as follows:

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

Total 48

Nays: Erickson, Vuckovich.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the Senate reconsider its action on **SB 330** and **SB 330** be placed on the second reading board later today. 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

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Senator Essmann moved **SB 237** be referred to Finance and Claims. Without objection, so ordered.

**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 Sonju in the chair.

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

SB 277 - Senator Moore moved **SB 277** 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, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Van Dyk, Williams.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 278 - Senator Mowbray moved **SB 278** 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

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SB 286 - Senator Olson moved **SB 286** 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 337 - Senator Blewett moved **SB 337** do pass. Motion carried as follows:

Yeas: Arthun, 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, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Balyeat, Hinkle, Steinbeisser.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 343 - Senator Jackson moved **SB 343** do pass. Motion carried as follows:

Yeas: Arthun, 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, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Zinke, Mr. President.

Total 44

Nays: Balyeat, Hinkle, Stewart-Peregoy, Vuckovich, Windy Boy, Wittich.

Total 6

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 354 - Senator Jent moved **SB 354** 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 359 - Senator Caferro moved **SB 359** do pass. Motion carried as follows:

Yeas: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Ripley, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 28

Nays: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Van Dyk, Vincent, Walker, Wittich.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 367 - Senator Vincent moved **SB 367** 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,

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Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Williams.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju 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, Keane, Lake, Lewis, Moore, Moss, 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 48

Nays: Larsen, Williams.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Essmann moved to refer **SB 343** and **SB 359** to Finance and Claims. Without objection, so ordered.

Senator Wanzenried moved to refer **SB 347** to Finance and Claims.

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

Total 42

Nays: Barrett, Brenden, Buttrey, Hinkle, Lake, Ripley, Walker, Wittich.

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Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Wednesday, February 23, 2011. Motion carried.

Senate adjourned at 5:38 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate