

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

Helena, Montana  
March 23, 2011

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Balyeat and Vincent, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Kacie West from Kalispell, the current Miss Montana, sang "The Star Spangled Banner."

**BILLS AND JOURNALS:**

3/23/2011

Correctly printed: **SB 322, SB 403, HB 77, HB 116, HB 131, HB 134, HB 135, HB 180, HB 255, HB 256, HB 315, HB 342, HB 528, HJR 19, SJR 20, SJR 21.**

Correctly engrossed: **SB 129, SB 328, SB 348, HB 460, HB 548.**

Correctly enrolled: **SB 7, SB 12, SB 125, SB 176, SB 205, SB 294, SB 342.**

Examined by the sponsor and found to be correct: **SB 7, SB 12, SB 92, SB 125, SB 205, SB 342.**

Signed by the Speaker at 10:08 a.m., March 23, 2011: **SB 47, SB 49, SB 103, SB 128, SB 189, SB 361.**

Signed by the Secretary of the Senate at 4:47 p.m., March 22, 2011: **SB 47, SB 49, SB 103, SB 128, SB 189, SB 361.**

Signed by the President at 5:30 p.m., March 22, 2011: **SB 47, SB 49, SB 103, SB 128, SB 189, SB 361.**

Delivered to the Governor for approval at 11:30 a.m., March 23, 2011: **SB 47, SB 49, SB 103, SB 128, SB 189, SB 361.**

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 418**, introduced by Wittich, referred to Business, Labor, and Economic Affairs.

**SB 419**, introduced by Erickson, referred to Taxation.

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

**SR 3**, introduced by Gillan, Branae, C. Williams, Wanzenried, referred to Taxation.

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

**HB 3**, introduced by Mehlhoff (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 4**, introduced by Mehlhoff (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

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**HB 5**, introduced by Sesso (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 6**, introduced by McChesney (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 7**, introduced by Belcourt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**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 403 failed** as follows:

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

Total 25

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

Total 25

Paired: Balyeat, Vincent, Aye; Augare, Gillan, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman): 3/22/2011

**HB 166**, be amended as follows:

1. Page 9, line 10.

**Insert:** "COORDINATION SECTION. **Section 12. Coordination instruction.** If House Bill No. 212 and [this act] are both passed and approved and if both contain a section that amends 80-7-814, then the sections amending 80-7-814 are void and 80-7-814 must be amended as follows:

**"80-7-814. Administration and expenditure of funds.** (1) The provisions of this section constitute the noxious weed management program.

(2) (a) Except as provided in subsection (2)(b), money deposited in the noxious weed management trust fund may not be committed or expended until the principal reaches \$10 million.

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(b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the members of each house of the legislature may appropriate principal from the trust fund.

(c) Interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be deposited in the noxious weed management special revenue fund and may be expended for noxious weed management projects before the principal of the noxious weed management trust reaches \$10 million with a majority vote of each house of the legislature.

(d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the department. The department shall deposit any reverted funds into the noxious weed management trust fund as principal.

(3) The principal of the noxious weed management trust fund in excess of \$10 million may be appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of \$10 million may be used only to fund the noxious weed management program.

(4) The department may expend funds under this section through grants or contracts to communities, weed management districts, or other entities that it considers appropriate for noxious weed management projects. A project is eligible to receive funds only if the county in which the project occurs has funded its own weed management program ~~with~~ using one of the following methods, whichever is lesser:

(a) a levy in levying an amount not less than 1.6 mills or an equivalent amount from another source; or

(b) by appropriating an amount of not less than \$100,000 ~~for first-class counties, as defined in 7-1-2111~~ from any source.

(5) The department may expend funds without the restrictions specified in subsection (4) for the following:

(a) employment of a new and innovative noxious weed management project or the development, implementation, or demonstration of any noxious weed management project that may be proposed, implemented, or established by local, state, or national organizations, whether public or private. The expenditures must be on a cost-share basis with the organizations.

(b) cost-share noxious weed management programs with local weed management districts;

(c) special grants to local weed management districts to eradicate or contain significant noxious weeds newly introduced into the county. These grants may be issued without matching funds from the district.

(d) administrative expenses of the department for managing the noxious weed management program and other provisions of this part. The cost of administering the program may not exceed 12% of the total program expenses.

(e) administrative expenses incurred by the noxious weed management advisory council;

(f) a project recommended by the noxious weed management advisory council, if the department determines that the project will significantly contribute to the management of noxious weeds within the state; and

(g) grants to the agricultural experiment station and the cooperative extension service for crop weed management research, evaluation, and education.

(6) The agricultural experiment station and cooperative extension service shall submit annual reports on current projects and future plans to the noxious weed management advisory council.

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(7) In making expenditures under subsections (3) through (5), the department shall give preference to weed management districts and community groups.

(8) If the noxious weed management trust fund is terminated by constitutional amendment, the money in the fund must be divided between all counties according to rules adopted by the department for that purpose.""

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

**HB 318**, be concurred in. Report adopted.

**HB 430**, be concurred in. Report adopted.

**HB 498**, be concurred in. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman):

3/22/2011

**HB 43**, be amended as follows:

1. Page 5, line 1.

**Strike:** "(a)"

**Strike:** "(4)(b)"

**Insert:** "(5)"

2. Page 5, line 3 through line 4.

**Strike:** "However," on line 3 through "apply." on line 4

3. Page 5, line 5.

**Strike:** "(b)"

**Insert:** "(5)(a)"

4. Page 5, line 7.

**Strike:** "SUBSECTION (4)(C)"

**Insert:** "subsections (5)(b) and (5)(c)"

5. Page 5, line 8.

**Strike:** "(C)"

**Insert:** "(b)"

**Strike:** "AN INSURER IS NOT LIABLE FOR AN INJURY OR OCCUPATIONAL DISEASE "

**Insert:** "An employee is not eligible for benefits otherwise payable under this chapter"

6. Page 5, line 10.

**Strike:** "(D)"

**Insert:** "(c)"

**Strike:** "COSTS"

**Insert:** "benefits payable under this chapter if those benefits are"

7. Page 5, line 11.

**Strike:** "AS A BENEFIT" through "CHAPTER"

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8. Page 5.

**Following:** line 11

**Insert:** "(6) The provisions of subsection (4) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (6) does not apply to medical marijuana, which is not a prescribed drug."

**Renumber:** subsequent subsections

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

**HB 100**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "STATEMENTS"

**Insert:** "; AND AMENDING SECTION 5-4-203, MCA"

2. Page 1, lines 9 through 14.

**Strike:** subsection (1) in its entirety

**Insert:** "(1) The minority leader and the majority leader of the house and the senate may each request that up to three business impact statements be prepared in a session and included with fiscal notes as provided in 5-4-203 and subsection (2) of this section. Each request must be filed with both the budget director and the legislative fiscal analyst."

3. Page 1, line 16.

**Strike:** "or indirect"

4. Page 1, line 19.

**Strike:** "direct the budget director"

**Insert:** "provide directions"

5. Page 1, line 24.

**Following:** "note"

**Insert:** ", except that the legislative fiscal division shall prepare the business impact statement"

6. Page 1.

**Following:** line 25

**Insert:** "**Section 2.** Section 5-4-203, MCA, is amended to read:

**"5-4-203. Budget director to prepare note.** (1) The budget director, in cooperation with the state or local agencies or officials or organizations representing local agencies or officials affected by the bill, is responsible for the preparation of the fiscal note and shall return ~~same~~ the fiscal note within 6 days. The director may request additional time to complete a fiscal note, ~~which and the extension~~ must be submitted to the presiding officer or committee requesting the note for approval.

(2) (a) Upon receipt of a request for a business impact statement as provided in [section 1], the budget director shall complete the agency portion of the fiscal note, if any. The budget

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director and state or local agencies shall provide assistance to the legislative fiscal division necessary to develop the business impact statement.

(b) A fiscal note with a business impact statement has the same deadlines as provided in subsection (1). The legislative fiscal analyst may submit a request for an extension of the deadline to the minority leader or the majority leader requesting the business impact statement."

**Renumber:** subsequent sections

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

**HB 341**, be amended as follows:

1. Page 1, line 20.

**Strike:** "INTEREST ON A JUDGMENT OBTAINED IN"

**Insert:** "In"

2. Page 1, line 21.

**Strike:** "MUST BE PAID FROM" through "IS ENTERED"

**Insert:** "a prevailing claimant is entitled to interest"

3. Page 1, line 23.

**Following:** "SUPERSEDE IT,"

**Insert:** "on the day judgment is entered,"

4. Page 4, lines 24 through 25.

**Strike:** "contractual obligations" on line 24 through "payment of interest" on line 25

**Insert:** "judgments"

**Following:** "entered"

**Strike:** "into"

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

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chairman):

3/22/2011

**HB 237**, be amended as follows:

1. Page 11.

**Following:** line 11

**Insert:** "COORDINATION SECTION. Section 6. Coordination instruction. If both House Bill No. 78 and [this act] are passed and approved, then House Bill No. 78 is void."

**Renumber:** subsequent sections

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

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**HB 291**, be amended as follows:

1. Page 2, line 5.

**Strike:** "20"

**Insert:** "10"

2. Page 2, line 15.

**Following:** line 14

**Insert:** "(4) A small customer may receive a refund pursuant to this section only if:

(a) the small customer paid for the initial extension or subsequent connection to the extension pursuant to subsection (1); and

(b) at the time the refund is issued, the small customer owns the residential structure to which the extension or subsequent connection to the extension was made."

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

**HB 295**, be amended as follows:

1. Page 2, line 13 through line 15.

**Strike:** "ALL" on line 13 through "PROPERTY." on line 15

2. Page 3, line 6.

**Following:** "property"

**Strike:** ";

**Insert:** ". Structures do not include equipment necessary to access minerals as they relate to the rights belonging to or the dominance of the mineral estate pursuant to [section 8]."

3. Page 3, line 13 through line 15.

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

**Insert:** "(g) provisions addressing property owner and wind energy developer liability during the construction and operation of the wind energy project and equipment;"

4. Page 3, line 30.

**Following:** "estate;"

**Insert:** "or"

5. Page 4, line 2 through line 5.

**Strike:** ";" on line 2 through "state" on line 5

**Renumber:** subsequent subsection

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

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**HB 593**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "17.8.772"

**Insert:** "AND TO ADOPT NEW MERCURY RULES"

2. Page 1, line 11 through line 12.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. **Section 1. Department to repeal rules -- adoption of new rules.** (1) Within 1 year of the adoption of federal mercury regulations by the environmental protection agency, the board of environmental review shall repeal ARM 17.8.771 and 17.8.772 and adopt rules for the regulation of mercury that are no more stringent than federal regulations.

(2) If a court of competent jurisdiction issues a final decision declaring mercury regulations promulgated by the environmental protection agency invalid or if the environmental protection agency rescinds its mercury rules, the board shall repeal its rules and the department may not enforce any corresponding rule adopted by the board relating to the regulation of mercury emissions.

(3) A facility that installed and operated equipment pursuant to ARM 17.8.771 before [the effective date of this act] shall maintain and operate the equipment, including monitoring equipment, until it is necessary to demonstrate compliance with federal mercury regulations."

3. Page 1, line 14.

**Strike:** "-- void"

**Strike:** "(1)"

4. Page 1, line 18 through line 20.

**Strike:** subsection (2) in its entirety

5. Page 1, line 28.

**Strike:** "section 2"

**Insert:** "sections 1 and 2"

6. Page 2, line 27.

**Strike:** "Section 2"

**Insert:** "Sections 1 and 2"

**Strike:** "is"

**Insert:** "are"

7. Page 2, line 28.

**Strike:** "section 2"

**Insert:** "sections 1 and 2"

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



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**FINANCE AND CLAIMS** (Lewis, Chairman):  
**HB 2**, be amended as follows:

3/22/2011

1. Page A-4, line 1.

**Strike:** "16,106,684 16,114,857" [state special fund FY12 FY13] &

**Insert:** "15,681,505 15,651,898" [state special fund FY12 FY13] &

2. Page A-5, line 5.

**Strike:** "75,000 75,000" [general fund FY 12 and FY 13]

**Insert:** "150,000 150,000" [general fund FY 12 and FY 13]

3. Page A-8, line 3.

**Strike:** "0 0" [general fund FY 2012 and FY 2013]

**Insert:** "425,179 462,959" [general fund FY 2012 and FY 2013]

**Strike:** "1,000,000 1,000,000" [state special fund FY 2012 and FY 2013]

**Insert:** "574,821 537,041" [state special fund FY 2012 and FY 2013]

4. Page A-8.

**Following:** line 8

**Insert:** "e. Main Street Program (OTO)

5. Page A-8, line 10.

**Strike:** "0 \_\_\_0" on page 8, line 10 [general fund FY 2012 and FY 2013]

**Insert:** "125,000 125,000" [general fund FY 2012 and FY 2013]

6. Page A-8, line 17.

**Strike:** "758,291" [state special fund FY 12]

**Insert:** "758,361" [state special fund FY 12]

7. Page A-9, line 4.

**Strike:** "363,811 364,710" [state special fund FY 2012 and FY 2013]

**Insert:** "363,811 364,710" [general fund FY 2012 and FY 2013]

8. Page A-9, line 6.

**Strike:** "852" [state special fund FY 2012]

**Insert:** "852" [general fund FY 2012]

9. Page A-9, line 11.

**Strike:** "no" through "biennium"

**Insert:** "House Bill No. 351 is not passed and approved"

10. Page B-1.

**Following:** line 17

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**Insert:** "a. Foster Care Stipend (Restricted/Biennial/OTO)  
355,875 355,875" [federal special fund FY 12 and FY 13]

11. Page B-1, line 25.

**Following:** "Funding for"

**Strike:** "making 5.00 temporary and modified FTE permanent"

**Insert:** "Temporary and Modified FTE"

12. Page B-1.

**Following:** line 25

**Insert:** "Funding for Foster Care Stipend may be used only by the child and family services division to pay stipends to regular foster care families and regular kinship care families of an estimated \$0.75 cents per day in addition to the daily foster care maintenance payment. Child and family services may adjust the stipend amount to reflect the funding of \$355,875 each year of the biennium with the actual number of children placed in regular family foster care and kinship foster care."

13. Page B-3, line 1.

**Following:** "contract"

**Strike:** "program to pay a recovery audit contractor"

**Insert:** "to pay recovery audit costs"

14. Page B-3, line 3.

**Following:** "the"

**Insert:** "Quality Assurance Division to pay staff to administer the"

**Following:** "marijuana"

**Strike:** "program"

**Insert:** "registry"

15. Page B-3, line 4.

**Following:** "the"

**Insert:** "Quality Assurance Division to pay annualized expenses for the"

**Following:** "marijuana"

**Strike:** "program"

**Insert:** "registry"

16. Page B-3, line 7.

**Strike:** "10,810,590" [state special fund FY 13]

**Insert:** "10,804,580" [state special fund FY 13 ]

17. Page B-3, line 19.

**Strike:** "106,395,593 111,982,368" [general fund FY12&FY13]

**Insert:** "105,970,414 111,519,409" [general fund FY12&FY13]

**Strike:** "71,925,662 72,900,727" [state special fund FY 12 & FY 13]

**Insert:** "66,513,741 67,532,499" [state special fund FY 12 & FY 13]

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**Strike:** "427,176,404 454,277,131" [federal special fund FY 12 FY 13]  
**Insert:** "415,749,085 443,087,924" [federal special fund FY 12 & FY 13]

18. Page B-3

**Following:** line 23

**Insert:** "c. Big Sky Rx GF(Restricted/OTO)"

**Insert:** "2,583,251 2,583,251" [general fund FY 12 FY 13]

19. Page B-4, line 2.

**Strike:** "61,200,962 62,750,080" [general fund FY 12 FY 13]

**Insert:** "60,935,780 62,484,898" [general fund FY 12 FY 13]

**Strike:** "165,451,895 165,825,968" [federal special fund FY 12 FY 13]

**Insert:** "160,421,396 160,163,010 " [federal special fund FY 12 FY 13]

20. Page B-4, line 3.

**Strike:** "30,755,347 30,910,949" [state special fund FY 12 FY 13]

**Insert:** "27,670,974 27,444,949" [state special fund FY 12 FY 13]

21. Page B-4.

**Following:** line 8

**Insert:** "b. Area Agencies on Aging (Restricted/OTO)"

**Insert:** "1,500,000 1,500,000" [general fund FY 12 FY 13]

**Insert:** "c. County Nursing Home Intergovernmental Transfer (IGT) (Restricted)"

**Insert:** "3,134,373 3,516,000" [state special fund FY 12 FY 13]

**Insert:** "6,136,181 6,746,699" [federal special fund FY 12 FY 13]

22. Page B-4.

**Following:** line 24

**Insert:** "Big Sky Rx GF and Area Agencies on Aging are contingent on passage and approval of a bill allowing the transfer of revenues from the older Montana trust fund."

23. Page B-5, line 5.

**Following:** "nursing home bed days"

**Insert:** "costs"

**Following:** "underfunded"

**Insert:** "as of July 1 of each year"

24. Page B-5.

**Following:** line 5

**Insert:** "County Nursing Home Intergovernmental Transfer (IGT) may be used as one-time-only payments to nursing homes based on the number of medicaid services provided. State special revenue in County Nursing Home IGT may be expended only after the office of budget and program planning has certified that the department has collected from

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participating counties the amount necessary to make one-time-only payments to nursing homes and to fund the base budget in the nursing facility program and the community services program at the level of \$564,785 state special revenue each year of the biennium and \$1,105,682 federal funds in FY 2012 and \$1,083,741 in FY 2013."

25. Page C-1, line 16.

**Strike:** "11,822,802 11,826,362" [state special fund FY12 and FY 13]  
**Insert:** "11,672,968 11,676,757" [state special fund FY12 and FY13]  
**Strike:** "5,603,249 5,609,490" [federal special fund FY12 and FY 13]  
**Insert:** "5,470,689 5,476,490" [federal special fund Fy12 and FY 13]

26. Page C-2.

**Following:** line 1

**Insert:** "g. Upland Game Bird Program 149,834 149,605  
[state special fund FY 12 and FY 13]  
132,560 133,000 [federal special fund FY 12 and FY 13]"

**Insert:** "h. Grizzly Bear DNA Study (Restricted/OTO)"  
150,000 150,000" [state special fund FY 12 and FY 13]

27. Page C-2, line 23.

**Strike:** "489,676 489,676" [state special fund FY12 and FY13]  
**Insert:** "339,676 339,676" [state special fund FY12 and FY13]

28. Page C-3, line 4.

**Following:** "prevention"

**Insert:** "of aquatic nuisance species"

29. Page C-3.

**Following:** line 7

**Insert:** "Grizzly Bear DNA Study is restricted to the Cabinet-Yaak management area."

30. Page C-3, line 8.

**Strike:** "for local snowmobile clubs"

**Insert:** "that may be used by local snowmobile clubs for grooming areas that are open to public use"

31. Page C-3, line 10.

**Strike:** "LC 864"

**Insert:** "House Bill No. 610"

32. Page C-3, line 13.

**Following:** "justice"

**Insert:** "for additional legal support"

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33. Page C-3, line 14.

**Strike:** "862"

**Insert:** "411"

34. Page C-4, line 5.

**Strike:** "16,405,998 16,406,788" [state special fund FY 12 and FY 13]

**Insert:** "16,185,125 16,197,277" [state special fund FY 12 and FY 13]

35. Page C-4.

**Strike:** line 16 through line 18

36. Page C-4.

**Strike:** line 19 through line 20

37. Page C-5.

**Following:** line 22

**Insert:** "d. Unmanned Aircraft Systems Grants (Restricted/Biennial/OTO)  
150,000 150,000" [state special fund FY 12 and FY 13]

38. Page C-6.

**Following:** line 3

**Insert:** "c. Biodiesel Fuel Research (Restricted/Biennial/OTO) 200,000 200,000" [state special fund FY 12 and FY 13]

39. Page C-6.

**Following:** line 14

**Insert:** "Unmanned Aircraft Systems Grants may be used only to provide grants to the municipalities of Great Falls and Lewistown to obtain unmanned aircraft systems certificates of authorization and to authorize related flight operations within Montana airspace, facility improvements, services support, and safety equipment."

**Insert:** "Biodiesel Fuel Research may be used only to provide grants to Montana state university-northern to test and develop biodiesel and related technology in support of Montana agriculture, refining, transportation, and other related emerging industries."

40. Page C-6, line 16.

**Following:** "(01)"

**Insert:** "(OTO)"

41. Page C-6, line 18.

**Following:** "(Restricted/Biennial"

**Insert:** "/OTO"

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42. Page C-6, line 20.

**Following:** "(03)"

**Insert:** "(OTO)"

43. Page C-6, line 21.

**Strike:** "180,820 180,943" [general fund FY 2012 and FY 2013]

**Insert:** "250,512 250,635" [general fund FY 2012 and FY 2013]

**Strike:** "1,720,517 1,725,491" [state special fund FY 2012 and FY 2013]

**Insert:** "1,650,825 1,655,799" [state special fund FY 2012 and FY 2013]

44. Page C-7, line 1.

**Following:** "(04)"

**Insert:** "(OTO)"

45. Page C-7, line 9.

**Following:** "(05)"

**Insert:** "(OTO)"

46. Page C-7, line 13.

**Following:** "(06)"

**Insert:** "(OTO)"

47. Page C-7, line 15.

**Following:** "(10)"

**Insert:** "(OTO)"

48. Page C-7.

**Strike:** line 21 through line 23

49. Page C-8, line 23.

**Strike:** "4,000,220 3,999,974" [state special fund FY 2012 and 2013]

**Insert:** "3,900,220 3,899,974" [state special fund FY 2012 and 2013]

50. Page C-9.

**Following:** line 10

**Insert:** "d. Lease Payments (OTO) \$3,817 \$3,817" [general fund FY 12 and FY 13]

51. Page C-9, line 15.

**Following:** "operations"

**Strike:** "fund"

**Insert:** "account"

**Following:** "established"

**Insert:** "in 15-38-301"

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52. Page C-9, line 16.

**Following:** "security as"

**Strike:** "required by the renewable resources grant and loan program"

**Insert:** "provided in 85-1-615"

53. Page C-9, line 17.

**Strike:** "fund"

**Insert:** "protection account established in 76-15-904"

54. Page C-9.

**Strike:** line 22 through line 25

55. Page C-10.

**Strike:** line 1 through line 2

56. Page C-10.

**Following:** line 8

**Insert:** "If House Bill No. 587 is not passed and approved, state special revenue funding in Water Resources Division is increased by \$100,000 in FY 2012 and \$100,000 in FY 2013."

57. Page C-10.

**Strike:** line 9 through line 11

58. Page C-10.

**Following:** line 11

**Insert:** "Lease Payments is restricted to reimbursing the veterans home trust for public use of the associated trust lands."

59. Page C-10, line 12.

**Following:** "appropriated"

**Insert:** "up to \$23 million of"

60. Page C-10, line 13.

**Following:** line 12

**Insert:** "If Senate Bill No. 410 is passed and approved, the department is appropriated up to \$60,885,000 for the 2013 biennium from the public land trust acquisition account for the purpose of carrying out the provisions of Senate Bill No. 410."

61. Page C-10.

**Following:** line 23

**Insert:** "c. Implementation of SB 343 -- Aquatic Invasive Species Act (Restricted/OTO) 250,000 250,000" [general fund FY 12 and FY 13]

62. Page C-11.

**Following:** line 3

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**Insert:** "If Senate Bill No. 343 is not passed and approved, then Implementation of SB 343 -- Aquatic Invasive Species Act is void."

63. Page D-1, line 16.

**Strike:** "253,152 253,339" [state special fund FY 2012 and 2013]

**Insert:** "327,078 327,265" [state special fund FY 2012 and 2013]

64. Page D-1, line 20.

**Strike:** "1,671,496 1,673,995" [state special fund FY 2012 and 2013]

**Insert:** "1,642,111 1,903,380" [state special fund FY 2012 and 2013]

65. Page D-2, line 1.

**Strike:** line 1 in its entirety

66. Page D-2.

**Following:** line 1

**Insert:** "If House Bill No. 587 is not passed and approved, state special revenue funding in Water Courts Supervision is reduced by \$200,000 in FY 2013."

67. Page D-2, line 14.

**Following:** "by"

**Strike:** "\$219,093"

**Insert:** "\$67,630"

**Following:** "money,"

**Strike:** "\$650"

**Insert:** "\$200"

**Following:** "and"

**Strike:** "\$62,776"

**Insert:** "\$19,378"

68. Page D-2, line 15.

**Following:** "and"

**Strike:** "\$219,172"

**Insert:** "\$67,980"

**Following:** "money,"

**Strike:** "\$650"

**Insert:** "\$201"

**Following:** "and"

**Strike:** "\$62,798"

**Insert:** "\$19,478"

69. Page D-3, line 3.

**Strike:** "2,990,469 2,994,224" [state special fund FY 2012 and 2013]

**Insert:** "2,888,979 2,892,734" [state special fund FY 2012 and 2013]



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**Strike:** "1,136,642 1,138,184" [proprietary FY 2012 and 2013]  
**Insert:** "1,238,132 1,239,674" [proprietary FY 2012 and 2013]

70. Page D-3, line 15.

**Strike:** "5,608,697 6,018,793" [general fund FY 2012 and 2013]  
**Insert:** "5,704,753 6,114,849" [general fund FY 2012 and 2013]

71. Page D-6, line 3.

**Strike:** "17,462,087 17,477,710" [general fund FY 2012 and 2013]  
**Insert:** "17,514,287 17,529,910" [general fund FY 2012 and 2013]

72. Page D-6.

**Following:** line 18

**Insert:** "Secure Custody Facilities includes \$18,000 of general fund money in fiscal year 2012 and \$10,000 of general fund money in fiscal year 2013 that is contingent upon the Montana state prison receiving national commission on correctional health care accreditation prior to the end of fiscal year 2011.

Secure Custody Facilities includes \$200,750 general fund money each year that may be used only to support an increase in rates for privately owned secure prison facility beds located within Montana.

Funding in Secure Care Population Growth may be used only to support secure assisted living beds and secure contract beds."

73. Page D-6.

**Following:** line 23

**Insert:** "Funding in Juvenile Reentry Services may be used only to support mentor grants, guide homes, parish nurses, two aftercare coordinators, and other juvenile reentry services."

74. Page E-1, line 14.

**Strike:** "487,532,217 549,504,129" [general fund FY12 and FY13]  
**Insert:** "480,074,235 540,078,580" [general fund FY12 and FY13]

75. Page E-1, line 16.

**Strike:** "40,362,884 40,362,884" [general fund FY12 and FY13]  
**Insert:** "41,647,331 41,647,331" [general fund FY12 and FY13]

76. Page E-1, line 18.

**Strike:** "12,421,927 12,421,927" [general fund FY12 and FY13]  
**Insert:** "12,621,927 12,721,927" [general fund FY12 and FY12]

77. Page E-1, line 22.

**Strike:** "648,655 648,655" [general fund FY12 and FY13]  
**Insert:** "663,861 676,386" [general fund FY12 and FY13]

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78. Page E-2, line 7.

**Strike:** "67,000,000" [state special fund FY12]

**Insert:** "65,150,000" [state special fund FY12]

79. Page E-2, following line 9.

**Insert:** "l. At-Risk Student Payment (Restricted/Biennial)  
5,000,000 5,000,000" [general fund FY12 and FY13]

**Insert:** "m. In-State Treatment (Restricted/Biennial)  
787,800 787,800" [general fund FY12 and FY13]

**Insert:** "n. Secondary Vo-ed (Restricted/Biennial)  
1,000,000 1,000,000" [general fund FY12 and FY13]

**Insert:** "o. Adult Basic Education (Restricted/Biennial)  
525,000 525,000" [general fund FY12 and FY13]

**Insert:** "p. Gifted and Talented (Restricted/Biennial)  
250,000 250,000" [general fund FY12 and FY13]

**Insert:** "q. Pathway to Excellence Program (Restricted/Biennial)  
3,911,140 7,790,882" [state special FY12 and FY13]

**Insert:** "r. BASE Aid Inflation and Fund Switch (Restricted/Biennial)  
20,064,547 28,778,088" [state special FY12 and FY13]

80. Page E-2, line 13.

**Following:** "million"

**Insert:** "in FY 2012 and \$1.1 million in FY 2013"

81. Page E-2, line 15 and line 16.

**Strike:** "The appropriation for Montana Digital Academy is"

**Insert:** "The appropriations for the Montana Digital Academy, the At-Risk Student Payment, Secondary Vo-ed, Adult Basic Education, and Gifted and Talented are"

**Following:** "316" on line 15

**Strike:** remainder of line 15 through "20-9-622" on line 16

82. Page E-2, line 17.

**Strike:** "a bill to establish a merit-based educator recognition"

**Insert:** "Senate Bill No. 403 in a form that establishes the pathway to excellence"

**Following:** "program."

**Strike:** remainder of line 17 through line 18

83. Page E-2, line 21.

**Strike:** "a bill"

**Insert:** "Senate Bill No. 403 in a form"

84. Page E-2, line 23.

**Strike:** "LC 498"

**Insert:** "Senate Bill No. 403"

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85. Page E-2, line 23.

**Following:** "\$1,089,927"

**Insert:** "general fund"

**Strike:** "1,489,283"

**Insert:** "\$1,489,283 general fund"

86. Page E-2, line 24.

**Strike:** "LC 532"

**Insert:** "House Bill No. 604"

87. Page E-2, line 24.

**Strike:** "\$32.85"

**Insert:** "\$28"

88. Page E-2, line 25.

**Strike:** "LC 498"

**Insert:** "Senate Bill No. 403"

89. Page E-3, line 1.

**Strike:** "a bill"

**Insert:** "Senate Bill No. 403 in a form"

90. Page E-3, line 4 through line 18.

**Strike:** line 4 through line 18 in their entirety

91. Page E-3, following line 20.

**Insert:** "The office of public instruction may distribute funds from the appropriation for In-State Treatment to public school districts for the purpose of providing for educational costs of children with significant behavioral or physical needs."

92. Page E-3, line 23.

**Strike:** "206,990 212,358" [general fund FY12 and FY13]

**Insert:** "216,907 222,275" [general fund FY12 and FY13]

**Strike:** "178,618 179,020" [state special fund FY12 and FY13]

**Insert:** "187,920 188,322" [state special fund FY12 and FY13]

93. Page E-4, line 18.

**Strike:** "424,524 437,171" [general fund FY12 & FY13]

**Insert:** "433,297 445,255" [general fund FY12 & FY13]

**Strike:** "202,783 200,125" [state special fund FY12 & FY13]

**Insert:** "204,342 201,903" [state special fund FY12 & FY13]

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94. Page E-4, line 22.

**Strike:** "798,296 798,672" [federal special fund FY12 & FY13]

**Insert:** "802,113 802,900" [federal special fund FY12 & FY13]

95. Page E-5.

**Strike:** line 13 in its entirety

96. Page E-5.

**Following:** line 18

**Insert:** "b. HB 477 -- Historical Interpretation and Scriver Collection Costs  
25,000 25,000" [state special fund FY12 & FY13]

97. Page E-5.

**Following:** line 20

**Insert:** "a. HB 477 -- Historical Interpretation and Scriver Collection Costs  
65,000 65,000" [state special fund FY12 & FY13]

98. Page E-5.

**Following:** line 22

**Insert:** "a. Care and Conservation of Artifacts (Restricted/Biennial)  
95,000" [general fund FY 12]

**Insert:** "b. HB 477 -- Historical Interpretation and Scriver Collection Costs  
297,036 305,518" [state special fund FY12 & FY13]

99. Page E-6.

**Following:** line 1

**Insert:** "a. HB 477 -- Historical Interpretation and Scriver Collection Costs  
89,500 95,231" [state special fund FY12 & FY13]

100. Page E-6.

**Following:** line 6

**Insert:** "If House Bill No. 477 is not passed and approved, the items for HB 477 -- Historical Interpretation and Scriver Collection Costs are void."

101. Page E-6, line 25.

**Strike:** "131,914,650 131,602,215" [general fund FY12 & FY13]

**Insert:** "132,028,209 131,715,482" [general fund FY12 & FY13]

102. Page E-7, line 8.

**Strike:** "1,069,145 1,070,521" [general fund FY12 & FY13]

**Insert:** "1,011,216 1,012,592" [general fund FY12 & FY13]

103. Page E-7, line 10.

**Strike:** "2,811,815 2,812,876" [general fund FY12 & FY13]

**Insert:** "2,756,185 2,757,538" [general fund FY12 & FY13]

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104. Page R-7.

**Following:** line 8

**Insert:** "b. Human Resources Information System Fee"

105. Page R-7, line 18.

**Strike:** "\$4,4831,041" [FY 2013]

**Insert:** "\$4,831,041" [FY 2013]

106. Page R-13, line 2.

**Strike:** "\$88.00" [FY 2012]

**Insert:** "\$93.00" [FY 2012]

107. Page R-13, line 3.

**Strike:** "\$88.00" [FY 2013]

**Insert:** "\$93.00" [FY 2013]

108. Page R-13, line 4.

**Strike:** "\$49.00 \$49.00" [FY 2012 and 2013]

**Insert:** "\$53.00 \$53.00" [FY 2012 and 2013]

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

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

Total 26

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: Balyeat, Vincent.

Total 2

**FISH AND GAME** (Brenden, Chairman):

3/22/2011

**HB 225**, be concurred in. Report adopted.

**HB 339**, be concurred in. Report adopted.

**HB 566**, be concurred in. Report adopted.

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**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 3/22/2011

**HB 3**, introduced by Mehlhoff  
**HB 4**, introduced by Mehlhoff  
**HB 5**, introduced by Sesso  
**HB 6**, introduced by McChesney  
**HB 7**, introduced by Belcourt

**Senate bills** concurred in and returned to the Senate: 3/22/2011

**SB 176**, introduced by Hutton  
**SB 294**, introduced by Buttrey

**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 Augare in the chair.

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

**SB 343** - Senator Jackson moved **SB 343** do pass. Motion carried as follows:  
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.  
Total 44

Nays: Keane, Stewart-Peregoy, Williams, Windy Boy.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent.  
Total 2

**HB 25** - Senator Gillan moved **HB 25** be concurred in. Motion carried as follows:  
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

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Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 44

Nays: Hinkle, Hutton, Walker, Wittich.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent.  
Total 2

**HB 352** - Senator J. Peterson moved **HB 352** be concurred in.

**HB 352** - Senator J. Peterson moved **HB 352**, second reading copy, be amended as follows:

1. Page 1, line 17.

**Strike:** "shall"

**Insert:** "may"

Amendment adopted as follows:

Yeas: Arthun, Augare, 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, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent.  
Total 2

**HB 352** - Senator J. Peterson moved **HB 352**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, 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,

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Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent.  
Total 2

**HB 428** - Senator Olson moved **HB 428** be concurred in. Motion carried as follows:  
Yeas: Arthun, Augare, 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, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent.  
Total 2

**HB 467** - Senator Tutvedt moved **HB 467** be concurred in. Motion carried as follows:  
Yeas: Arthun, Augare, 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, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0



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Excused: Balyeat, Vincent.

Total 2

**HB 469** - Senator Windy Boy moved **HB 469** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, 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, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Balyeat, Vincent.

Total 2

**HB 90** - Senator Buttrey moved consideration of **HB 90** be passed for the day. Without objection, so ordered.

Senator Wanzenried excused.

**HB 479** - Senator Lake moved **HB 479** be concurred in. Motion carried as follows:

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

Total 31

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

Total 16

Absent or not voting: None.

Total 0

Excused: Balyeat, Vincent, Wanzenried.

Total 3

**HB 541** - Senator Moore moved **HB 541** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, 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,

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Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent, Wanzenried.  
Total 3

**HB 584** - Senator Buttrey moved **HB 584** be concurred in. Motion carried as follows:  
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson, Priest, Shockley, Tropila, Van Dyk, Vuckovich, Walker, Williams.  
Total 29

Nays: Arthun, Barrett, Brenden, Facey, Hinkle, Jent, Lake, Moore, Murphy, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Wittich, Zinke, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent, Wanzenried.  
Total 3

**HB 142** - Senator Jent moved **HB 142** be concurred in. Motion carried as follows:  
Yeas: Arthun, Augare, 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, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.  
Total 46

Nays: Wittich.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Balyeat, Vincent, Wanzenried.  
Total 3

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**HB 212** - Senator Vuckovich moved **HB 212** be concurred in. Motion carried as follows:

Yeas: Arthun, 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, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.

Total 41

Nays: Barrett, Brenden, Hinkle, Ripley, Sonju, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Balyeat, Vincent, Wanzenried.

Total 3

**HB 338** - Senator Wittich moved **HB 338** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, 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, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Balyeat, Vincent, Wanzenried.

Total 3

**HB 403** - Senator Tutvedt moved **HB 403** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, 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, Vuckovich, Walker, Williams, Zinke, Mr. President.

Total 45

Nays: Windy Boy, Wittich.

Total 2

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Absent or not voting: None.

Total 0

Excused: Balyeat, Vincent, Wanzenried.

Total 3

Senator Essmann moved the committee rise, report progress, and beg leave to sit again.

Motion carried. Committee arose. Senate resumed. President Peterson in the chair.

Chairman Augare moved the Committee of the Whole report be adopted.

Yeas: Arthun, Augare, 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, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Barrett, Mowbray.

Total 2

Absent or not voting: None.

Total 0

Excused: Balyeat, Vincent, Wanzenried.

Total 3

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 420**, introduced by Gallus, Keane, referred to Local Government.

**SB 421**, introduced by Shockley, referred to Judiciary.

**SB 422**, introduced by Kaufmann, referred to State Administration.

Senate in recess until 6:00 p.m.

President Pro Tempore Tutvedt reconvened the Senate at 6:00 p.m.

Roll Call. All members present, except Senators Balyeat, Branae, Brown, Erickson, Facey, Gallus, Jones, Lewis, Murphy, J. Peterson, and Vincent, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Sonju, Chairman):

3/23/2011

**HB 41**, be concurred in. Report adopted.

**HB 123**, be concurred in. Report adopted.

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**HB 391**, be concurred in. Report adopted.

**HB 522**, be amended as follows:

1. Page 1, line 20.

**Strike:** "presiding officer"

**Insert:** "members"

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

**HB 529**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Barrett, Chairman):

3/23/2011

**SB 409**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Strike:** "1.5%"

**Insert:** "2%"

2. Page 1, line 26.

**Following:** "bid"

**Insert:** "within 30 days"

**Strike:** "may"

**Insert:** "shall"

3. Page 1, line 29.

**Following:** "section."

**Insert:** "A lessee choosing to voluntarily place a cabin site lease up for competitive bid is not entitled to a preference right to meet the high bid."

4. Page 4, line 2.

**Following:** "finalized."

**Insert:** "If a winning bidder has been identified and the transaction for the sale of the improvements is in process, the current lessee shall pay a prorated lease fee based on the current lease until the date that the sale of the improvements is finalized."

And, as amended, do pass. Report adopted.

**SB 410**, introduced bill, be amended as follows:

1. Title, page 1, line 12.

**Strike:** "AND ADMINISTRATIVE COSTS"

2. Title, page 1, line 13.

**Strike:** ",77-1-108, 77-1-109,"

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3. Page 5, line 15 through page 7, line 24.

**Strike:** section 4 through section 5 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Priest, Chairman):

3/23/2011

**HB 30**, be concurred in. Report adopted.

**HB 206**, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 423**, introduced by Essmann, referred to Judiciary.

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

**SJR 22**, introduced by Priest, referred to Natural Resources.

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

**HB 9**, introduced by Hollenbaugh (by request of the Montana Arts Council and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 10**, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 15**, introduced by Schmidt (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 51**, introduced by Dick Barrett (by request of the Department of Environmental Quality), referred to Finance and Claims.

**HB 375**, introduced by Cook, Hollandsworth, referred to Finance and Claims.

**HB 490**, introduced by Warburton, Hale, Howard, Harris, Rosendale, G. Bennett, Kerns, Beck, Hinkle, Taylor, Loney, Arntzen, Brodehl, Hutton, C. Smith, Priest, Wagner, Skees, More, Roberts, Murphy, Kennedy, O'Neil, Lewis, Jackson, Blasdel, Read, Lavin, Edmunds, Regier, O'Hara, Hollandsworth, Knudsen, K. Peterson, Buttrey, Knox, Ingraham, Ehli, Blyton, Ripley, Balyeat, Vincent, referred to Judiciary.

**HB 533**, introduced by Berry, McChesney, Olson, Ankney, Small, referred to Natural Resources.

**HB 574**, introduced by Warburton, referred to Judiciary.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 24,

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2011. Motion carried.

Senate adjourned at 6:04 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate