

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

Helena, Montana
March 11, 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 Walker, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Essmann acknowledged the 100th Anniversary of the University of Montana School of Law.

The University of Montana Western Polynesian Club, Dillon, performed Polynesian dances.

BILLS AND JOURNALS: 3/10/2011

Correctly printed: **SB 347, HB 23, HB 62, HB 70, HB 86, HB 94, HB 118, HB 119, HB 120, HB 127, HB 327, HJR 6.**

Correctly engrossed: **HB 64, HB 125.**

Correctly enrolled: **SB 64, SB 69, SB 72, SB 73, SB 95, SB 152, SB 165, SB 186.**

Signed by the President at 4:12 p.m., March 10, 2011: **SB 26, SB 41, SB 46, SB 51, SB 53, SB 60, SB 62, SB 65.**

Signed by the Secretary of the Senate at 4:00 p.m., March 10, 2011: **SB 26, SB 41, SB 46, SB 51, SB 53, SB 60, SB 62, SB 65.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/11/2011
HB 300, be amended as follows:

1. Page 3, line 23.

Following: "HOURS OF WORK"

Insert: "or other allowable situations"

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

HB 367, be concurred in. Report adopted.

HB 399, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/10/2011
HB 59, be amended as follows:

1. Page 4, line 23.

Strike: "October 1, 2011"

Insert: "January 1, 2012"

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

2. Page 4.

Following: line 25

"COORDINATION SECTION. Section 3. Coordination instruction. If Senate Bill No. 109 and [this act] are both passed and approved, then the sections amending 69-3-2003 are void and 69-3-2003 must be amended as follows:

"69-3-2003. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances, scheduling and dispatching, load following, system protection, spinning reserves and nonspinning reserves, and reactive power.

(2) "Balancing authority" means a transmission system control operator who balances electricity supply and load at all times to meet transmission system operating criteria and to provide reliable electric service to customers.

(3) "Common ownership" means the same or substantially similar persons or entities that maintain a controlling interest in more than one community renewable energy project even if the ownership shares differ between two community renewable energy projects. Two community renewable energy projects may not be considered to be under common ownership simply because the same entity provided debt or equity or both debt and equity to both projects.

(4) "Community renewable energy project" means an eligible renewable resource that:

(a) is interconnected on the utility side of the meter in which local owners have a controlling interest and that is less than or equal to 25 megawatts in total calculated nameplate capacity; or

(b) is owned by a public utility and has less than or equal to 25 megawatts in total nameplate capacity.

(5) (a) "Competitive electricity supplier" means any person, corporation, or governmental entity that is selling electricity to small customers at retail rates in the state of Montana and that is not a public utility or cooperative.

(b) The term does not include governmental entities selling electricity produced only by facilities generating less than 250 kilowatts that were in operation prior to 1990.

(6) "Compliance year" means each calendar year beginning January 1 and ending December 31, starting in 2008, for which compliance with this part must be demonstrated.

(7) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(8) "Dispatch ability" means the ability of either a balancing authority or the owner of an electric generating resource to rapidly start, stop, increase, or decrease electricity production from that generating resource in order to respond to the balancing authority's need to match supply resources to loads on the transmission system.

(9) "Electric generating resource" means any plant or equipment used to generate electricity by any means.

(10) "Eligible renewable resource" means a facility either located within Montana or delivering electricity from another state into Montana that, except as provided in subsection

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

(10)(d)(ii), commences commercial operation after January 1, 2005, and that produces electricity from one or more of the following sources:

- (a) wind;
- (b) solar;
- (c) geothermal;
- (d) (i) water power, in the case of a hydroelectric project that:

~~—— (i) does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less; or~~

~~—— (ii) is installed at an existing reservoir or on an existing irrigation system that does not have hydroelectric generation as of April 16, 2009, and has a nameplate capacity of 15 megawatts or less;~~

(ii) water power in the case of a hydroelectric project that is an expansion of a hydroelectric project that commenced commercial operation before December 31, 2004, that increases generation capacity on or after [the effective date of this act]. The eligible renewable resource includes only the actual amount of increased generation capacity produced by the project as a result of the expansion.

- (e) landfill or farm-based methane gas;
- (f) gas produced during the treatment of wastewater;
- (g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that the term does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic;
- (h) hydrogen derived from any of the sources in this subsection (10) for use in fuel cells;
- (i) the renewable energy fraction from the sources identified in subsections (10)(a) through (10)(j) of electricity production from a multiple-fuel process with fossil fuels; and

(j) compressed air derived from any of the sources in this subsection (10) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator.

(11) "Local owners" means:

- (a) Montana residents or entities composed of Montana residents;
- (b) Montana small businesses;
- (c) Montana nonprofit organizations;
- (d) Montana-based tribal councils;
- (e) Montana political subdivisions or local governments;
- (f) Montana-based cooperatives other than cooperative utilities; or
- (g) any combination of the individuals or entities listed in subsections (11)(a) through (11)(f).

(12) "Nonspinning reserve" means offline generation that can be ramped up to capacity and synchronized to the grid within 10 minutes and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(13) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on January 1, 2005, including the public utility's successors or assignees.

(14) "Renewable energy credit" means a tradable certificate of proof of 1 megawatt hour of electricity generated by an eligible renewable resource that is tracked and verified by the commission and includes all of the environmental attributes associated with that 1 megawatt-hour unit of electricity production.

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

(15) "Seasonality" means the degree to which an electric generating resource is capable of producing electricity in each of the seasons of the year.

(16) "Small customer" means a retail customer that has an individual load with an average monthly demand of less than 5,000 kilowatts.

(17) "Spinning reserve" means the online reserve capacity that is synchronized to the grid system and immediately responsive to frequency control and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(18) "Total calculated nameplate capacity" means the calculation of total nameplate capacity of the community renewable energy project and other eligible renewable resources that are:

- (a) located within 5 miles of the project;
- (b) constructed within the same 12-month period; and
- (c) under common ownership."

Renumber: subsequent sections

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

HB 78, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman):

3/11/2011

SB 110, do pass. Report adopted.

SB 199, do pass. Report adopted.

SB 312, introduced bill, be amended as follows:

1. Page 2, line 1.

Following: "environment."

Insert: "A major amendment is an amendment that may significantly affect the human environment. A minor amendment is an amendment that will not significantly affect the human environment."

2. Page 13, line 8.

Strike: "or"

Insert: " , "

Following: "revision"

Insert: " , or revision"

3. Page 13, line 23 through line 24.

Strike: " : " on line 23 through "(j)" on line 24

4. Page 13, line 24 through line 25.

Following: "deficiency" on line 24

Strike: " ; and" on line 24 through "deficiency" on line 25

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

5. Page 13, line 29.

Following: "requirements;"

Insert: "and"

6. Page 14, line 2.

Strike: "and"

Insert: "."

7. Page 15, line 24.

Strike: "AND"

Insert: "or"

8. Page 15, line 24.

Following: "THIS PART."

Insert: "For a stipulation imposed without the applicant's consent, the department shall provide to the applicant in writing the reason for the stipulation, a citation to the statute or rule that gives the department the authority to impose the stipulation, and, for a stipulation imposed in the final permit that was not contained in the draft permit, the reason that the stipulation was not contained in the draft permit."

9. Page 16, line 14.

Following: "(5)"

Insert: "(a)"

Strike: "by an"

Insert: "may be a major or minor permit"

10. Page 16, line 15.

Following: "including a"

Insert: "permit revision. A modification of the operating permit, including a"

11. Page 16, line 17.

Following: "or revision"

Insert: "or revision"

12. Page 16, line 20.

Following: line 19

Insert: " (b) The modification of an operating permit may not be finalized and an existing bond amount may not be increased until the permit modification procedures and analysis described in subsection (5)(a) are completed."

13. Page 17, line 7.

Following: "may apply for"

Insert: "a permit revision as described in subsections (5)(g) through (5)(j) or"

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

14. Page 17, line 10.

Following: "~~(a)~~"

Insert: "(a)"

15. Page 17, line 11.

Following: "~~for the~~"

Insert: "classification of amendments as major or minor. The board shall adopt rules establishing requirements for the"

Following: "~~major and minor~~"

Insert: "revisions and major and minor"

16. Page 17, line 12.

Following: "~~minor~~"

Insert: "revisions and minor"

17. Page 17, line 18.

Following: line 17

Insert: "(b) An amendment must be considered minor if:

(i) it is for the purpose of retention of mine-related facilities that are valuable for postmining use;

(ii) evidence is submitted showing that a local government has requested retention of the mine-related facilities for a postmining use; and

(iii) the postmining use of the mine-related facilities meets the requirements provided for in 82-4-336."

18. Page 17, line 18.

Following: "~~major~~"

Insert: "major"

19. Page 17, line 22.

Following: line 21

Insert: "(4) The department shall review an application for a revision or a minor amendment and provide a notice of decision on the adequacy of the application within 30 days. If the department does not respond within 30 days, then the permit is revised or amended in accordance with the application."

Renumber: subsequent subsection

20. Page 17, line 23.

Following: "~~of action~~"

Insert: "and permit revisions"

21. Page 18, line 11.

Following: "~~to~~"

Strike: "the"

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

22. Page 18, line 13.

Strike: "(4)(g)"

Insert: "(5)(g)"

And, as amended, do pass. Report adopted.

SB 317, introduced bill, be amended as follows:

1. Page 6, line 6.

Strike: "and economic"

Following: "action"

Insert: "and the environmental and economic impacts of major actions of state government pursuant to subsection (3)"

2. Page 6, line 8 through line 9.

Strike: "and" on line 8 through "economic" on line 9

3. Page 6, line 9.

Following: "action"

Insert: "and the environmental and economic impacts of major actions of state government pursuant to subsection (3)"

4. Page 10, line 19.

Following: "COURT."

Insert: "The agency may charge the project sponsor for its activities associated with original scientific studies conducted in accordance with this subsection (3)(a)."

5. Page 11, line 27.

Strike: "and economic"

And, as amended, do pass. Report adopted.

SB 329, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman):

3/10/2011

HB 98, be concurred in. Report adopted.

HB 176, be concurred in. Report adopted.

HB 287, be concurred in. Report adopted.

HJR 1, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman):

3/10/2011

HB 251, be amended as follows:

1. Page 2, line 28.

Following: "IMPLEMENT OF HUSBANDRY"

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Strike: "OR"

Insert: " , "

2. Page 2, line 29.

Following: "EQUIPMENT,"

Insert: "or forestry equipment,"

3. Page 2, line 30 through page 3, line 1.

Strike: "A SPEED" on page 2, line 30 through "LIMIT" on page 3, line 1

Insert: "highway speed or with the flow of traffic"

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

HB 254, be concurred in. Report adopted.

HB 259, be concurred in. Report adopted.

HB 270, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/10/2011

HB 568, introduced by Wagner

Senate bills concurred in and returned to the Senate: 3/10/2011

SB 64, introduced by Steinbeisser

SB 69, introduced by Wanzenried

SB 72, introduced by Gillan

SB 73, introduced by Murphy

SB 95, introduced by Shockley

SB 152, introduced by Brown

SB 165, introduced by Balyeat

SB 186, introduced by Steinbeisser

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/10/2011

SB 67, introduced by Shockley

MOTIONS

Senator Murphy moved **HB 230** be moved from the Judiciary committee to the Finance and Claims committee. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser,

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Tutvedt, Vincent, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, 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: Walker.

Total 1

Senator Blewett moved **HOB 71** be moved from the Business, Labor, and Economic Affairs committee to the Judiciary committee. Motion **failed** as follows:

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

Total 19

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Windy Boy, Wittich, Zinke, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

**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 Wittich in the chair.

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

SB 81 - Senator Wanzenried moved **SB 81** do pass. Motion carried as follows:

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

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Total 36

Nays: Balyeat, Essmann, Hinkle, Hutton, Jackson, Keane, Moore, Mowbray, Priest, Sonju, Tutvedt, Vincent, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

SB 338 - Senator Arthun moved **SB 338** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Caferro, Essmann, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Wanzenried, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Buttrey, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 29 - Senator Balyeat moved **HB 29** be concurred in.

HB 29 - Senator Balyeat moved **HB 29**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Strike: "OVERSEAS"

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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 29 - Senator Balyeat moved **HB 29**, as amended, be concurred in. Motion carried as follows:

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

Total 48

Nays: Gillan.

Total 1

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 53 - Senator Jent moved **HB 53** 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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

HB 69 - Senator Jent moved **HB 69** be concurred in.

HB 69 - Senator Jent made a **substitute motion** that consideration of **HB 69** be passed for the day. Without objection, so ordered.

HB 79 - Senator Augare moved **HB 79** 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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 82 - Senator Gillan moved **HB 82** be concurred in. Motion carried as follows:

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

Total 43

Nays: Arthun, Jones, Lewis, Moore, Steinbeisser, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 92 - Senator Priest moved **HB 92** be concurred in. Motion carried as follows:

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

Total 41

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Nays: Augare, Caferro, Kaufmann, Keane, Stewart-Peregoy, Vuckovich, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 93 - Senator Zinke moved **HB 93** 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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 169 - Senator Olson moved **HB 169** 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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 233 - Senator Lake moved **HB 233** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 252 - Senator Wanzenried moved **HB 252** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Priest, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 31

Nays: Balyeat, Barrett, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Murphy, Olson, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 419 - Senator Arthun moved **HB 419** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, 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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Hutton.
Total 2

Absent or not voting: None.
Total 0

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Excused: Walker.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Wittich moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Walker.

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:

HB 23 concurred in as follows:

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

Total 48

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 94 concurred in as follows:

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

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

Total 37

Nays: Blewett, Essmann, Gallus, Hinkle, Hutton, Lake, Olson, Priest, Tutvedt, Windy Boy, Wittich, Zinke.

Total 12

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 118 concurred in as follows:

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

Total 36

Nays: Blewett, Brenden, Buttrey, Gallus, Hinkle, Priest, Ripley, Sonju, Steinbeisser, Van Dyk, Vincent, Wittich, Zinke.

Total 13

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 119 concurred in as follows:

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

Total 48

Nays: Gallus.

Total 1

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 127 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Facey, Hamlett, Hawks, Hutton, Jent, Jones, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 34

Nays: Blewett, Branae, Erickson, Essmann, Gallus, Gillan, Hinkle, Jackson, Kaufmann, Lake, Ripley, Tutvedt, Van Dyk, Wittich, Zinke.

Total 15

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HB 327 concurred in as follows:

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

Total 42

Nays: Buttrey, Gallus, Priest, Sonju, Vincent, Wittich, Zinke.

Total 7

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

HJR 6 concurred in as follows:

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

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

President.

Total 41

Nays: Augare, Blewett, Gallus, Jent, Kaufmann, Moss, Ripley, Williams.

Total 8

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

SB 19, as amended by the House, passed as follows:

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

Total 46

Nays: Gallus, Steinbeisser, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: Walker.

Total 1

Senate Wanzenried requested an update on **HB 2** and **HJR 2**. President Peterson, responded House Bill 2 should be in the Senate Finance and Claims committee on Thursday or Friday. Senator Wanzenried raised concerns with the need to suspend the rules to allow **HJR 2** to come to the Senate. President Peterson stated he would research the issue.

President Peterson reminded the Senate members to abide by the floor privileges regarding lobbyists and guests being on the Senate floor one hour prior to the floor session and one-half hour after the floor session. President Peterson also clarified that jeans were not allowed on the Senate floor by anyone. President Peterson stated the anteroom was considered part of the Senate floor.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, March 12, 2011. Motion carried.

Senate adjourned at 3:06 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate