

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

Helena, Montana
March 10, 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 Senators Blewett, Gallus, and Hutton, excused. Quorum present.

Senator Gallus present.
Senator Blewett present.

Senator Hawks rose on a point of personal privilege regarding a misstatement he made regarding **HB 307**.

BILLS AND JOURNALS:

3/10/2011

Correctly printed: **SB 362, SB 385, HB 12, HB 24, HB 47, HB 65, HB 79, HB 81, HB 92, HB 96, HB 126, HB 169, HB 187, HB 233, HB 252, HB 307.**

Correctly engrossed: **SB 237, SB 299, SB 381, HB 49, HB 69, HB 171, HB 178, HB 213, HB 268.**

Correctly enrolled: **SB 26, SB 41, SB 46, SB 51, SB 53, SB 60, SB 62, SB 65.**

Examined by the sponsor and found to be correct: **SB 26, SB 41, SB 46, SB 51, SB 53, SB 60, SB 62, SB 65.**

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

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
HB 125, be amended as follows:

3/9/2011

1. Title, page 1, line 15.

Following: "15-31-130,"

Insert: "30-10-115, 30-10-209,"

2. Page 2.

Following: line 8

Insert: "**Section 3.** Section 30-10-115, MCA, is amended to read:

"30-10-115. Deposits to general fund -- exception. (1) All fees and miscellaneous charges received by the commissioner pursuant to parts 1 through 3 of this chapter, except for portfolio notice filing fees described in 30-10-209(1)(d) and examination costs collected under 30-10-210, must be deposited in the general fund.

(2) All portfolio notice filing fees collected under 30-10-209(1)(d) and examination costs collected under 30-10-210 must be deposited in the state special revenue fund in an account to the credit of the state auditor's office. The funds allocated by this section to the state special revenue

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

account may ~~only~~ be used only to defray the expenses of the state auditor's office in discharging its administrative and regulatory powers and duties in relation to ~~portfolio~~ notice filing under 33-10-209(1)(d) and examinations. Any excess fees must be deposited in the general fund."

Insert: "Section 4. Section 30-10-209, MCA, is amended to read:

"30-10-209. Fees. The following fees must be paid in advance under the provisions of parts 1 through 3 of this chapter:

(1) (a) For the registration of securities by notification, coordination, or qualification; or for notice filing of a federal covered security, there must be paid to the commissioner for the initial year of registration or notice filing a fee of \$200 for the first \$100,000 of initial issue or portion of the first \$100,000 in this state, based on offering price, plus 1/10 of 1% for any excess over \$100,000, with a maximum fee of \$1,000.

(b) Each succeeding year, a registration of securities or a notice filing of a federal covered security may be renewed, prior to its termination date, for an additional year upon consent of the commissioner and payment of a renewal fee to be computed at 1/10 of 1% of the aggregate offering price of the securities that are to be offered in this state during that year. The renewal fee may not be less than \$200 or more than \$1,000. The registration or the notice filing may be amended to increase the amount of securities to be offered.

(c) If a registrant or issuer of federal covered securities sells securities in excess of the aggregate amount registered for sale in this state; or for which a notice filing has been submitted, the registrant or issuer may file an amendment to the registration statement or notice filing to include the excess sales. If the registrant or issuer of a federal covered security fails to file an amendment before the expiration date of the registration order or notice, the registrant or issuer shall pay a filing fee for the excess sales of three times the amount calculated in the manner specified in subsection (1)(b). Registration or notice of the excess securities is effective retroactively to the date of the existing registration or notice.

(d) Each series, portfolio, or other subdivision of an investment company or similar issuer is treated as a separate issuer of securities. The issuer shall pay a ~~portfolio~~ notice filing fee to be calculated as provided in subsections (1)(a) through (1)(c). The ~~portfolio~~ notice filing fee collected by the commissioner must be deposited in the state special revenue account provided for in 30-10-115. The issuer shall pay a fee of \$50 for each filing made for the purpose of changing the name of a series, portfolio, or other subdivision of an investment company or similar issuer.

(2) (a) For registration of a broker-dealer or investment adviser, the fee is \$200 for original registration and \$200 for each annual renewal.

(b) For registration of a salesperson or investment adviser representative, the fee is \$50 for original registration with each employer, \$50 for each annual renewal, and \$50 for each transfer. A salesperson who is registered as an investment adviser representative with a broker-dealer registered as an investment adviser is not required to pay the \$50 fee to register as an investment adviser representative.

(c) For a federal covered adviser, the fee is \$200 for the initial notice filing and \$200 for each annual renewal.

(3) For certified or uncertified copies of any documents filed with the commissioner, the fee is the cost to the department.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

(4) For a request for an exemption under 30-10-105(15), the fee must be established by the commissioner by rule. For a request for any other exemption or an exception to the provisions of parts 1 through 3 of this chapter, the fee is \$50.

(5) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 may be refunded.

(6) Except for ~~portfolio~~ notice filing fees established in ~~this section~~ subsection (1)(d) and examination costs collected under 30-10-210, all fees, miscellaneous charges, fines, and penalties collected by the commissioner pursuant to parts 1 through 3 of this chapter and the rules adopted under parts 1 through 3 of this chapter must be deposited in the general fund.""

Renumber: subsequent sections

3. Page 15, line 12.

Following: "plan""

Strike: remainder of line 12

Insert: "means health insurance coverage offered in connection with a group health plan or health insurance coverage offered to an eligible group as described in 33-22-501."

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

FINANCE AND CLAIMS (Lewis, Chairman): 3/10/2011
SB 347, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 3/9/2011
HB 62, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/9/2011
HB 70, be concurred in. Report adopted.
HB 86, be concurred in. Report adopted.
HB 120, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills passed and transmitted to the Senate for concurrence: 3/9/2011

SB 26, introduced by Blewett
SB 41, introduced by Shockley
SB 46, introduced by Tropila
SB 51, introduced by Tropila
SB 53, introduced by Balyeat
SB 60, introduced by Gillan
SB 62, introduced by Jones
SB 65, introduced by Jackson

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

MOTIONS

Senator Tutvedt moved **HB 71** be moved from the Judiciary committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

Senator Tutvedt moved **SB 362** be moved from the Committee of the Whole to the Public Health, Welfare and Safety committee.

Senate in recess.

Senate reconvened.

Senator Tutvedt's motion carried as follows:

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

Total 27

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

Total 22

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

FIRST READING AND COMMITMENT OF BILLS

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

SB 400, introduced by Vincent, Ripley, Stahl, Brenden, Lewis, Taylor, referred to Fish and Game.

SB 401, introduced by Erickson, referred to Taxation.

SB 402, introduced by Balyeat, Hamlett, Hinkle, Mowbray, Facey, Taylor, Zinke, Ripley, Olson, Arthun, Moore, Murphy, Steinbeisser, Shockley, Jackson, Lewis, Hutton, Brown, Debby Barrett, Gallus, Jent, Brenden, Walker, Yates, Vance, Sonju, Skees, Flynn, Knudsen, Blasdell, Jones, referred to Fish and Game.

SB 403, introduced by Jones, referred to Education and Cultural Resources.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

**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 Wanzenried in the chair.

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

SB 19 - House Amendments - Senator Shockley moved House amendments to **SB 19** 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, 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, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Williams, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

Senator Gallus excused at this time.

HB 23 - Senator Jent moved **HB 23** be concurred in. Motion carried as follows:

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

Total 47

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Excused: Gallus, Hutton.

Total 2

HB 64 - Senator Balyeat moved **HB 64** be concurred in.

HB 64 - Senator Balyeat moved **HB 64**, second reading copy, be amended as follows:

1. Page 1, line 29.

Following: "EMERGENCIES"

Insert: "and employees temporarily assigned under the return-to-work program administered by the department"

Amendment adopted as follows:

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

Total 46

Nays: Williams, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Gallus, Hutton.

Total 2

Senator Gallus present at this time.

HB 64 - Senator Balyeat moved **HB 64**, as amended, be concurred in. Motion carried as follows:

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

Total 40

Nays: Blewett, Gallus, Kaufmann, Larsen, Moss, Van Dyk, Wanzenried, Williams, Wittich.

Total 9

Absent or not voting: None.

Total 0

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Excused: Hutton.

Total 1

HB 94 - Senator Mowbray moved **HB 94** 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, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Mr. President.

Total 41

Nays: Hinkle, Priest, Sonju, Tutvedt, Vincent, Windy Boy, Wittich, Zinke.

Total 8

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 118 - Senator Vuckovich moved **HB 118** be concurred in. Motion carried as follows:

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

Total 43

Nays: Brenden, Buttrey, Hinkle, Sonju, Vincent, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

Senator Priest rose on a point of personal privilege and stated a conflict of interest with **HB 94**.

HB 119 - Senator Jent moved **HB 119** be concurred in. Motion carried as follows:

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

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Total 47

Nays: Gallus, Williams.

Total 2

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 127 - Senator Mowbray moved **HB 127** be concurred in. Motion carried as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 36

Nays: Arthun, Branae, Buttrey, Erickson, Gillan, Hinkle, Jackson, Jones, Lake, Walker, Williams, Wittich, Zinke.

Total 13

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 327 - Senator Hawks moved **HB 327** be concurred in. Motion carried as follows:

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

Total 45

Nays: Buttrey, Priest, Wittich, Zinke.

Total 4

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

HJR 6 - Senator Van Dyk moved **HJR 6** be concurred in.

HJR 6 - Senator Van Dyk moved **HJR 6**, second reading copy, be amended as follows:

Amendment **not** adopted 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, 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

Excused: Hutton.

Total 1

HJR 6 - Senator Van Dyk moved **HJR 6** be concurred in. Motion carried as follows:

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

Total 44

Nays: Gallus, Kaufmann, Moss, Ripley, Williams.

Total 5

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose.

Senate resumed. President Peterson in the chair. Chairman Wanzenried 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, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Windy Boy,

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Wittich, Zinke, Mr. President.

Total 44

Nays: Gallus, Kaufmann, Tropila, Vuckovich, Williams.

Total 5

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

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 207 passed as follows:

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

Total 28

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

Total 21

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 24 concurred in as follows:

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

Total 42

Nays: Augare, Gallus, Kaufmann, Moss, Stewart-Peregoy, Van Dyk, Windy Boy.

Total 7

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 47 concurred in as follows:

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

Total 40

Nays: Arthun, Blewett, Gallus, Kaufmann, Moore, Moss, Tutvedt, Williams, Zinke.

Total 9

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 63 concurred in as follows:

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

Total 42

Nays: Essmann, Gallus, Lake, Tutvedt, Walker, Windy Boy, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 65 concurred in as follows:

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

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Total 48

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 96 concurred in as follows:

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

Total 46

Nays: Augare, Gallus, Ripley.

Total 3

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 126 concurred in as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

HB 187 concurred in as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 268 concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hamlett, Hawks, Hinkle, Jackson, Jones, Keane, Lewis, Moore, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Wittich, Zinke, Mr. President.

Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Jent, Kaufmann, Lake, Larsen, Moss, Olson, Priest, Stewart-Peregoy, Tropila, Van Dyk, Walker, Wanzenried, Williams, Windy Boy.

Total 23

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

HB 307 concurred in as follows:

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

Total 33

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

Total 17

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Paired: Hutton, Aye; Gillan, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 402**
Motion carried.

SB 402 (Balyeat Chief Sponsor)
Representative Kennedy

MOTIONS

Senator Wittich moved to change his vote on **HB 47** from No to Yes. Without objection, so ordered.

Senator Gillan rose on a point of personal privilege and stated a letter, signed by Senator Gillan, Minority Leader Williams, and Senator Moss, had been sent on Tuesday, March 8, 2011, to Speaker Milburn and President Peterson regarding a comment made during a Senate Judiciary committee hearing. President Peterson stated he would discuss the issue with Speaker Milburn and provide a written response to the Senators' letter.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, March 11, 2011. Motion carried.

Senate adjourned at 2:22 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate