

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

Helena, Montana  
March 16, 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. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Senator Hawks read the following Joint Proclamation:

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
THE STATE OF MONTANA RECOGNIZING THE RUNNING ACCOMPLISHMENTS OF  
PATRICK CASEY:**

WHEREAS, Patrick Casey, a native of Laurel, Montana, has been a high school running champion, a top NCAA runner at Montana State University, and a USA Track and Field Champion; and

WHEREAS, Patrick Casey has been named an All-American track and field athlete; and

WHEREAS, a 4-minute mile has long been regarded as the Gold Standard of Middle Distance Running; and

WHEREAS, on February 4, 2011, Patrick Casey ran the One Mile Run in Bozeman's Brick Breeden Fieldhouse in 3 minutes, 59.76 seconds; and

WHEREAS, Patrick Casey has officially become the first runner to break the 4-minute mile in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That Patrick Casey of Laurel, Montana, is hereby officially recognized by the Montana Legislature for his outstanding athletic achievement in running the first "Sub-4 Minute Mile in Montana."

Senate President  
Jim Peterson

Speaker of the House  
Mike Milburn

Senator Bob Hawks

Representative Kathleen Williams

Senator Gallus excused.

**BILLS AND JOURNALS:**

3/16/2011

Correctly printed: **SB 110, SB 199, SB 288, SB 312, SB 325, SB 329, SB 333, SB 347, HB 28, HB 37, HB 61, HB 70, HB 141, HB 181, HB 324, HB 426, HB 446, HB 484, HB 573.**

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Correctly engrossed: **SB 253, SB 358, HB 526.**

Delivered to the Secretary of State at 9:07 a.m., March 16, 2011: **SJR 9.**

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-first, forty-second, forty-third, forty-fourth, and forty-fifth legislative days, find the same to be correct.

Senator Brown, Chair

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman): 3/15/2011  
**HB 273**, be concurred in. Report adopted.  
**SJR 15**, do pass. Report adopted.

**FISH AND GAME** (Brenden, Chairman): 3/15/2011  
**SB 402**, introduced bill, be amended as follows:

1. Page 2, line 20.

**Strike:** "and"

2. Page 2, line 21.

**Following:** line 20

**Insert:** "(ii) the commission forbids the hunting of pups or females with pups; and"

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 336**, be amended as follows:

1. Page 2, line 18.

**Strike:** "or wolf"

2. Page 2, line 26.

**Strike:** "or wolf"

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

**HB 337**, be concurred in. Report adopted.

**HB 536**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Jones, Chairman): 3/15/2011  
**SB 251**, introduced bill, be amended as follows:

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1. Title, page 1, line 5.

**Following:** "DEVICES"

**Insert:** "TO WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION"

2. Page 1, line 10 through page 3, line 17.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. Section 1. Use of mobile electronic device by motor vehicle operators prohibited. (1) A person may not operate a motor vehicle while using a mobile electronic device to write, send, or read a text-based communication.

(2) For the purposes of this section, a person is not considered to be writing, sending, or reading a text-based communication if the person reads, selects, or enters a telephone number or name in a mobile electronic device for the purpose of making or receiving a telephone call.

(3) The provisions of this section may not be construed as authorizing the seizure or forfeiture of a mobile electronic device unless otherwise provided by law.

(4) A person who violates subsection (1) shall be fined not more than \$100. A violation of this section may not be recorded or charged against a driver's record, points may not be assessed against the driver's record pursuant to 61-11-203, and an insurance company may not hold a violation of this section against the insured.

(5) An operator of a motor vehicle who commits a moving violation, as defined in 61-11-203, while writing, sending, or reading a text-based communication shall be fined \$100 in addition to any penalty or fine imposed for the moving violation.

(6) This section does not apply to an emergency services provider, as defined in 50-16-701, using a mobile electronic device while operating an authorized emergency vehicle in the course and scope of the provider's duties.

(7) (a) As used in this section, "write, send, or read a text-based communication" means using a mobile electronic device to communicate manually with any person using text-based communication, including but not limited to communications referred to as a text message, instant message, or electronic mail.

(b) The term does not include the use of a global positioning or navigation system."

And, as amended, do pass. Report adopted.

**HB 401**, be concurred in. Report adopted.

**HB 523**, be concurred in. Report adopted.

**HJR 17**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**HB 47** - The House failed to concur in Senate amendments to **HB 47**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 47**:

3/15/2011

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Representative K. Peterson, Vice Chair  
Representative Kennedy  
Representative Phillips

**MOTIONS**

Senator Erickson moved **SB 358** be moved from the Committee of the Whole committee to the Taxation committee. Without objection, so ordered.

Senator Gallus present.

Senator Murphy moved **SB 178** be moved from the Business, Labor, and Economic Affairs committee and brought before the Committee of the Whole and placed on Second Reading on Monday, March 21, 2011. Motion **failed** as follows:

Yeas: Arthun, Augare, Brenden, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lewis, Mowbray, Murphy, Priest, Ripley, Shockley, Tropila, Vincent, Walker, Wanzenried, Windy Boy, Wittich.

Total 24

Nays: Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Olson, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Williams, Zinke, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Gillan moved that **SB 377** be taken from Taxation and brought before the Committee of the Whole and placed on Second Reading on Friday, March 18, 2011. Motion **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 409**, introduced by Tutvedt, referred to Natural Resources.

**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 Mowbray in the chair.

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

**SB 376** - Senator Lake moved **SB 376** 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, 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: Larsen.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 42** - Senator Keane moved **HB 42** be concurred in.

**HB 42** - Senator Keane moved **HB 42**, second reading copy, be amended as follows:

1. Page 3, line 15.

**Strike:** "2017"

**Insert:** "2019"

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2. Page 3, line 17.

**Strike:** "1.23%"

**Insert:** "0.237%"

3. Page 3, line 18.

**Strike:** "1.45%"

**Insert:** "2.16%"

4. Page 3, line 20.

**Strike:** "1.45%"

**Insert:** "2.02%"

5. Page 3, line 22.

**Strike:** "2.95%"

**Insert:** "2.655%"

6. Page 3, line 26.

**Strike:** "2017"

**Insert:** "2019"

7. Page 3, line 27.

**Strike:** "2.16%"

**Insert:** "3.06%"

8. Page 3, line 28.

**Strike:** "2.02%"

**Insert:** "2.14%"

9. Page 4, line 21.

**Strike:** "2017"

**Insert:** "2019"

10. Page 4, line 24.

**Strike:** "2017"

**Insert:** "2019"

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

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 42** - Senator Keane moved **HB 42**, as amended, 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 52** - Senator Walker moved **HB 52** 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 59** - Senator Vincent moved **HB 59** be concurred in.

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**HB 59** - Senator Moss moved **HB 59**, second reading copy, be amended as follows:

1. Page 2, line 30.

**Following:** "of"

**Insert:** "generation capacity at"

**Strike:** "that" through "capacity"

**Insert:** "when construction of the expansion commences"

2. Page 6, line 16.

**Following:** "case of"

**Insert:** "generation capacity at"

3. Page 6, line 17.

**Strike:** "that" through "capacity"

**Insert:** "when construction of the expansion commences"

4. Page 8, line 2.

**Strike:** "begin operating"

**Insert:** "commence construction"

Amendment **not** adopted as follows:

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

Total 21

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

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 59** - Thereupon, the Senate reverted to the original motion of Senator Vincent which passed as follows:

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

Total 37



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Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Van Dyk, Wanzenried, Williams.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 99** - Senator Blewett moved **HB 99** 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, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 48

Nays: Murphy, Wittich.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 103** - Senator Wittich moved **HB 103** 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, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.  
Total 46

Nays: Blewett, Tutvedt, Van Dyk, Windy Boy.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 213** - Senator Caferro moved **HB 213** be concurred in.

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**HB 213** - Senator Caferro moved **HB 213**, second reading copy, be amended as follows:

1. Title, page 1, line 13.

**Following:** "61-5-102,"

**Insert:** "61-6-158,"

2. Page 31.

**Following:** line 3

**Insert:** "**Section 12.** Section 61-6-158, MCA, is amended to read:

**"61-6-158. Vehicle insurance verification and license plate operating account. (1)**

There is a vehicle insurance verification and license plate operating account in the state special revenue fund type as provided in 17-2-102.

(2) Fees imposed under 61-3-321(7)(b)(ii) and ~~(42)~~ (13), 61-3-333, 61-3-465(1)(b)(i), 61-3-480(2)(c)(i), or 61-3-562(1)(a)(ii) or established and collected under 61-6-105 must be deposited in the account.

(3) The money in the vehicle insurance verification and license plate operating account must be used by the department to pay costs incurred in or associated with the operation, maintenance, and enhancement of the system established under 61-6-157 and the contract required in 61-3-338 for the manufacture and distribution of license plates by Montana correctional enterprises.""

**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, 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 213** - Senator Caferro moved **HB 213**, as amended, 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, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

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

Total 47

Nays: Priest, Walker, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 251** - Senator Blewett moved **HB 251** 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, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Stewart-Peregoy.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 254** - Senator Sonju moved **HB 254** 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

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**HB 270** - Senator Zinke moved **HB 270** 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 300** - Senator Moore moved **HB 300** 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 348** - Senator Kaufmann moved **HB 348** be concurred in. Motion carried as follows:  
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, 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, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 47

Nays: Brenden, Hinkle, Walker.  
Total 3

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 374** - Senator Larsen moved **HB 374** 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 380** - Senator Olson moved **HB 380** be concurred in. Motion carried as follows:

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

Total 46

Nays: Essmann, Priest, Walker, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 552** - Senator Buttrey moved **HB 552** be concurred in. Motion carried as follows:

Yeas: Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Gallus, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

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Total 36

Nays: Arthun, Balyeat, Barrett, Essmann, Facey, Hawks, Hinkle, Hutton, Larsen, Ripley, Walker, Wittich, Zinke.

Total 13

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

Senator Gillan excused.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Mowbray 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, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

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 67, as amended by the House**, passed 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, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 110** 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, Wittich, Zinke, Mr. President.

Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 199** passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, 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, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 288** passed as follows:

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

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

Total 48

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 312** passed 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, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 31

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

Total 18

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 325** passed as follows:

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

Total 26

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

Total 24



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Paired: Brown, Aye; Gillan, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 329** passed as follows:

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

Total 48

Nays: Caferro.

Total 1

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 333** passed as follows:

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

Total 48

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 347** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann,

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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: Gillan.

Total 1

**HB 28** concurred in as follows:

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

Total 46

Nays: Gallus, Tutvedt, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 37** concurred in 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, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Gillan.

Total 1

**HB 61** concurred in as follows:

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

Total 36

Nays: Augare, Balyeat, Blewett, Brenden, Essmann, Gallus, Hutton, Keane, Lake, Olson, Priest, Tutvedt, Windy Boy.

Total 13

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 70** concurred in as follows:

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

Total 39

Nays: Arthun, Brenden, Buttrey, Priest, Ripley, Sonju, Steinbeisser, Walker, Wittich, Zinke.

Total 10

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 288** concurred in as follows:

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

Total 47

Nays: Gallus, Wittich.

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Total 2

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 426** concurred in as follows:

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

Total 48

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SPECIAL ORDERS OF THE DAY**

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 404**  
Motion carried.

**SB 404** (Blewett, Chief Sponsor)

Representative Hill

Senator Van Dyk.

**MOTIONS**

Senator Walker moved to change his vote on **HB 70** from Yes to No. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 17, 2011. Motion carried.

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Senate adjourned at 2:45 a.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate