

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 9, 2011

Senate Chambers  
State Capitol

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

Senator Gillan present.

**SPECIAL ORDERS OF THE DAY**

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA  
Honoring Registered Dietitians**

March 9, 2011

WHEREAS, Registered Dietitians are the food and nutrition experts who can translate the science of nutrition into practical solutions for healthy living; and

WHEREAS, Registered Dietitians have degrees in nutrition, dietetics, public health or a related field from well-respected, accredited colleges and universities, completed an internship and passed an examination; and

WHEREAS, Registered Dietitians use their nutrition expertise to help individuals make unique, positive lifestyle changes; and

WHEREAS, Registered Dietitians work throughout the community in hospitals, schools, public health clinics, nursing homes, fitness centers, food management, food industry, universities, research and private practice; and

WHEREAS, Registered Dietitians are advocates for advancing the nutritional status of Americans and people around the world.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MONTANA, we do hereby proclaim Wednesday, March 9, 2011 as "Registered Dietitian Day." That all citizens are encouraged to recognize the contributions of Registered Dietitians and express appreciation for their commitment to promoting science-based nutrition in the hope of achieving optimum health for both today and tomorrow.

President of Senate  
Jim Peterson

Speaker of the House  
Mike Milburn

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Senate Minority Leader  
Carol Williams

House Minority Leader  
Jon Sesso

**BILLS AND JOURNALS:**

3/9/2011

Correctly printed: **SB 81, HB 17, HB 23, HB 53, HB 58, HB 64, HB 93, HB 114, HB 118, HB 210, HB 288, HB 356, HB 419.**

Correctly engrossed: **SB 207, HB 29, HB 63, HB 82, HB 94, HB 156, HB 191, HB 263, HB 327, HB 359.**

Delivered to the Governor for approval at 2:45 p.m., March 8, 2011: **SB 21, SB 27, SB 31, SB 63, SB 78.**

Signed by the Speaker at 7:45 p.m., March 7, 2011: **SB 21, SB 27, SB 31, SB 63, SB 78.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman):

3/8/2011

**SB 381**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "CREATING A ROYALTY ADVISORY BOARD;"

2. Page 1.

**Following:** line 14

**Insert:** "(1) "Commission" means the public service commission as provided in Title 69, chapter 1, part 1."

**Renumber:** subsequent subsections

3. Page 1, line 19.

**Following:** "recovered by a"

**Insert:** "Montana"

4. Page 1, line 20.

**Following:** "facility"

**Insert:** "that is not a federal power marketing agency or a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18,"

5. Page 1, line 25 through line 26.

**Strike:** "For" on line 25 through "energy, the" on line 26

**Insert:** "The"

6. Page 1, line 27.

**Strike:** "property subject to an easement or right-of-way for the operation of"

**Insert:** "land upon which"

**Following:** "line"

**Insert:** "is constructed"

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7. Page 1, line 28.

**Following:** "line."

**Insert:** "The royalty must be based on the number of insertion points on each landowner's property."

8. Page 1, line 29.

**Strike:** "pay an amount"

**Insert:** "compute an insertion point royalty value that is"

**Strike:** "operating"

**Insert:** "annual"

**Strike:** "generated"

**Insert:** "received"

**Following:** "by"

**Insert:** "the owner or operator of"

9. Page 1, line 30 through page 2, line 2.

**Strike:** "during each" on page 1, line 30

**Insert:** "in the prior"

**Strike:** "and shall" on line 30 through "3]." on page 2, line 2.

**Insert:** "divided by the total number of insertion points on the line regardless of whether the insertion points are located within or outside the state."

10. Page 2, line 3.

**Following:** "(2)"

**Insert:** "(a)"

11. Page 2, line 4.

**Following:** "upon"

**Insert:** "the insertion point royalty value multiplied by"

12. Page 2, line 4 through line 7.

**Strike:** "The" on line 4 through "year." on line 7

13. Page 2.

**Following:** line 9

**Insert:** "(b) The owner or operator is entitled to offset against any royalties otherwise due a landowner under this section any annual payments made to the landowner, or the landowner's predecessor in interest, in the prior calendar year, under an easement agreement, right-of-way agreement, or similar agreement, relating to the construction of the line on the landowner's property.

(3) (a) The owner or operator shall pay an amount equal to 0.05% of the total gross annual revenue received on each merchant transmission line to the commission for deposit in the state general fund for the administration of [sections 1 through 3].

(b) The owner or operator of each merchant transmission line shall file with the commission a report listing the names of all property owners with insertion points on their property, the location

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of the property, and the number of insertion points on the property in the manner prescribed by the commission."

14. Page 2, line 10 through line 15.

**Strike:** subsection (3) in its entirety

15. Page 2, line 17 through page 3, line 6.

**Strike:** section 3 in its entirety

**Insert:** "NEW SECTION. Section 3. Complaint against merchant line. (1) A landowner who may be entitled to a royalty payment under [sections 1 through 3] who alleges the nonpayment or underpayment of royalties due under [sections 1 through 3] may institute a contested case proceeding before the commission for purposes of challenging the sufficiency of the royalty payment. The complaint before the commission, and any subsequent court enforcement of the commission's order, is the landowner's exclusive remedy for the underpayment or nonpayment of royalties.

(2) Upon receipt of a complaint from a landowner under this section, the commission shall determine if the royalty payment being challenged was correctly computed and paid in accordance with [sections 1 through 3]. The commission's determination is binding upon all parties to the proceeding unless successfully challenged in a petition for judicial review.

(3) A landowner may not file a complaint with the commission under [sections 1 through 3] more than 3 calendar years after the payment being challenged was due."

And, as amended, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman): 3/9/2011  
**HB 125**, be concurred in. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chairman): 3/8/2011  
**HB 92**, be concurred in. Report adopted.  
**HB 169**, be concurred in. Report adopted.  
**HB 233**, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Lewis, Chairman): 3/9/2011  
**SB 237**, introduced bill, be amended as follows:

1. Page 2, line 8.

**Strike:** "not"

**Following:** "costs"

**Insert:** "after all other funds appropriated to the department for the payment of testing costs have been expended"

And, as amended, do pass. Report adopted.

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**SB 299**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "NAVIGABLE";"

**Insert:** "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 12.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1, line 18.

**Following:** line 17

**Insert:** "(b) Within 6 months of the sudden change, the affected owners shall provide the department of natural resources and conservation and the department of revenue with a land survey and any other information required by either agency to verify the sudden change and update the applicable ownership records.

(c) The department of natural resources and conservation and the department of revenue may adopt rules to implement the provisions of this section."

And, as amended, do pass. Report adopted.

**SB 385**, do pass. Report adopted.

**HB 49**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "RESERVATION"

**Insert:** "AND FOR BOND ISSUANCE COSTS"

2. Page 1, line 20.

**Strike:** "\$16"

**Insert:** "\$16.15"

**Following:** "million"

**Insert:** ", of which \$16 million is"

3. Page 1, line 22.

**Following:** "85-20-1505"

**Insert:** "and no more than \$150,000 is to pay bond issuance costs"

4. Page 1, line 23.

**Following:** "(2)"

**Strike:** "The"

**Insert:** "(a) Except as provided in subsection (2)(b), the"

5. Page 1, following line 24.

**Insert:** "(b) The proceeds to pay bond issuance costs must be deposited into a state special

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revenue account."

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

**HB 79**, be concurred in. Report adopted.

**HB 81**, be concurred in. Report adopted.

**HB 252**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Jones, Chairman):

3/8/2011

**HB 171**, be amended as follows:

1. Page 5, line 8.

**Following:** line 7

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. If both Senate Bill No. 49 and [this act] are passed and approved, then Senate Bill No. 49 is void."

**Renumber:** subsequent sections

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

**HB 178**, be amended as follows:

1. Title, page 1, line 8 through line 10.

**Following:** "CARD;"

**Strike:** "ESTABLISHING" on line 8 through "LESS;" on line 10

2. Title, page 1, line 13.

**Strike:** "61-5-111, 61-5-121,"

3. Page 2, line 26 through page 7, line 2.

**Strike:** sections 2 and 3 in their entirety

**Renumber:** subsequent sections

4. Page 7, line 20 through line 25.

**Strike:** "(a)" on line 20 through "subsection (1)(a)." on line 25

**Insert:** "Fees not in excess of \$8 for identification cards issued pursuant to this part must be collected and deposited in the general fund."

5. Page 7, line 26.

**Strike:** "(c)"

**Insert:** "(2)"

**Renumber:** subsequent subsections

6. Page 7, line 29.

**Strike:** subsection (d) in its entirety

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7. Page 7, line 30.

**Strike:** "Except" through "an"

**Insert:** "An"

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

**HB 213**, be amended as follows:

1. Page 9, line 17.

**Strike:** "25"

**Insert:** "40"

2. Page 24, line 29.

**Strike:** "\$53.25"

**Insert:** "\$25"

3. Page 25, line 1.

**Strike:** "\$53.25"

**Insert:** "\$25"

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

**JUDICIARY** (Murphy, Chairman):

3/9/2011

**HB 12**, be concurred in. Report adopted.

**HB 69**, be amended as follows:

1. Page 1, line 17.

**Following:** "and"

**Strike:** "the imprisonment"

**Insert:** "any"

**Following:** the second "sentence"

**Insert:** "subsequently imposed"

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

**MESSAGES FROM THE OTHER HOUSE**

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

3/8/2011

**HB 333**, introduced by Reichner

**HB 529**, introduced by Stahl

**Senate amendments to House bills** concurred in:

3/8/2011

**HB 19**, introduced by Sands

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**HB 182**, introduced by Arntzen

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 395**, introduced by Wittich, referred to Taxation.

**SB 396**, introduced by Gillan, Facey, referred to Taxation.

**SB 397**, introduced by Kaufmann, referred to State Administration.

**SB 398**, introduced by Kaufmann, referred to Taxation.

**SB 399**, introduced by Kaufmann, referred to Taxation.

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

**HB 333**, introduced by Reichner, Blasdel, Taylor, Stahl, Brodehl, Milburn, referred to Taxation.

**HB 529**, introduced by Stahl, referred to Local Government.

**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 Brenden in the chair.

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

**HB 24** - Senator Hamlett moved **HB 24** be concurred in. Motion carried as follows:

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

Total 43

Nays: Augare, Caferro, Erickson, Kaufmann, Stewart-Peregoy, Van Dyk, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 47** - Senator Balyeat moved **HB 47** be concurred in. Motion carried as follows:

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



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Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Gallus, Larsen, Moore, Ripley, Tutvedt, Zinke.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 65** - Senator Blewett moved **HB 65** be concurred in. 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

**HB 96** - Senator Shockley moved **HB 96** be concurred in. 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

**HB 126** - Senator Larsen moved **HB 126** be concurred in. 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

**HB 187** - Senator Mowbray moved **HB 187** be concurred in. 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

**HB 268** - Senator Steinbeisser moved **HB 268** be concurred in. 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, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

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Nays: Erickson.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 307** - Senator Moore moved **HB 307** be concurred in. Motion carried as follows:

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

Total 30

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

Total 20

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 Brenden 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, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.

Total 47

Nays: Kaufmann, Wanzenried, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 17** concurred in as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.  
Total 39

Nays: Balyeat, Buttrey, Hinkle, Hutton, Mowbray, Sonju, Tutvedt, Vincent, Walker, Windy Boy, Wittich.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 58** concurred in 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

**HB 114** concurred in 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.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 156** concurred in 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, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 47

Nays: Lake, Tutvedt, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 210** concurred in 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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**HB 263** concurred in 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, Mr. President.

Total 48

Nays: Wittich, Zinke.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 359** concurred in 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

**MOTIONS**

Senator Olson moved **SB 362** be moved from the Public Health, Welfare and Safety committee and placed on Second Reading on Friday, March 11, 2011.

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

Total 34

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Nays: Balyeat, Buttrey, Essmann, Hinkle, Jackson, Jones, Lewis, Moore, Murphy, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Wanzenried asked whether bills that are referred from the Committee of the Whole to the Finance and Claims committee would be placed on Second Reading when they are referred out of committee. Senator Lewis and President Peterson agreed that would be the procedure.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 10, 2011. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate