

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 19, 2011

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Senator Mitch Tropila. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Gillan, Hutton, Stewart-Perego, Windy Boy excused. Quorum present.

Senator Windy Boy present.

**BILLS AND JOURNALS:**

3/19/2011

Correctly printed: **SB 299, SB 389, SJR 15, HB 80, HB 117, HB 219, HB 229, HB 250, HB 273, HB 292, HB 298, HB 319, HB 333, HB 428, HB 432, HB 449, HB 467, HB 479, HB 517, HB 531, HB 573, HJR 1.**

Examined by the sponsor and found to be correct: **SB 32, SB 34, SB 38, SB 67, SB 106.**

Signed by the President at 4:45 p.m., March 18, 2011: **SB 32, SB 34, SB 38, SB 67, SB 106.**

Correctly engrossed: **SB 319, SB 358, SB 371, SB 382, SJR 17, HB 111, HB 125, HB 216, HB 258, HB 277, HB 469, HB 536, HB 541, HB 584.**

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

Senator Brown, Chair

**MESSAGES FROM THE GOVERNOR**

March 18, 2011

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 63** sponsored by Senator Steinbeisser and **Senate Bill 78** sponsored by Senator Ripley on March 18, 2011.

Sincerely,

BRIAN SCHWEITZER  
Governor

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**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Lewis, Chairman): 3/17/2011  
**SB 343**, do pass. Report adopted.  
**HB 90**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Sonju, Chairman): 3/18/2011  
**HB 212**, be concurred in. Report adopted.  
**HB 338**, be concurred in. Report adopted.  
**HB 403**, be concurred in. Report adopted.  
**HB 516**, be amended as follows:

1. Title, line 5.

**Following:** "ORDINANCES"

**Strike:** ", RESOLUTIONS, OR POLICIES"

2. Page 1, line 12.

**Following:** "ordinance"

**Strike:** ", resolution, or policy"

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

**HB 538**, be amended as follows:

1. Page 1, line 23.

**Following:** "by"

**Insert:** "by"

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

**HB 542**, be amended as follows:

1. Title, lines 4 and 5.

**Strike:** "GENERALLY" on line 4

**Following:** "REVISING" on line 4

**Strike:** "THE" on line 4 through "APPLICATIONS" on line 5

**Insert:** "PROVISIONS GOVERNING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF  
PROPOSED SUBDIVISIONS AND INFORMATION PROVIDED AS PART OF A REVIEW"

2. Title, line 6 through line 7.

**Following:** "SCIENTIFIC" on line 6

**Strike:** ", " on line 6 through "PEER-REVIEWED" on line 7

3. Title, line 15.

**Strike:** "76-3-604,"

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**Following:** "76-3-608"

**Strike:** ", "

4. Page 1, line 20 through page 4, line 5.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 5, line 18.

**Strike:** "information,"

6. Page 5, lines 19 and 20.

**Following:** "regarding" on line 19

**Insert:** "wildlife, wildlife habitat, or the natural environment relating to"

**Following:** "review" on line 19

**Strike:** "of a subdivision application"

**Following:** "a" on line 20

**Insert:** "the best available"

**Following:** "scientific" on line 20

**Strike:** "peer-reviewed"

7. Page 5, line 21.

**Following:** "comment"

**Strike:** "information,"

**Strike:** "The" through "from a"

**Insert:** "A"

8. Page 5, line 23.

**Following:** "application"

**Insert:** "shall disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection"

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

**STATE ADMINISTRATION** (Shockley, Chairman):

3/19/2011

**HB 142**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

3/19/2011

**SB 47**, introduced by Vincent

**SB 49**, introduced by Branae

**SB 92**, introduced by Jent

**SB 103**, introduced by Jackson

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**SB 128**, introduced by Lake  
**SB 189**, introduced by Keane  
**SB 361**, introduced by Ripley

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

3/18/2011

**SB 52**, introduced by Tropila

**HB 29** - The House failed to concur in Senate amendments to **HB 29**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 29**:

3/18/2011

Representative McNiven, Vice Chair  
Representative Berry  
Representative Court

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

3/18/2011

**HB 64**, introduced by Stahl  
**HB 82**, introduced by Sands  
**HB 94**, introduced by Arntzen

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 415**, introduced by Lake, referred to Energy and Telecommunications.

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

**SJR 18**, introduced by Gillan, referred to Public Health, Welfare and Safety.

**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 Hawks in the chair.

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

**SB 389** - Senator Van Dyk moved **SB 389** do pass. Motion carried as follows:  
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen,

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Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.  
Total 41

Nays: Arthun, Brenden, Ripley, Walker, Windy Boy, Wittich.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.  
Total 3

**HB 117** - Senator Larsen moved **HB 117** 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, 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 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.  
Total 3

**HB 95** - Senator Shockley moved **HB 95** be concurred in. Motion carried as follows:  
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 35

Nays: Balyeat, Brenden, Buttrey, Hinkle, Moore, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

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Total 3

**HB 229** - Senator Keane moved **HB 229** 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, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 250** - Senator Shockley moved **HB 250** 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, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 298** - Senator Keane moved **HB 298** 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, 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 47

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 324** - Senator Facey moved **HB 324** be concurred in. Motion carried as follows:

Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 26

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.

Total 21

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 337** - Senator Wittich moved **HB 337** be concurred in. Motion **failed** as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 401** - Senator Buttrey moved **HB 401** 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, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley,

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Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.  
Total 3

**HB 422** - Senator Vincent moved **HB 422** 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, 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 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.  
Total 3

**HB 432** - Senator Mowbray moved **HB 432** 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, 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 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.



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Total 3

**HB 449** - Senator Facey moved **HB 449** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Wittich.

Total 33

Nays: Arthun, Balyeat, Hinkle, Jones, Kaufmann, Moss, Ripley, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Zinke, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 481** - Senator Brenden moved **HB 481** 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, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Sonju, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 517** - Senator Tutvedt moved **HB 517** 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, 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 47

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 523** - Senator Buttrey moved **HB 523** be concurred in. Motion carried as follows:

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

Total 45

Nays: Balyeat, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 531** - Senator Mowbray moved **HB 531** be concurred in. 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, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 28

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

Total 19

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 559** - Senator Priest moved **HB 559** be concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy,

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Wittich, Zinke, Mr. President.

Total 34

Nays: Augare, Blewett, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams.

Total 13

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 568** - Senator Debby Barrett moved **HB 568** 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, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HJR 17** - Senator Zinke moved **HJR 17** 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, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

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

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.  
Total 41

Nays: Blewett, Jent, Kaufmann, Larsen, Wanzenried, Williams.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.  
Total 3

**SPECIAL ORDERS OF THE DAY**

Senator Brown thanked the pages for their work during the week of March 14-19, 2011.

**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 299** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, 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 47

Nays: Stewart-Peregoy.  
Total 1

Paired: Jent, Aye; Stewart-Peregoy, No.

Absent or not voting: None.

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Total 0

Excused: Gillan, Hutton.

Total 2

**SB 317** passed 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, Mr. President.

Total 26

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

Total 21

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**SJR 15** adopted 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, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Larsen, Moore, Ripley.

Total 3

Paired: Gillan, Aye; Ripley, No.

Absent or not voting: None.

Total 0

Excused: Hutton, Stewart-Peregoy.

Total 2

**HB 219** concurred in as follows:

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

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

Total 28

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

Total 21

Paired: Brown, Gillan, Aye; Augare, Stewart-Peregoy, No.

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

**HB 273** concurred in as follows:

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

Total 41

Nays: Augare, Erickson, Kaufmann, Van Dyk, Wanzenried, Williams.

Total 6

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

**HB 536** concurred in as follows:

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

Total 44

Nays: Augare, Erickson, Kaufmann, Larsen, Williams.

Total 5

Paired: Gillan, Stewart-Peregoy, Aye; Augare, Williams, No.

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Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

**HB 573** concurred in as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Priest, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke.

Total 30

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Jones, Lake, Lewis, Moore, Mowbray, Olson, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Mr. President.

Total 19

Paired: Gillan, Stewart-Peregoy, Aye; Brown, Olson, No.

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

**HJR 1** concurred in as follows:

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

Total 43

Nays: Caferro, Erickson, Kaufmann, Stewart-Peregoy, Williams, Windy Boy.

Total 6

Paired: Augare, Gillan, Aye; Caferro, Stewart-Peregoy, No.

Absent or not voting: None.

Total 0

Excused: Hutton.

Total 1

**REPORTS OF STANDING COMMITTEES**

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**LOCAL GOVERNMENT** (Sonju, Chairman):  
**HB 575**, be amended as follows:

3/18/2011

1. Title, line 4 through line 6.

**Strike:** "CLARIFYING" on line 4 through "BOUNDS" on line 6

**Insert:** "ALLOWING ANNEXATION OF CERTAIN PARCELS IF ALL OWNERS OF  
PROPERTY TO BE ANNEXED AGREE"

2. Title, line 12.

**Following:** "7-2-4606,"

**Insert:** "7-2-4608,"

3. Page 2, line 4 through line 7.

**Strike:** subsections (4) and (5) in their entirety

4. Page 2.

**Following:** line 26

**Insert:** "**Section 3.** Section 7-2-4608, MCA, is amended to read:

**"7-2-4608. Restrictions on annexation power.** (1) ~~No territory which, Territory that is part of an incorporated city or town at the time such a petition for such proposed annexation is presented to such council or legislative body, forms any part of any incorporated city or town shall as provided in 7-2-4601 may not~~ be annexed under the provisions of this part.

(2) ~~No~~ Except as provided in subsection (3), a parcel of land which that, at the time such a petition for such proposed annexation is presented to such council or legislative the governing body of a city or town, is used in whole or in part for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose or for any purpose incident thereto shall to those uses may not be annexed under the provisions of this part.

(3) The provisions of subsection (2) do not apply if the petition submitted to the governing body of the city or town is signed by 100% of the owners of the land proposed to be annexed and the annexation is in accordance with the city's or town's adopted growth policy."

**Renumber:** subsequent sections

5. Page 5, line 28 through line 30.

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

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

**MOTIONS**

Senator Shockley moved **SB 187** be moved from the Committee of the Whole to the Finance and Claims committee.

**SPECIAL ORDERS OF THE DAY**

President Peterson stated the Governor's appointments have been referred to the various



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Senate committees. President Peterson explained the appointment process.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, March 21, 2011. Motion carried.

Senate adjourned at 10:12 a.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate