

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

Helena, Montana
February 23, 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:

2/23/2011

Correctly printed: **SB 91, SB 255, SB 260, SB 277, SB 278, SB 280, SB 286, SB 287, SB 290, SB 292, SB 294, SB 297, SB 298, SB 303, SB 305, SB 315, SB 320, SB 327, SB 337, SB 340, SB 342, SB 347, SB 352, SB 354, SB 355, SB 356, SB 364, SB 367, SB 370, SB 389, SB 390, SB 391, SJR 11, SJR 14.**

Correctly engrossed: **SB 141, SB 237, SB 291, SB 304, SB 306, SB 312, SB 317, SB 329, SB 357, SB 361, SB 366, SB 367, SB 385, SB 388, HB 182.**

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth legislative days, find the same to be correct.

Senator Brown, Chair

MOTIONS

Senator Essmann announced the Republicans would recess for caucus. Senator Williams announced the Democrats would recess for caucus. Without objection, so ordered.

Senate in recess.

Senate reconvened at 8:32 a.m.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman):
HB 182, be amended as follows:

2/21/2011

1. Page 2, lines 20 and 21.

Following: "DISTRICT A" on line 20

Strike: "LEVY FOR THE PAYMENT OF"

Insert: "proposition to impose a levy to pay"

2. Page 2, line 21.

Following: "ON"

Strike: "THE"

Insert: "an"

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Following: "OBLIGATION"

Insert: "that is payable from the conservation-related cost savings under energy performance contracts as defined in 90-4-1102"

3. Page 2, line 24.

Following: "FUNDS"

Strike: "PLEGGED TO THE REPAYMENT OF THE BOND OR NOTE"

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

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/22/2011

HB 166, introduced by Esp
HB 271, introduced by Kerns
HB 344, introduced by Gibson
HB 380, introduced by Blasdel
HB 430, introduced by Loney
HB 432, introduced by Berry
HB 456, introduced by C. Smith
HB 497, introduced by Clark
HB 508, introduced by McNally
HB 522, introduced by Kary
HB 531, introduced by Fitzpatrick
HB 535, introduced by Knudsen
HB 536, introduced by Flynn
HB 538, introduced by K. Peterson
HB 541, introduced by Welborn
HB 566, introduced by Yates
HB 575, introduced by Hansen

MOTIONS

Senator Essmann moved that **SB 356** be placed below **SB 330** and **SB 291** be moved to the bottom of the second reading board. Without objection so ordered.

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 91 passed as follows:

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

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 205 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, 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: Hamlett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

SB 255 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, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 260 passed as follows:

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

Total 36

Nays: Arthun, Brenden, Buttrey, Hutton, Jackson, Lake, Murphy, Olson, Priest, Steinbeisser, Tutvedt, Walker, Wittich, Zinke.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 277 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, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Nays: Van Dyk.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 278 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, 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 280 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, 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 286 passed as follows:

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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, 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, Wittich, Zinke, Mr. President.

Total 48

Nays: Jackson, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 287 passed as follows:

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

Total 39

Nays: Balyeat, Buttrey, Hinkle, Jackson, Lake, Priest, Sonju, Steinbeisser, Vincent, Wittich, Zinke.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 290 passed as follows:

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

Total 47

Nays: Blewett, Kaufmann, Van Dyk.

Total 3

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

SB 292 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hinkle, Hutton, Jackson, Jones, Keane, 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, Hamlett, Hawks, Jent, Kaufmann, Lake, 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 294 passed 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, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Balyeat, Hinkle.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 297 passed as follows:

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

Total 44

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Nays: Blewett, Caferro, Erickson, Hawks, Kaufmann, Van Dyk.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 298 passed as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 305 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, 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 passed as follows:

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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 320 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, 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 passed 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, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Hinkle.
Total 2

Absent or not voting: None.
Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

SB 340 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, 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 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, 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, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Blewett, Jent, Williams.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 352 passed as follows:

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

Total 46

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Nays: Blewett, Caferro, Erickson, Kaufmann.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 354 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, 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 355 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, 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 367 passed as follows:

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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

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

SJR 11 passed 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, 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: Erickson, Kaufmann.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 14 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, 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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

MOTIONS

Senator Hamlett moved to change his vote on **SB 205** from No to Yes. Without objection, so ordered.

Senator Hawks moved to change his vote on **SB 212** from Yes to No. Without objection, so ordered.

Senator Stewart-Peregoy moved to change his vote on **SB 255** from No to Yes. Without objection, so ordered.

Senator Larsen moved to change his vote on **SB 212** from Yes to No. Without objection, so ordered.

Senator Jackson moved to change his vote on **SB 286** from No to Yes. Without objection, so ordered.

Senator Windy Boy moved to change his vote on **SB 286** from No to Yes. 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 Zinke in the chair.

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

SB 374 - Senator Olson moved **SB 374** 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, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Tropila.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

SB 384 - Senator Van Dyk moved **SB 384** 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 276 - Senator Facey moved **SB 276** do pass.

SB 276 - Senator Facey moved **SB 276**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "46-18-205,"

2. Page 19, line 4 through line 29.

Strike: section 6 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

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

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

SB 276 - Senator Facey moved **SB 276**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, 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 41

Nays: Balyeat, Brenden, Brown, Hinkle, Hutton, Jackson, Lake, Lewis, Ripley.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 330 - Senator Walker moved **SB 330** do pass.

SB 330 - Senator Olson moved **SB 330**, second reading copy, be amended as follows:

1. Page 1, line 11.

Strike: "LONG-TERM WAIVER"

Insert: "Waiver"

2. Page 1, line 12.

Strike: "LONG-TERM"

Following: "PART,"

Insert: "of not more than 3 compliance years subject to renewal upon application to the commission,"

3. Page 4, line 4.

Strike: "less"

Insert: "more"

Following: "years"

Insert: "subject to renewal upon application to the commission"

4. Page 5, line 30.

Strike: "LONG-TERM"

Amendment adopted as follows:

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Yeas: Arthun, Balyeat, Barrett, 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, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 43

Nays: Augare, Blewett, Erickson, Kaufmann, Larsen, Tropila, Van Dyk.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 330 - Senator Walker moved **SB 330**, as amended, do pass. Motion carried as follows:

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

Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, 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

SB 356 - Senator Hamlett moved **SB 356** do pass.

SB 356 - Senator Hamlett moved **SB 356**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "OR PRELIMINARY DECREE;"

Insert: "AND"

2. Title, line 6.

Strike: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

3. Page 4, line 3 through line 4.

Strike: section 2 in its entirety

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 356 - Senator Hamlett moved **SB 356**, as amended, 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 226 - Senator Priest moved **SB 226** do pass. Motion carried 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, Mr. President.

Total 26

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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Wanzenried, Williams, Windy Boy, Zinke.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 317 - Senator Vincent moved **SB 317** 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, 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

Senator Essmann moved the committee rise, report progress, and beg leave to sit again.

Motion carried. Committee arose. Senate resumed. President Peterson in the chair.

Chairman Zinke moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 38

Nays: Blewett, Erickson, Gillan, Hawks, Jent, Kaufmann, Moss, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

MOTIONS

Senator Keane moved to change his vote on **SB 330** from Yes to No. Without objection, so ordered.

Senator Van Dyk moved that **SB 362** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole. Motion **failed** as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wanzenried rose on a point of personal privilege.

Senator Essmann moved the Senate recess until 10:45 a.m. Motion carried

Senate in recess.

Senate reconvened at 10:47 a.m.

**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 Zinke in the chair.

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

SB 233 - Senator Keane moved **SB 233** do pass. Motion carried as follows:

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

Total 30

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 2 - Senator Caferro moved **SB 2** do pass. Motion **failed** as follows:

Yeas: Augare, Balyeat, Branae, Buttrey, Caferro, Facey, Gallus, Gillan, Hawks, Jones, Kaufmann, Keane, Moore, Moss, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Windy Boy, Wittich, Zinke.

Total 25

Nays: Arthun, Barrett, Blewett, Brenden, Brown, Erickson, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Shockley, Sonju, Tutvedt, Walker, Wanzenried, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 2 - Senator Essmann moved **SB 2** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Barrett, Blewett, Brenden, Brown, Essmann, Facey, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Priest, Shockley, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Balyeat, Branae, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Moore, Moss, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

SB 83 - Senator Brenden moved **SB 83** do pass. Motion **failed** as follows:

Yeas: Arthun, Brenden, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt.

Total 14

Nays: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 36

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 83 - Senator C. Williams moved **SB 83** be **indefinitely postponed**. Motion carried as follows:

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

Total 42

Nays: Brenden, Buttrey, Gallus, Jackson, Ripley, Sonju, Walker, Zinke.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 211 - Senator Hutton moved **SB 211** 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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 241 - Senator Priest moved **SB 241** do pass. Motion carried as follows:

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

Total 39

Nays: Balyeat, Blewett, Essmann, Hinkle, Larsen, Shockley, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 284 - Senator Blewett moved **SB 284** 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, Jones, Kaufmann, Keane, 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: Jent, Lake, Steinbeisser.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann move rise and beg leave to sit again. Motion carried.

Senate in recess.

Senate reconvened at 1:01 p.m.

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Senator Gallus assumed the chair.

SB 301 - Senator Ripley moved **SB 301** 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, Vuckovich, Walker, 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, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 303 - Senator Brenden moved **SB 303** do pass. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 174 - Senator Vuckovich moved **SB 174** do pass. Motion carried as follows:

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

Total 31

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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 306 - Senator Murphy moved **SB 306** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 12 - Senator Walker moved **SJR 12** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan,

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 35

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

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 312 - Senator Vincent moved **SB 312** do pass. Motion carried as follows:

Yeas: Arthun, Augare, 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, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 32

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

SB 324 - Senator Balyeat moved **SB 324** 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

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

SB 327 - Senator Larsen moved **SB 327** 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 329 - Senator Zinke moved **SB 329** 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 341 - Senator Moore moved **SB 341** 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, 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, Tutvedt, Van Dyk, Vuckovich,

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Wanzenried, Williams, Windy Boy.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 351 - Senator Ripley moved **SB 351** 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 364 - Senator Brenden moved **SB 364** do pass. Motion **failed** as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Jones, Keane, Lake, Lewis, Moore, Olson, Ripley, Sonju, Steinbeisser, Tutvedt, Vuckovich, Walker, Zinke, Mr. President.

Total 21

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Larsen, Moss, Mowbray, Murphy, Priest, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Wanzenried, Williams, Windy Boy, Wittich.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 364 - Senator C. Williams moved **SB 364** be **indefinitely postponed**. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan,

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 32

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Jackson, Jones, Keane, Lake, Lewis, Moore, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 366 - Senator Vincent moved **SB 366** 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, 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 370 - Senator Priest moved **SB 370** do pass. Motion carried as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

SB 385 - Senator Caferro moved **SB 385** do pass. Motion carried as follows:

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

Total 40

Nays: Arthun, Balyeat, Brenden, Hinkle, Lake, Lewis, Priest, Sonju, Steinbeisser, Vincent.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 387 - Senator Buttrey moved **SB 387** do pass. Motion **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 387 - Senator C. Williams moved **SB 387** be **indefinitely postponed**. Motion carried as follows:

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

Total 33

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Jackson, Lake, Moore, Priest, Ripley,

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 388 - Senator Walker moved **SB 388** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Gillan, 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, Brown, Caferro, Erickson, Facey, Gallus, 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 81 - Senator Wanzenried moved **SB 81** do pass. Motion carried as follows:

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

Total 40

Nays: Balyeat, Brenden, Hinkle, Keane, Lake, Moore, Priest, Sonju, Vincent, Wittich.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 141 - Senator Gillan moved **SB 141** do pass. Motion carried as follows:

Yeas: Augare, Barrett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson,

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Arthun, Balyeat, Blewett, Brenden, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Murphy, Priest, Ripley.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291 - Senator Zinke moved **SB 291** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Jackson, Jent, Jones, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Brown, Erickson, Hawks, Hutton, Kaufmann, Keane, Lake, Larsen, Moss, Murphy, Van Dyk, Williams.
Total 15

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 Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Blewett, Buttrey, Erickson, Kaufmann, Van Dyk, Wanzenried, Williams.
Total 7

Absent or not voting: None.
Total 0

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

MOTIONS

Senator Essmann moved that **SB 317, SB 312, SB 329, SB 385, SB 81** be referred to the Finance and Claims committee. Without objection, so ordered.

Senator Wanzenried moved that **SB 224, SB 324** be referred to the Finance and Claims committee. 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

Excused: None.

Total 0

Senator Wanzenried moved to reconsider action on **SB 315**. Senator Wanzenried withdrew his motion.

Sen. Wanzenried moved to reconsider action on **SB 315** and ask the House to return **SB 315**.

Senator Ripley made a substitute motion that the Senate adjourn until Thursday, February 24, 2011, at 8:00 a.m. Motion carried as follows:

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

Total 28

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

Total 22

SENATE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

The Senate adjourned at 5:38 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate