

**SENATE JOURNAL
62ND LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 21, 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.

BILLS AND JOURNALS: 3/21/2011

Correctly printed: **SB 343, SB 389, HB 90, HB 95, HB 117, HB 142, HB 212, HB 337, HB 338, HB 403, HB 422, HB 432, HB 517, HB 531.**

Correctly engrossed: **SB 403, HB 229, HB 250, HB 298, HB 324, HB 401, HB 449, HB 481, HB 516, HB 523, HB 538, HB 542, HB 559, HB 568, HB 575, HJR 17.**

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 3/21/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, March 19, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Morgan Callahan, Helena Aaron Carpenter, Great Falls Jake Hood, Helena Rebecca Lake, Polson Tanner Lee, Great Falls Ty Show, Browning

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 21, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Emily Grinder, Cardwell Danielle Jacobs, Great Falls Emily Schwaller, Helena Shannon Sullivan, Butte Andora Tutvedt, Kalispell Micah Thompson, Helena

Report Adopted.

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REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/21/2011
HB 179, be amended as follows:

1. Title, page 1, line 9.

Strike: "PROVIDING FOR" through "EMPLOYMENT;"

2. Page 1, line 24 through line 25.

Strike: "at the will" on line 24 through "for no reason" on line 25

Insert: "in the initial 30 days of employment"

3. Page 2, line 6.

Following: "(2), THE"

Insert: "term ""

Following: "PERIOD"

Insert: """"

Strike: "OF EMPLOYMENT IS DETERMINED BY"

Insert: "means a period, as provided in a written policy of"

4. Page 2, line 7.

Strike: ", BUT MAY"

Insert: "provided to an employee on the first day of work, that does"

5. Page 2, line 10.

Strike: "PROBATIONARY PERIODS THAT BEGIN"

Insert: "employment beginning"

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

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 3/18/2011
SB 403, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "IMPROVEMENT"

Insert: "EXCELLENCE"

2. Title, page 1, line 12.

Following: "BUDGET;"

Insert: "ALLOWING A SCHOOL DISTRICT A ONE-TIME TRANSFER OF GENERAL FUND
MONEY UNDER CERTAIN CONDITIONS;"

3. Title, page 1, line 22 through line 24.

Strike: "ALLOWING" on line 22 through "FUND;" on line 24

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4. Page 2, line 7.

Strike: "Improvement"

Insert: "Excellence"

5. Page 2, line 29.

Strike: "improvement"

Insert: "excellence"

6. Page 2, line 30.

Strike: "improvement"

Insert: "excellence"

7. Page 3, line 1.

Strike: "improvement"

Insert: "excellence"

8. Page 3, line 30.

Following: "(4)"

Strike: "Each"

Insert: "By June 30, 2012, each"

9. Page 4, line 11.

Following: "growth"

Strike: "showing a minimum of 1 year's academic growth"

10. Page 4, line 12.

Following: "each"

Strike: "grade level"

Insert: "school"

11. Page 4, line 16.

Insert: "(3) Nothing in this section precludes the board of public education from adopting other measures of student performance not listed above."

12. Page 4, line 17.

Strike: "improvement"

Insert: "excellence"

13. Page 4, line 18.

Strike: "improvement"

Insert: "excellence"

14. Page 4, line 20.

Following: "policy"

Insert: "when no collective bargaining agreement applies"

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15. Page 4, line 22.

Strike: "improvement"

Insert: "excellence"

16. Page 4, line 26.

Strike: "improvement"

Insert: "excellence"

17. Page 5, line 7.

Strike: "10%"

Insert: "5%"

18. Page 5, line 20.

Strike: "involvement"

Insert: "engagement"

19. Page 5, line 21.

Strike: "improvement"

Insert: "excellence"

20. Page 5, line 27.

Following: "bargaining"

Insert: "or district policy when no collective bargaining agreement applies"

21. Page 6.

Following: line 15

Insert: "(7) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. If the payment in subsection (6) is made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."

Renumber: subsequent subsection

22. Page 6, line 16.

Strike: "improvement"

Insert: "excellence"

23. Page 6, line 20.

Strike: "improvement"

Insert: "excellence"

24. Page 7, line 10.

Following: "in a"

Strike: "timely"

Following: "manner"

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Insert: "that is timely and protects the privacy rights of students and families as they relate to education"

25. Page 7, line 14.

Following: "develop"

Insert: "plans for"

26. Page 9, line 18.

Following: "Carbon"

Strike: "51.73%"

Insert: "51.72%"

27. Page 9, line 22.

Following: "Dawson"

Strike: "52.21%"

Insert: "52.22%"

28. Page 9, line 24.

Following: "Fergus"

Strike: "30.82%"

Insert: "30.83%"

29. Page 9, line 28.

Following: "Hill"

Strike: "35.49%"

Insert: "35.48%"

30. Page 9, line 29.

Following: "Liberty"

Strike: "42.06%"

Insert: "42.05%"

31. Page 10, line 2.

Following: "Petroleum"

Strike: "51.96%"

Insert: "51.94%"

32. Page 10, line 3.

Following: "Phillips"

Strike: "45.98%"

Insert: "45.99%"

33. Page 10, line 4.

Following: "Pondera"

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Strike: "45.74%"

Insert: "45.73%"

34. Page 10, line 5.

Following: "Powder River"

Strike: "39.10%"

Insert: "39.09%"

35. Page 10, line 6.

Following: "Prairie"

Strike: "59.62%"

Insert: "59.61%"

36. Page 10, line 9.

Following: "Rosebud"

Strike: "60.67%"

Insert: "60.68%"

37. Page 10, line 10.

Following: "Sheridan"

Strike: "52.01%"

Insert: "52.00%"

38. Page 10, line 16.

Following: "Wibaux"

Strike: "50.84%"

Insert: "50.83%"

39. Page 11, line 14.

Following: "(1)(a)"

Strike: "By"

Insert: "Subject to [section 11], by"

40. Page 13, line 13.

Following: "subsection(2)(a)"

Strike: "20-9-331(3)(a)"

Insert: "15-36-331(3)(a)"

41. Page 13, line 18.

Following: "subsection(2)(a)"

Strike: "20-9-331(3)(a)"

Insert: "15-36-331(3)(a)"

42. Page 14, line 2.

Following: "(6)"

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Strike: "The"

Insert: "Subject to [section 11], the"

43. Page 15, line 19.

Strike: "20-9-131"

Insert: "20-9-141"

44. Page 15, line 21.

Following: "year."

Insert: "The estimated revenue must be allocated in the district budget in accordance with subsection (7)."

45. Page 15, line 29 through line 30.

Following: "of the"

Strike: "remaining" on line 29 through "up to" on line 30

Insert: "amount by which"

46. Page 16, line 1.

Following: "budget"

Insert: "exceeds \$1.25 million"

47. Page 16, line 2 through line 3.

Strike: "The amount" on line 2 through "June 30." on line 3

Insert: "Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list indicating, for each school district, the limitation in subsection (2). The department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (2)."

48. Page 16, line 4.

Strike: "received from school districts' excess"

Insert: "of"

Following: "taxes"

Insert: "allocated to school districts under 15-36-331 but retained by the department of revenue in compliance with the restrictions in subsections (2) and (3) of this section"

49. Page 16, line 6.

Strike: "tax revenue remitted to"

Insert: "taxes allocated to the guarantee account in 15-36-331(3) plus the amounts retained by"

Following: "the state"

Strike: "from all school districts"

Insert: "under subsection (3) of this section"

50. Page 16, line 21 through line 23.

Strike: subsection (8) in its entirety

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51. Page 17, line 10.

Strike: "the oil and natural gas impact schools"

Insert: "school districts receiving oil and natural gas production taxes under 15-36-331"

52. Page 17, line 18.

Strike: "11(7)(a)"

Insert: "11(5)(a)"

53. Page 17, line 19 through line 21.

Strike: "By October" on line 19 through "The" on line 21

Insert: "Any amounts appropriated by the legislature for distribution to school districts receiving oil and natural gas production taxes pursuant to 15-36-331 must be distributed by the"

54. Page 17, line 21.

Following: "instruction"

Strike: "shall calculate the payment"

Following: "to each"

Insert: "qualifying"

Following: "district"

Insert: ". The amount must be calculated"

55. Page 17, line 23.

Strike: "oil and natural gas impact school districts that remitted funds"

Insert: "school districts receiving oil and natural gas production taxes pursuant to 15-36-331"

56. Page 17, line 24 through line 25.

Strike: "account" on line 24 through "June 30" on line 25

Insert: the first "amount appropriated"

57. Page 17, line 28.

Strike: "By October 31, the"

Insert: "The"

58. Page 17, line 29.

Following: "to"

Insert: "qualifying"

59. Page 18.

Strike: line 4

60. Page 18, line 5.

Following: "any"

Strike: "purpose provided by law"

Insert: "of the purposes set forth in [section 13(1)]"

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61. Page 18, line 8.

Following: "provisions of"

Strike: "this title"

Insert: "20-9-210"

62. Page 18, line 10.

Strike: "2014"

Insert: "2016"

63. Page 18, line 11.

Strike: "and nonbudgeted"

64. Page 18, line 12 through line 13.

Strike: "building fund, the impact aid fund, or "

Insert: "debt service fund or"

65. Page 18, line 14 through line 15.

Strike: "and a" on line 14 through "20-9-203" on line 15

66. Page 18, line 16.

Strike: "budget"

Insert: "combined ending fund balance for all budgeted funds included in subsection (1)"

67. Page 18, line 21.

Strike: "(4)"

Insert: "(5)"

68. Page 18, line 21 through line 22.

Strike: "and the" on line 21 through "20-9-203" on line 22

69. Page 18, line 22.

Strike: "reserves"

Insert: "combined ending fund balances"

70. Page 18, line 23.

Strike: "reserves"

Insert: "funds"

71. Page 18, line 25.

Strike: "those funds referred to in subsection (1)"

Insert: "the debt service fund, the building reserve fund, and bus depreciation reserve fund"

Following: line 25

Insert: "(4) Any funds that cannot be redistributed within a county without causing any school district in the county to exceed the 300% limit must be remitted by the county treasurer to the state for deposit in the guarantee account."

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Renumber: subsequent subsection

72. Page 18, line 28.

Insert: "(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or are in the first year of operation after reopening under 20-6-502 or 20-6-503."

73. Page 24, line 19.

Following: "(5)"

Insert: "(a) Prior to June 30, 2011, a school district may transfer any general fund money in excess of 15% of the fiscal year 2011 general fund budget that is not needed to fund the budget to any budgeted fund considered appropriate by the trustees.
(b)"

74. Page 25, line 2 through line 3.

Following: "(1)"

Strike: remainder of line 2 through line 3

75. Page 25, line 4.

Following: "The"

Insert: "The"

76. Page 25, line 7.

Following: "aid"

Insert: ", the pathway to excellence payment, the payments under 20-9-327 through 20-9-330,"

77. Page 25, line 29.

Following: "(1)(c)"

Insert: ", any anticipated oil and natural gas production taxes received under [section 11(7)(a)],"

78. Page 27, line 27.

Strike: ", 44.7% of the pathway to improvement payment,"

79. Page 27, line 30.

Strike: "up to 35.3% of the pathway to improvement payment,"

80. Page 28, line 4.

Following: ";"

Strike: "and"

81. Page 28, line 5.

Following: "payment"

Strike: "."

Insert: "; and"

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82. Page 28.

Following: line 5

Insert: "(g) the total pathway to excellence payment."

83. Page 28, line 7.

Strike: "80%"

Insert: "100%"

Strike: "improvement"

Insert: "excellence"

84. Page 29, line 10.

Strike: "improvement"

Insert: "excellence"

85. Page 29, line 19.

Strike: "Pathway to improvement payment" means a maximum rate of \$500 for fiscal year 2012 and \$1,000"

Insert: "Pathway to excellence payment" means \$315 for fiscal year 2012 and \$630"

86. Page 30, line 29.

Following: "20-9-330"

Insert: "and any increase in the pathway to excellence payment"

87. Page 31, line 2.

Strike: "over tax revenue previously"

Insert: "over annual tax revenue levels previously collected or"

88. Page 31, line 3.

Following: "in"

Insert: "the highest of"

89. Page 34, line 14.

Strike: "over tax levels previously"

Insert: "over annual tax revenue levels previously collected or"

90. Page 34, line 15.

Following: "in"

Insert: "the highest of"

91. Page 37, line 14.

Following: "gas"

Strike: "payments"

Insert: "production taxes received"

Following: "15-36-331(3)"

Insert: "and [section 11]"

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92. Page 37, line 17.

Strike: "25%"

Insert: "35%"

Following: "gas"

Strike: "revenue payments of"

Insert: "production taxes received by"

Following: "district"

Insert: "under the limitations in [section 11]"

93. Page 37, line 24 through line 25.

Following: ";" on line 24

Insert: ","

Strike: ".;" on line 24 through (a) on line 25"

94. Page 37, line 27 through line 29.

Following: ":-" on page 27

Insert: "."

Strike: "; and" on line 27 through "15-36-331(3)." on line 29

95. Page 38, line 15.

Following: "gas"

Strike: "payments"

Insert: "production taxes"

Following: "to"

Strike: "15-36-331(3)"

Insert: "[section 11]"

96. Page 42, line 23.

Strike: "payments"

Insert: "production taxes"

Following: "received"

Insert: "under the limitations in [section 11] and"

97. Page 42, line 29.

Strike: "payment"

Insert: "production taxes"

98. Page 42, line 30.

Following: "district"

Insert: "under the limitations in [section 11]"

99. Page 44, line 4.

Strike: "schedule set forth in 15-36-331(3)"

Insert: "provisions of [section 11]"

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100. Page 44, line 6.

Strike: "building"

Insert: "debt service"

101. Page 44, line 8.

Strike: "building"

Insert: "debt service"

102. Page 44, line 15.

Strike: "building"

Insert: "debt service"

103. Page 45, line 7.

Strike: "20-9-621,"

Following: "20-9-622"

Strike: ", "

104. Page 45, line 19.

Following: "account"

Insert: "and must be appropriated only for K-12 public education purposes. Interest and income earnings on the guarantee account must be deposited in the account"

105. Page 47, line 2.

Following: "grant"

Insert: "in subsection (4)"

106. Page 47, line 3.

Following: "15%"

Insert: ", reduce the grants proportionately under subsections (4)(a) through (4)(c),"

107. Page 47, line 5.

Insert: "(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or in the first year of operation after reopening under 20-6-502 or 20-6-503."

108. Page 47, line 28.

Following: "from"

Insert: "appropriations made from"

109. Page 47, line 29.

Strike: "Money in the account"

Insert: "Appropriations made from the guarantee account for grants under this section"

110. Page 49, line 7 through line 9.

Strike: section 49 in its entirety

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SJR 19, introduced by Caferro, Kaufmann, MacDonald, Wanzenried, Augare, O'Hara, Reinhart, Ankney, Read, Welborn, Furey, Hands, K. Williams, referred to Education and Cultural 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 Priest in the chair.

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

HB 402 - Senator Vincent moved **HB 402**, second reading copy, be amended as follows:

1. Page 1, line 20.

Following: "area"

Insert: "proposed to be"

Amendment adopted as follows:

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

Total 38

Nays: Augare, Erickson, Facey, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 402 - Senator Vincent moved **HB 402**, as amended, be concurred in. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 402 - Senator Williams moved **HB 402** be **indefinitely postponed**. Motion carried as follows:

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

Total 29

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 178 - Senator Buttrey moved **HB 178** be concurred in. Motion carried as follows:

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

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Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 25 - Senator Gillan moved consideration of **HB 25** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 80 - Senator Facey moved **HB 80** be concurred in. Motion carried as follows:

Yeas: Augare, 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, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 37

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Priest, Ripley, Shockley, Sonju, Vincent, Walker, Wittich, Zinke.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 125 - Senator Steinbeisser moved **HB 125** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, 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, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Barrett, Sonju, Vincent, Walker, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 216 - Senator Arthun moved **HB 216** be concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, 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, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 43

Nays: Augare, Buttrey, Hinkle, Stewart-Peregoy, Tropila, Williams, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 258 - Senator Mowbray moved **HB 258** 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 319 - Senator Keane moved **HB 319** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, 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, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Brenden, Ripley, Walker, Wittich.

Total 4

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 333 - Senator Lake moved **HB 333** be concurred in.

HB 333 - Senator Erickson moved **HB 333**, second reading copy, be amended as follows:

1. Page 2, line 28.

Strike: "5%"

Insert: "20%"

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, 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

Excused: None.

Total 0

HB 333 - Thereupon, the Senate reverted to the original motion of Senator Lake which 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, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

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

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

Total 44

Nays: Erickson, Hawks, Kaufmann, Vuckovich, Wanzenried, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 389 passed as follows:

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

Total 44

Nays: Brenden, Lake, Ripley, Walker, Windy Boy, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 95 concurred in as follows:

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

Total 38

Nays: Arthun, Barrett, Brenden, Buttrey, Hinkle, Jackson, Moore, Priest, Sonju, Vincent, Walker, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 117 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 229 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 250 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 298 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 324 concurred in as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 337 concurred in as follows:

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

Total 46

Nays: Caferro, Hutton, Walker, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 401 concurred in as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, 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 45

Nays: Balyeat, Essmann, Hinkle, Hutton, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 422 concurred in as follows:

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

Total 48

Nays: Caferro, Kaufmann.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 432 concurred in as follows:

Yeas: Arthun, 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, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Augare, Blewett, Stewart-Peregoy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 449 concurred in as follows:

Yeas: Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Tropila, Van Dyk, Wanzenried, Wittich, Zinke.

Total 30

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Caferro, Jones, Kaufmann, Lake, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Mr. President.

Total 20

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 481 concurred in as follows:

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

Total 49

Nays: Sonju.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 517 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 523 concurred in as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, 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, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried,

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Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Balyeat, Hinkle, Steinbeisser, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 531 concurred in 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, Walker, Wittich, Zinke, Mr. President.

Total 28

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: None.

Total 0

HB 559 concurred in as follows:

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

Total 37

Nays: Augare, Blewett, Erickson, Facey, Gillan, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 568 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 17 concurred in as follows:

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

Total 48

Nays: Lake, Tutvedt.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman):

3/21/2011

HB 271, be amended as follows:

1. Title, line 8.

Following: "ELIGIBLE"

Insert: "UNDER CERTAIN CIRCUMSTANCES"

2. Page 1, line 22.

Strike: "eligible" through "or"

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Following: "45-8-321"

Insert: ","

Strike: "or"

3. Page 1, line 23.

Following: "45-8-329"

Insert: ", or a person eligible to obtain a permit under 45-8-321 who has completed a course as required under 45-8-321(3)(b) or (3)(c) and has in the person's possession evidence of completion of the course"

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

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the Senate Pages for the week of March 21-26, 2011.

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 409** Motion carried.

SB 409 (Tutvedt Chief Sponsor)
Senators Hamlett and Mowbray.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, March 22, 2011. Motion carried.

Senate adjourned at 3:15 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate