

**SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 30, 2011

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Balyeat and Gillan, excused. Quorum present.

Senator Gillan present.

BILLS AND JOURNALS:

3/29/2011

Correctly engrossed: **SB 187, SB 265, SB 397, SB 415.**

3/30/2011

Correctly printed: **SB 157, SB 214, SB 326, SB 331, SB 359, SB 390, SB 400, SB 406, SB 411, SB 412, SB 414, SB 417, SB 418, SB 420, SB 421, SB 424, SB 426, SJR 21, SJR 24, SR 5, SR 6, SR 7, SR 8, SR 9, SR 10, SR 11, SR 12, SR 13, HB 66, HB 272, HB 330, HB 491.**

Correctly engrossed: **SB 423, HB 2, HB 122, HB 133, HB 172, HB 361, HB 414, HB 483, HB 530, HB 543.**

Senate in recess.

Senate reconvened.

Senator Balyeat present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 157 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, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Brenden, Steinbeisser, Walker, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 214 passed as follows:

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

Total 35

Nays: Balyeat, Essmann, Gallus, Hinkle, Hutton, Jackson, Lake, Moore, Priest, Ripley, Shockley, Sonju, Vincent, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 326 passed as follows:

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

Total 39

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Nays: Arthun, Balyeat, Essmann, Hinkle, Lake, Priest, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Brenden, Hinkle, Lake, Priest, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 359 passed as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 34

Nays: Arthun, Balyeat, Brown, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 390 passed as follows:

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

Total 42

Nays: Caferro, Erickson, Facey, Jent, Kaufmann, Van Dyk, Vuckovich, Windy Boy.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 400 passed as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 406 passed as follows:

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

Total 27

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, Zinke.

Total 23

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 411 passed as follows:

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

Total 38

Nays: Balyeat, Brenden, Hinkle, Hutton, Jackson, Moore, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 412 passed as follows:

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

Total 42

Nays: Balyeat, Brenden, Essmann, Hinkle, Lake, Shockley, Walker, Wittich.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 414 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.

Total 30

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Nays: Blewett, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 417 passed as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 37

Nays: Barrett, Brenden, Brown, Essmann, Hinkle, Moore, Mowbray, Priest, Ripley, Steinbeisser, Vincent, Windy Boy, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

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, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 420 passed as follows:

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

Total 45

Nays: Balyeat, Gallus, Hinkle, Moore, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 421 passed as follows:

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

Total 41

Nays: Arthun, Balyeat, Barrett, Brenden, Moore, Ripley, Steinbeisser, Vincent, Wittich.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 424 passed 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, 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 45

Nays: Balyeat, Hinkle, Lake, Walker, Wittich.

Total 5

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 426 passed as follows:

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

SB 187 passed as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 265 passed as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Olson, Ripley,

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Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Hutton, Jones, Lake, Moore, Mowbray, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 passed as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Jackson, Moore, Murphy, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 415 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

MOTIONS

Senator Balyeat addressed an issue that had arisen regarding a proxy vote for Senator Shockley on **HB 361** in the Fish and Game Committee.

Senator Balyeat moved **HB 361** be moved from the Committee of the Whole to the Fish and Game committee. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.

Total 30

Nays: Arthun, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Gillan, Hinkle, Jackson, Keane, Lewis, Olson, Ripley, Sonju, Tutvedt, Vincent, Walker, Zinke, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Olson moved **HB 361** be moved from the Fish and Game committee to the Committee of the Whole and placed on second reading on Wednesday, March 30, 2011. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Sonju moved to change his vote on **SB 417** from No to Yes. Without objection, so ordered.

Senator Shockley moved to change his vote on **SB 400** from No to Yes. Without objection, so ordered.

Senator Windy Boy moved to change his vote on **SB 411** from No to Yes. Without objection, so ordered.

Senator Williams rose on a point of personal privilege and urged the Office of Budget and Program Planning to deliver the fiscal note on **SB 423** as soon as possible.

**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 Vincent in the chair.

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

HB 318 - Senator Brown moved **HB 318** be concurred in. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Windy Boy objected to the Chair's request that Senators limit their comments and only speak once.

HB 480 - Senator Blewett moved **HB 480** be concurred in. Motion carried as follows:

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

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Boy, Zinke, Mr. President.

Total 43

Nays: Arthun, Hinkle, Moore, Ripley, Steinbeisser, Walker, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 566 - Senator Gallus moved **HB 566** be concurred in. Motion carried as follows:

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

Total 44

Nays: Blewett, Erickson, Facey, Jent, Kaufmann, Van Dyk.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

SB 423 - Senator Essmann moved **SB 423** do pass.

SB 423 - Senator Essmann moved **SB 423**, second reading copy, be amended as follows:

1. Page 6, line 25.

Strike: "report"

Insert: "reports"

2. Page 9, line 22.

Insert: "[(12) The board of medical examiners shall report annually to the legislature, as provided in 37-3-203, on the number and types of complaints the board has received involving practices in providing written certification for the therapeutic use of marijuana.]"

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3. Page 14, line 21.

Following: "(2)"

Strike: "A"

Insert: "[Except as provided in 37-3-203,] a"

4. Page 23, line 13.

Following: "cardholder"

Insert: "or from a grower to a manufacturer"

5. Page 23, line 25.

Following: "cardholder"

Insert: "or therapeutic marijuana-infused products manufacturer"

6. Page 25, line 21.

Following: "cardholder"

Insert: "or therapeutic marijuana-infused products manufacturer"

7. Page 46, line 30.

Strike: "61(4)"

Insert: "65(4)"

8. Page 51, line 9.

Strike: "this act"

Insert: "section 65(4)"

9. Page 51, line 13 through line 14.

Strike: "[the effective date of this act]"

Insert: "June 30, 2011,"

10. Page 51, line 17.

Strike: "[passage and approval of this act]"

Insert: "[the effective date of section 64(4)]"

11. Page 51, lines 19 and 20.

Strike: "[passage and approval of this act]"

Insert: "[the effective date of section 65(4)]"

12. Page 51.

Following: line 20

Insert: "(d) Individuals with registry identification cards that are valid under this subsection (1) are subject to the provisions of [this act] on July 1, 2011, and shall obtain marijuana for therapeutic use according to the provisions of [sections 1 through 16] and this section."

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13. Page 51, line 21.

Following: "(2)"

Insert: "(a)"

14. Page 51, line 22.

Following: "cards"

Strike: "pursuant to [sections 1 through 16] on July 1, 2011."

Insert: "on June 1, 2011. The department shall issue the cards using the definitions in [section 2] and pursuant to the written certification and physician statement requirements of [section 5]."

15. Page 51, lines 23 and 24.

Strike: "[passage and approval of this act]"

Insert: "[the effective date of section 65(4)]"

16. Page 51.

Following: line 24

Insert: "(b) Qualifying patients who obtain a registry identification card on or after June 1, 2011, and before July 1, 2011, may name a caregiver in their applications and may, through June 30, 2011, use a caregiver to obtain therapeutic marijuana. On July 1, 2011, a registered cardholder may be in possession of therapeutic marijuana as allowed under this section. On and after October 1, 2011, a registered cardholder may cultivate, manufacture, obtain, or possess therapeutic marijuana as provided in [this act]."

17. Page 52, line 13.

Strike: "this act"

Insert: "section 65(4)"

18. Page 52, line 14.

Strike: "were in effect prior to [the effective date of this act]"

Insert: "are in effect"

19. Page 52, line 26.

Insert: "COORDINATION SECTION. **Section 63. Coordination instruction.** If House Bill No. 82 is not passed and approved, the bracketed language in [sections 4 and 11 of this act] is void."

Renumber: subsequent sections

20. Page 53, line 15.

Strike: "[SECTION 59]"

Insert: "[Sections 55, 56, and 58]"

21. Page 53, line 15.

Strike: "60"

Insert: "59"

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Strike: "61"

Insert: "60, 62"

Following: "63"

Insert: ", and 64"

Amendment adopted as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 423 - Senator Erickson moved **SB 423**, second reading copy, be amended as follows:

Senator Larsen excused.

1. Page 2, line 16.

Strike: "documented by"

2. Page 2, line 17 through 18.

Following: "(i)"

Strike: "the patient's" on line 17 through "the pain" on line 18

Insert: "diagnosed by a physician who has completed continuing medical education in the science related to marijuana as documented pursuant to [section 5]"

3. Page 2, line 19 through line 20.

Following: "(ii)"

Strike: "objective proof" on line 18 through "imaging" on line 20

Insert: "as defined by rule by the board of medical examiners provided for in 2-15-1731"

4. Page 3, line 19.

Following: "chapter 3;"

Insert: "and"

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5. Page 3, line 20 through page 22.

Strike: "; and" on line 20 through "assessed" on line 22

6. Page 4, line 25 through line 26.

Strike: "OR A QUALIFYING" on line 25 through "CHRONIC PAIN" on line 26

7. Page 7, line 1 through line 3.

Strike: "objective proof" on line 1 through "imaging" on line 3

Insert: "any materials as required by the board of medical examiners by rule"

8. Page 10, line 2 through line 4.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

9. Page 10.

Following: line 18

Insert: "(3) A physician who is providing written certification for a qualifying patient whose debilitating medical condition includes severe chronic pain shall submit evidence that the physician has completed a course approved by the accreditation council for continuing medical education in the science related to marijuana."

Renumber: subsequent subsections

10. Page 10, line 20 through line 21.

Strike: "or the second" on line 20 through "chronic pain" on line 21

11. Page 10, line 23 through line 24.

Strike: "or documented" on line 23 through "through 40]" on line 24

12. Page 10, line 26.

Strike: "or qualifying patient"

Amendment **not** adopted as follows:

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

Total 22

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

Total 27

Absent or not voting: None.

Total 0

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Excused: Larsen.

Total 1

SB 423 - Senator Caferro moved **SB 423**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Following: "TRANSPORTATION,"

Strike: "AND"

Insert: "PROVISION, AND"

2. Page 2, line 9 through line 10.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

3. Page 3, line 4.

Strike: "courier,"

Following: "assistant,"

Insert: "therapeutic marijuana dispensing center,"

4. Page 5.

Following: line 4

Insert: "(22) "Therapeutic marijuana dispensing center" means an organization that meets the requirements of [section 20] and is licensed pursuant to [sections 17 through 40] to provide therapeutic marijuana to registered cardholders."

Renumber: subsequent subsections

5. Page 5, line 17.

Following: "transportation,"

Insert: "provision,"

6. Page 7, line 13 through line 14.

Strike: "grower or" on line 13 through "manufacturer" on line 14

Insert: "dispensing center"

7. Page 7, line 17 through line 18.

Strike: "grower or" on line 17 through "manufacturer" on line 18

Insert: "dispensing center"

8. Page 7, line 21.

Strike: "grower or" through "manufacturer"

Insert: "dispensing center"

9. Page 9, line 10 through line 111.

Strike: "grower or" on line 10 through "manufacturer" on line 11

Insert: "dispensing center"

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10. Page 9, line 14.

Strike: "or"

Following: "assistant"

Insert: ", or therapeutic marijuana dispensing center"

11. Page 12, line 12.

Following: "regulate "

Insert: "a therapeutic marijuana dispensing center,"

12. Page 12, line 22.

Following: "manufacturer"

Insert: "or operation of a therapeutic marijuana dispensing center"

13. Page 13, line 1.

Strike: "courier"

Insert: "therapeutic marijuana dispensing center"

14. Page 13, line 3.

Strike: "courier"

Insert: "therapeutic marijuana dispensing center"

15. Page 13, line 5.

Following: "marijuana"

Strike: "grower" through "manufacturer"

Insert: "dispensing center"

16. Page 13, line 6.

Strike: "courier"

Insert: "therapeutic marijuana dispensing center"

17. Page 13, line 29.

Strike: "grower or therapeutic marijuana-infused products manufacturer"

Insert: "dispensing center"

18. Page 14, line 1.

Following: "30-day period."

Insert: "A therapeutic marijuana dispensing center may provide a registered cardholder with plants and seedlings if allowed by the state licensing authority by rule."

19. Page 14.

Following: line 2

Insert: "(4) The state licensing authority shall establish by rule the procedures for and limitations on the provision of therapeutic marijuana from therapeutic marijuana growers and therapeutic marijuana-infused products manufacturers to therapeutic marijuana dispensing centers."

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Renumber: subsequent subsections

20. Page 19, line 2.

Following: "ISSUED FOR"

Insert: "therapeutic marijuana dispensing centers,"

21. Page 19, line 3.

Following: "GROWERS,"

Insert: "and"

Following: "MANUFACTURERS"

Strike: ", AND COURIERS"

22. Page 19, line 5 through line 6.

Strike: "GROWER OR" on line 5 through "MANUFACTURER" on line 6

Insert: "therapeutic marijuana dispensing center"

23. Page 21, line 19 through line 20.

Strike: "grower or" on line 19 through "manufacturer" on line 20

Insert: "dispensing center"

Strike: "grower or manufacturer" on line 20

Insert: "center"

24. Page 21, line 25.

Strike: "courier to transport and deliver"

Insert: "therapeutic marijuana dispensing center as the entity through which a registered cardholder may obtain therapeutic marijuana that is cultivated or manufactured by a therapeutic marijuana grower or therapeutic marijuana-infused products from a therapeutic marijuana-infused products manufacturer"

25. Page 21, line 30.

Strike: "licensee"

Insert: "therapeutic marijuana grower or therapeutic marijuana-infused products manufacturer"

26. Page 22, line 8.

Following: "as"

Insert: "a therapeutic marijuana dispensing center,"

Following: "grower"

Insert: ", "

27. Page 22, line 26.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

28. Page 22.

Following: line 27

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Insert: "(b) a therapeutic marijuana dispensing center;"

Renumber: subsequent subsections

29. Page 23, line 10 through page 24, line 1.

Strike: section 22 in its entirety

Renumber: subsequent sections

30. Page 25, line 8.

Insert: "NEW SECTION. Section 23. Therapeutic marijuana dispensing center -- requirements -- allowable activities. (1) An organization licensed as a therapeutic marijuana dispensing center may acquire therapeutic marijuana from a therapeutic marijuana grower or therapeutic marijuana-infused products manufacturer for provision to registered cardholders.

(2) A therapeutic marijuana dispensing center shall:

(a) provide during a 30-day period a maximum of 2 ounces of usable marijuana or its equivalent in an infused product to a registered cardholder who has named the dispensing center in the cardholder's application;

(b) provide plants and seedlings to a registered cardholder if allowed by the state licensing authority by rule; and

(c) obtain therapeutic marijuana from a therapeutic marijuana grower or therapeutic marijuana infused-products manufacturer as allowed by rule.

(3) A therapeutic marijuana dispensing center may deliver therapeutic marijuana to a registered cardholder or provide it at a licensed premises.

(4) Therapeutic marijuana may not be used in any form on the licensed premises."

Renumber: subsequent sections

31. Page 30, line 17.

Following: "A"

Insert: "therapeutic marijuana dispensing center license,"

32. Page 30, line 18.

Following: "grower license"

Insert: ", "

33. Page 30, line 23.

Strike: subsection (2) in its entirety

Renumber: subsequent sections

34. Page 32, line 12.

Following: "cultivation"

Insert: ", "

Strike: "or"

Following: "manufacture"

Insert: ", or provision"

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35. Page 33, line 2.

Strike: "unless" through "courier"

36. Page 52, line 2.

Strike: "couriers,"

37. Page 52, line 3.

Following: "assistants,"

Insert: "therapeutic marijuana dispensing centers,"

38. Page 52, line 9.

Strike: "couriers"

Insert: "therapeutic marijuana dispensing centers"

39. Page 52, line 11.

Strike: "Couriers"

Insert: "Therapeutic marijuana dispensing centers"

Amendment **not** adopted as follows:

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

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

SB 423 - Senator Blewett moved **SB 423**, second reading copy, be amended as follows:

1. Page 21, line 30.

Strike: "a small"

Insert: "an"

2. Page 22, line 2.

Following: "40]."

Insert: "The state licensing authority may determine by rule the amount of therapeutic marijuana that may be provided for testing."

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Amendment adopted as follows:

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

Total 47

Nays: Hinkle, Walker.

Total 2

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

SB 423 - Senator Van Dyk moved **SB 423**, second reading copy, be amended as follows:

Senator Larsen present.

1. Title, page 1, line 11.

Following: "50-46-202,"

Insert: "AND"

Strike: "69-1-114, AND 69-1-401,"

2. Page 5, line 2.

Strike: "public service commission"

Insert: "department of agriculture"

Strike: "2-15-2602"

Insert: "2-15-3001"

3. Page 18, line 25.

Strike: "public service commission"

Insert: "department of agriculture"

4. Page 46, line 30.

Strike: "61(4)"

Insert: "63(4)"

5. Page 50, line 2 through line 18.

Strike: section 57 through section 58 in their entirety

Renumber: subsequent sections

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6. Page 50, line 21.

Strike: "public service commission"

Insert: "department of agriculture"

7. Page 52, line 2.

Strike: "public service commission"

Insert: "department of agriculture"

8. Page 52, line 8.

Strike: "public service commission"

Insert: "department of agriculture"

9. Page 53, line 14.

Strike: "60"

Insert: "58"

10. Page 53, line 15.

Strike: "59"

Insert: "57"

Strike: "60"

Insert: "58"

11. Page 53, line 15 through line 16.

Strike: "61 AND 63" on line 16

Insert: "59 and 61"

Amendment adopted as follows:

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

Total 27

Nays: Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Wittich, Zinke, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate in recess.

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Senate reconvened at 1:03 p.m.

SB 423 - Senator Erickson moved **SB 423**, second reading copy, be amended as follows:

1. Page 7, line 12.

Strike: "or"

2. Page 7, line 14.

Following: "manufacturer;"

Insert: "or (iii) both cultivate therapeutic marijuana and obtain therapeutic marijuana from a therapeutic marijuana grower or a therapeutic marijuana-infused products manufacturer;"

3. Page 7, line 18.

Following: "manufacturer"

Insert: ", if applicable"

4. Page 7, line 20 through line 21.

Strike: "rather than obtain" on line 20 through "manufacturer" on line 21

5. Page 26, line 15.

Following: "marijuana that"

Insert: ": (a)"

6. Page 26, line 16.

Following: "grower"

Insert: "; or (b) a therapeutic marijuana grower or therapeutic marijuana-infused products manufacturer may provide to a registered cardholder who is also cultivating or manufacturing therapeutic marijuana for the cardholder's use."

Amendment adopted as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 28

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 22

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

SB 423 - Senator Wanzenried moved **SB 423**, second reading copy, be amended as follows:

1. Page 25, line 20.

Strike: "and"

2. Page 25, line 21.

Following: "cardholder"

Insert: "; and

(c) transfer therapeutic marijuana to another therapeutic marijuana grower as provided by rule"

3. Page 25, line 22 through line 24.

Following: "may not" on line 22

Strike: ":" on line 22 through "(b)" on line 24

4. Page 33, line 19.

Following: "transactions"

Insert: ", including transfers among growers"

5. Page 34.

Following: line 10

Insert: "(d) the amount and forms of therapeutic marijuana transferred by a therapeutic marijuana grower to another grower;"

Renumber: subsequent subsections

Amendment adopted as follows:

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

Total 36

Nays: Brenden, Buttrey, Hamlett, Hinkle, Jackson, Lake, Mowbray, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Zinke.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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President Peterson moved to reconsider action on Amendment **SB 423-003** and adopt Amendment **SB 423-015**.

Senator Van Dyk made a substitute motion to segregate President Peterson's motion to reconsider from the motion to adopt.

Senator Van Dyk withdrew his motion.

President Peterson moved to reconsider action on **SB 423-003**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Hamlett, Larsen, Wanzenried.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 423 - Senator Peterson moved **SB 423**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "SECTIONS"

Insert: "37-1-101,"

2. Title, page 1, line 11.

Following: "50-46-202,"

Insert: "AND"

Strike: "69-1-114, AND 69-1-401,"

3. Page 5, line 2.

Strike: "public service commission"

Insert: "department of labor and industry"

Strike: "2-15-2602"

Insert: "2-15-1701"

4. Page 18, line 25.

Strike: "public service commission"

Insert: "department of labor and industry"

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5. Page 35, line 23.

Insert: "Section 41. Section 37-1-101, MCA, is amended to read:

"37-1-101. Duties of department. In addition to the provisions of 2-15-121, the department shall:

(1) establish and provide all the administrative, legal, and clerical services needed by the boards within the department, including corresponding, receiving and processing routine applications for licenses as defined by a board, issuing and renewing routine licenses as defined by a board, disciplining licensees, setting administrative fees, preparing agendas and meeting notices, conducting mailings, taking minutes of board meetings and hearings, and filing;

(2) standardize policies and procedures and keep in Helena all official records of the boards;

(3) make arrangements and provide facilities in Helena for all meetings, hearings, and examinations of each board or elsewhere in the state if requested by the board;

(4) contract for or administer and grade examinations required by each board;

(5) investigate complaints received by the department of illegal or unethical conduct of a member of the profession or occupation under the jurisdiction of a board or a program within the department;

(6) except as provided in [sections 17 through 40], assess the costs of the department to the boards and programs on an equitable basis as determined by the department;

(7) adopt rules setting administrative fees and expiration, renewal, and termination dates for licenses;

(8) issue a notice to and pursue an action against a licensed individual, as a party, before the licensed individual's board after a finding of reasonable cause by a screening panel of the board pursuant to 37-1-307(1)(d);

(9) (a) provide notice to the board and to the appropriate legislative interim committee when a board cannot operate in a cost-effective manner;

(b) suspend all duties under this title related to the board except for services related to renewal of licenses;

(c) review the need for a board and make recommendations to the legislative interim committee with monitoring responsibility for the boards for legislation revising the board's operations to achieve fiscal solvency; and

(d) notwithstanding 2-15-121, recover the costs by one-time charges against all licensees of the board after providing notice and meeting the requirements under the Montana Administrative Procedure Act;

(10) monitor a board's cash balances to ensure that the balances do not exceed two times the board's annual appropriation level and adjust fees through administrative rules when necessary;

(11) establish policies and procedures to set fees for administrative services, as provided in 37-1-134, commensurate with the cost of the services provided. Late penalty fees may be set without being commensurate with the cost of services provided.

(12) adopt uniform rules for all boards and department programs to comply with the public notice requirements of 37-1-311 and 37-1-405. The rules may require the posting of only the licensee's name and the fact that a hearing is being held when the information is being posted on a publicly available website prior to a decision leading to a suspension or revocation

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of a license or other final decision of a board or the department.

(13) carry out the licensing and other duties of [sections 17 through 40]. The department may not delegate the responsibility for carrying out the provisions of [sections 17 through 40] to a board.""

6. Page 46, line 30.

Strike: "61(4)"

Insert: "65(4)"

7. Page 50, line 2 through line 18.

Strike: section 57 through section 58 in their entirety

Renumber: subsequent sections

8. Page 50, line 21.

Strike: "public service commission"

Insert: "department of labor and industry"

9. Page 52, line 2.

Strike: "public service commission"

Insert: "department of labor and industry"

10. Page 52, line 8.

Strike: "public service commission"

Insert: "department of labor and industry"

11. Page 53, line 14.

Strike: "60"

Insert: "59"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 38

Nays: Blewett, Branae, Caferro, Gallus, Hamlett, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 423 - Senator Essmann moved **SB 423**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Wittich, Zinke, Mr. President.
Total 37

Nays: Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Keane, Stewart-Peregoy, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429 - Senator Wittich moved **SB 429** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Moss, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 38

Nays: Blewett, Caferro, Erickson, Gillan, Kaufmann, Keane, Moss, Stewart-Peregoy,

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Vuckovich, Wanzenried, Williams, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Balyeat moved to change his vote on **HB 2** from No to Yes. Objection stated by Senator Facey, motion **failed**.

Senator Ripley moved that **HB 361** be taken from Fish and Game and brought before the Committee of the Whole and placed on second reading on March 30, 2011. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Gillan moved that **SB 396** be taken from Taxation and brought before the Committee of the Whole and placed on second reading on March 30, 2011. Motion **failed** as follows:

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

Total 22

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

Total 28

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Van Dyk moved that **SB 393** be taken from Taxation and brought before the Committee of the Whole and placed on second reading on March 30, 2011. Motion **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Hamlett moved that **SB 82** be taken from Highways and Transportation and brought before the Committee of the Whole and placed on second reading on March 30, 2011.

Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**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 Vincent in the chair.

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

HB 249 - Senator Facey moved **HB 249** be concurred in. Motion carried as follows:

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

Total 47

Nays: Blewett, Van Dyk, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 341 - Senator Tutvedt moved **HB 341** be concurred in. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 421 - Senator Lake moved **HB 421** be concurred in. Motion carried as follows:

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

Total 37

Nays: Balyeat, Brenden, Buttrey, Essmann, Hinkle, Hutton, Murphy, Olson, Priest, Sonju, Steinbeisser, Walker, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 508 - Senator Brown moved **HB 508** be concurred in. Motion carried as follows:

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

Total 40

Nays: Balyeat, Barrett, Essmann, Hinkle, Jackson, Jent, Moore, Ripley, Walker, Wittich.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

Total 43

Nays: Blewett, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 7

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

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

3/30/2011

HB 354, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "EACH" on line 5

Insert: "A"

Strike: "UNDER" on line 5 through "CONTROL" on line 6

Insert: "WITHOUT A COMBUSTIBLE ENERGY SOURCE"

Following: "DETECTOR;" on line 6

Insert: "LIMITING LANDLORD INSTALLATION TO ONE CARBON MONOXIDE DETECTOR FOR EACH RENTAL UNIT; SPECIFYING THE GENERAL LOCATION FOR INSTALLATION;"

2. Page 1, line 13.

Following: "~~detector~~"

Insert: "or carbon monoxide detector"

3. Page 2, line 7.

Following: "~~industry, and~~"

Insert: "at least one approved carbon monoxide detector located at least 15 feet from the combustible energy source and"

4. Page 2, line 8.

Following: "justice."

Insert: "If a combustible energy source is not used in the dwelling unit, a carbon monoxide detector is not required."

5. Page 2, line 9.

Following: "~~detector and~~"

Insert: "the carbon monoxide detector and"

Strike: "is"

Insert: "are"

6. Page 2, line 10.

Following: "~~detector and~~"

Insert: "the carbon monoxide detector and"

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7. Page 2, line 12.

Following: "~~70-20-113, and~~"

Insert: "an approved carbon monoxide detector, as defined in 70-20-113, and"

8. Page 2, line 29.

Following: "~~detector or~~"

Insert: "the carbon monoxide detector or"

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

HB 535, be concurred in. Report adopted.

HB 555, be amended as follows:

1. Title, page 1, line 8.

Strike: "2-18-704,"

Following: "20-15-225"

Strike: ", "

2. Page 1, line 18.

Following: the first "coverage"

Strike: ", third-party medical payments coverage,"

3. Page 1, line 20 through line 22.

Following: "is" on line 20

Strike: "available" on line 20 through "or plan" on line 21

Insert: ", at the time the injury or medical condition is sustained by a member or an insured, in effect under any property or casualty insurance policy or coverage to the extent the medical payments coverage limits of the policy or coverage"

4. Page 1, lines 25 through 26.

Following: "available" on line 25

Strike: "from another" on line 25 through "subsection (1)" on line 26

5. Page 2, line 10.

Following: the first "coverage"

Strike: ", third-party medical payments coverage,"

6. Page 2, line 20.

Following: "insured"

Strike: "for which coverage has been accepted or"

7. Page 2, lines 22 through 23.

Following: the first "coverage" on line 22

Strike: remainder of line 22 through line 23

Insert: "or third-party liability coverage. The plan or insurer is not responsible under this plan or

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contract to cover or pay for any services, supplies, medications, or other items provided to treat any injury or medical condition sustained by a member or an insured if medical payments coverage is in effect under any property or casualty insurance policy or coverage with respect to the injury or medical condition to the extent the medical payments coverage limits of the policy or coverage have not been exhausted."

8. Page 3.

Following: line 19

Insert: "(9) Nothing contained in this section prohibits a governmental entity from coordinating medical benefits with other health benefit plans or health insurance policies."

9. Page 3, line 27.

Following: the first "coverage"

Strike: ", third-party medical payments coverage,"

10. Page 3, lines 28 through 29.

Following: "coverage is" on line 28

Strike: "available" on line 28 through "policy or plan" on line 29

Insert: ", at the time the injury or medical condition is sustained by a member or an insured, in effect under any property or casualty insurance policy or coverage to the extent the medical payments coverage limits of the policy or coverage"

11. Page 4, lines 3 through 4.

Following: "available" on line 3

Strike: "from another" on line 3 through "subsection (1)" on line 4

12. Page 4, line 18.

Following: the first "coverage"

Strike: ", third-party medical payments coverage,"

13. Page 4, line 28.

Following: "insured"

Strike: "for which coverage has been accepted or"

14. Page 4, line 29 through page 5, line 1.

Following: the first "coverage" on line 29

Strike: remainder of line 29 on page 4 through line 1 on page 5

Insert: "or third-party liability coverage. The insurer is not responsible under this plan or contract to cover or pay for any services, supplies, medications, or other items provided to treat any injury or medical condition sustained by a member or an insured if medical payments coverage is in effect under any property or casualty insurance policy or coverage with respect to the injury or medical condition to the extent the medical payments coverage limits of the policy or coverage have not been exhausted."

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15. Page 5.

Following: line 17

Insert: "(8) Nothing contained in this section prohibits a health insurance issuer from coordinating medical benefits with other health benefit plans or health insurance policies.

(9) A health insurance issuer, upon receiving written notice from its insured that the insured's injuries or medical condition were caused by a third party, shall inform the insured in writing that the insured is not required to have the responsible third party's property or casualty insurer pay for the insured's medical expenses caused by the third party."

16. Page 5, line 24.

Following: the first "coverage"

Strike: ", third-party medical payments coverage,"

17. Page 5, lines 25 through 26.

Following: "is" on line 25

Strike: "available" on line 25 through "the policy" on line 26

Insert: ", at the time the injury or medical condition is sustained by a member or an insured, in effect under any property or casualty insurance policy or coverage to the extent the medical payments coverage limits of the policy or coverage"

18. Page 5, line 30 through page 6, line 1.

Following: "available" on line 30

Strike: "from another" on page 5, line 30 through "(1)" on page 6, line 1

19. Page 6, line 14.

Following: the first "coverage"

Strike: ", third-party medical payments coverage,"

20. Page 6, line 24.

Following: "insured"

Strike: "for which coverage has been accepted or"

21. Page 6, lines 25 through 27.

Following: the first "coverage" on line 25

Strike: remainder of line 25 through line 27

Insert: "or third-party liability coverage. The association is not responsible under this plan or contract to cover or pay for any services, supplies, medications, or other items provided to treat any injury or medical condition sustained by a member or an insured if medical payments coverage is in effect under any property or casualty insurance policy or coverage with respect to the injury or medical condition to the extent the medical payments coverage limits of the policy or coverage have not been exhausted."

22. Page 7.

Following: line 10

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Insert: "(8) Nothing contained in this section prohibits the association or its lead carrier from coordinating medical benefits with other health benefit plans or health insurance policies."

23. Page 7, line 12 through page 10, line 20.

Strike: section 4 in its entirety

Renumber: subsequent sections

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

FIRST READING AND COMMITMENT OF BILLS

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

SR 14, introduced by Brenden, referred to Fish and Game.

SR 15, introduced by Brenden, referred to Fish and Game.

SR 16, introduced by Facey, referred to Business, Labor, and Economic Affairs.

SR 17, introduced by Facey, referred to Business, Labor, and Economic Affairs.

SR 18, introduced by Facey, referred to Business, Labor, and Economic Affairs.

SR 19, introduced by Facey, referred to Business, Labor, and Economic Affairs.

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

HB 8, introduced by Sesso (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 14, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 83, introduced by Berry, Belcourt, Boland, Brodehl, Driscoll, Evans, Furey, Gibson, Greef, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, O'Hara, Price, Read, Regier, Roberts, Rosendale, Schmidt, F. Smith, Squires, Taylor, Wilmer, Gallus, Gillan, Hamlett, Hutton, Larsen, Olson, Tutvedt, Vuckovich, Zinke (by request of the Department of Justice), referred to Public Health, Welfare and Safety.

HB 140, introduced by Hiner (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 159, introduced by C. Smith, Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Edmunds, Ehli, Evans, Flynn, Hale, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Milburn, Miller, More, O'Hara, O'Neil, Osmundson, J. Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Yates, referred to Fish and Game.

HB 183, introduced by C. Smith, referred to Public Health, Welfare and Safety.

HB 186, introduced by Hunter, referred to Business, Labor, and Economic Affairs.

HB 188, introduced by Loney, O'Hara, Hollandsworth, Salomon, MacLaren, referred to Business, Labor, and Economic Affairs.

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HB 196, introduced by Connell, Hale, referred to Natural Resources.

HB 209, introduced by Washburn, referred to Fish and Game.

HB 243, introduced by Kary, Arntzen, Greef, K. Peterson, Berry, McNiven, Edmunds, C. Smith, Warburton, Brodehl, referred to Highways and Transportation.

HB 283, introduced by Bangerter, O'Hara, Warburton, Flynn, Vance, Wittich, C. Smith, Klock, Blasdel, Burnett, McGillvray, Reichner, Washburn, Welborn, Loney, Stahl, Arthun, Milburn, Sonju, Vincent, J. Peterson, referred to Business, Labor, and Economic Affairs.

HB 296, introduced by Sesso, Hollenbaugh, Gillan, Gallus, Wilmer, Swanson, McChesney, Reinhart, MacDonald, O'Hara, Hands, Sands, Belcourt, Yates, Brown, Driscoll, Mehlhoff, Windy Boy, Blewett, McClafferty, Noonan, F. Smith, Wagner, Vuckovich, Jones, Keane, Arthun, Furey, Stahl, Welborn, Schmidt, Zinke, Augare, Caferro, Hiner, Squires, Ankney, C. Williams, Murphy, referred to Finance and Claims.

HB 316, introduced by Cook, Milburn, Hollandsworth, referred to Finance and Claims.

HB 317, introduced by Cook, Milburn, referred to Finance and Claims.

HB 343, introduced by Cook, Welborn, Hale, Ehli, referred to Finance and Claims.

HB 351, introduced by Cook, referred to Finance and Claims.

HB 358, introduced by MacLaren, referred to Taxation.

HB 363, introduced by Cuffe, Vincent, G. Bennett, referred to Fish and Game.

HB 377, introduced by Warburton, Caferro, Windy Boy, Lewis, Hunter, De. Barrett, Branae, Wanzenried, Ingraham, Hutton, Gillan, Pease-Lopez, Blasdel, Stahl, referred to Public Health, Welfare and Safety.

HB 388, introduced by Cook, referred to Finance and Claims.

HB 423, introduced by Belcourt, Windy Boy, Caferro, Hiner, Ankney, Sesso, Hamlett, Stewart-Peregoy, Vuckovich, Keane, Noonan, Evans, Vincent, Gallus, Knudsen, F. Smith, Phillips, referred to Finance and Claims.

HB 439, introduced by Hollenbaugh, Phillips, Hollandsworth, Menahan, Gallus, Larsen, Hunter, Hiner, C. Williams, Furey, Olson, Mehlhoff, Sesso, Gillan, Ankney, Noonan, Schmidt, Tropila, Arntzen, Driscoll, Boland, MacDonald, McChesney, Belcourt, Sands, Gibson, Hill, Price, Keane, F. Smith, Howard, Swanson, Wagner, McNally, Lewis, Caferro, Wilmer, Branae, K. Williams, Hamlett, Pease-Lopez, Malek, B. Bennett, Blasdel, Reinhart, Welborn, Salomon, Cuffe, Van Dyk, Fitzpatrick, Stewart-Peregoy, Augare, Miller, Squires, Windy Boy, Jent, Erickson, Kaufmann, Hands, Stahl, Brodehl, Reichner, Hoven, Blewett, Vuckovich, Hansen, Di. Barrett, O'Hara, McClafferty, Wanzenried, Moss, McNutt, Facey, Court, referred to Finance and Claims.

HB 445, introduced by C. Smith, Priest, Jackson, Tutvedt, Arthun, Balyeat, Mowbray, Gibson, Shockley, Kary, Regier, Blasdel, Connell, Moore, Osmundson, Blyton, K. Peterson, McGillvray, Knox, Kerns, Skees, Ehli, Rosendale, Warburton, Ingraham, O'Hara, O'Neil, Hinkle, Wagner, Milburn, Flynn, Howard, Olson, Sonju, Zinke, G. Bennett, Hale, Stahl, Essmann, J. Peterson, referred to Public Health, Welfare and Safety.

HB 463, introduced by Reichner, referred to Taxation.

HB 475, introduced by Connell, referred to Fish and Game.

HB 477, introduced by Hollandsworth, referred to Finance and Claims.

HB 502, introduced by Hunter, referred to Finance and Claims.

HB 518, introduced by Hunter, referred to Judiciary.

HB 534, introduced by Howard, referred to Judiciary.

HB 551, introduced by Flynn, MacLaren, referred to Public Health, Welfare and Safety.

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HB 565, introduced by Noonan, referred to Public Health, Welfare and Safety.
HB 567, introduced by Reichner, referred to Taxation.
HB 585, introduced by G. Bennett, Hansen, Warburton, Taylor, referred to Taxation.
HB 602, introduced by McNutt, referred to Natural Resources.
HB 607, introduced by Welborn, Flynn, Rosendale, referred to Fish and Game.
HB 611, introduced by Cook, Jones, referred to Finance and Claims.
HB 613, introduced by Roberts, referred to Finance and Claims.
HB 614, introduced by Miller, referred to Taxation.
HB 615, introduced by K. Williams, Ankney, Boland, Noonan, Di. Barrett, Belcourt, Loney, O'Hara, Blasdel, Reichner, Hollenbaugh, Blyton, Hill, Driscoll, referred to Business, Labor, and Economic Affairs.
HB 618, introduced by Pease-Lopez, referred to Taxation.
HB 619, introduced by Ankney, referred to Finance and Claims.
HB 621, introduced by Ankney, referred to Agriculture, Livestock and Irrigation.
HB 622, introduced by Ankney, referred to Finance and Claims.
HB 631, introduced by Menahan, referred to Judiciary.
HB 632, introduced by Taylor, referred to State Administration.
HB 633, introduced by Esp, referred to Finance and Claims.
HB 638, introduced by Howard, referred to Judiciary.

**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 Sonju in the chair.

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

Senators Hamlett, Tutvedt, and Vincent excused at this time.

HB 525 - Senator Facey moved **HB 525** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Hamlett, Tutvedt, Vincent.

Total 3

HB 547 - Senator Facey moved **HB 547** be concurred in. Motion carried as follows:

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

Total 42

Nays: Arthun, Hinkle, Priest, Walker, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: Hamlett, Tutvedt, Vincent.

Total 3

HB 547 - Senators Arthun, Hamlett, and Vincent present at this time.

HB 152 - Senator Shockley moved **HB 152** be concurred in. Motion carried as follows:

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

Total 25

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

Total 24

Absent or not voting: None.

Total 0

Excused: Tutvedt.

Total 1

Senator Hamlett excused.

HB 167 - Senator Zinke moved **HB 167** be concurred in. Motion carried 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, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

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Total 28

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

Total 20

Absent or not voting: None.

Total 0

Excused: Hamlett, Tutvedt.

Total 2

HB 180 - Senator Balyeat moved consideration of **HB 180** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Senators Hamlett and Tutvedt present at this time.

HB 408 - Senator Steinbeisser moved **HB 408** be concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, 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, Hamlett, 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

Excused: None.

Total 0

Senator Vincent excused at this time.

HB 275 - Senator Wittich moved **HB 275** 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, Walker, Wittich, Mr. President.

Total 24

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett,

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Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 275 - Senator Williams moved **HB 275** be **indefinitely postponed**. Motion carried as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 26

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 456 - Senator Essmann moved consideration of **HB 456** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 66 - Senator Arthun moved **HB 66** 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, 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, Zinke, Mr. President.
Total 47

Nays: Hinkle, Wittich.
Total 2

Absent or not voting: None.
Total 0

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Excused: Vincent.

Total 1

HB 100 - Senator Priest moved **HB 100** be concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hawks, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.

Total 16

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 122 - Senator Jent moved **HB 122** 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, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 172 - Senator Sonju moved **HB 172** be concurred in. Motion carried as follows:

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

Total 44

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Nays: Blewett, Erickson, Kaufmann, Moss, Williams.

Total 5

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

HB 265 - Senator Sonju moved consideration of **HB 265** be placed below HB 180 on the second reading board. Motion carried.

Senator Vincent present at this time.

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

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

President.

Total 42

Nays: Blewett, Branae, Erickson, Hawks, Kaufmann, Moss, Stewart-Peregoy, Wanzenried.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman):

3/30/2011

HB 366, be amended as follows:

1. Title, line 11 through line 13.

Strike: "PROHIBITING" on line 11 through "EXTENSION;" on line 13

2. Page 2, line 7.

Strike: "once" through "county"

Insert: "as provided in 7-1-2121"

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3. Page 2, line 8.

Strike: "The"

Insert: "In addition to the requirements of 7-1-2121, the"

4. Page 2, line 13.

Following: ";

Insert: "and"

5. Page 2, lines 14 and 15.

Strike: subsection (iv) in its entirety

Renumber: subsequent subsection

6. Page 2, lines 25 and 26.

Strike: "for" on line 25 through "county" on line 26

Insert: "as provided in 7-1-2121"

Strike: "The" on line 26

Insert: "In addition to the requirements of 7-1-2121, the"

7. Page 2, line 29.

Following: "resolution;"

Insert: "and"

8. Page 2, line 30.

Strike: subsection (iii) in its entirety

Renumber: subsequent subsections

9. Page 3, line 2 through line 6.

Following: "recorder" on line 2

Strike: ";" on line 2 through "period" on line 6

10. Page 3, line 10.

Following: "(5)"

Insert: "(a)"

Strike: "Upon the expiration of the 30-day period provided in subsection (4)(b)(v), the"

Insert: "The"

11. Page 3, line 11 through line 14.

Strike: ";" on line 11 through "year" on line 14

Insert: "by:

(i) a unanimous affirmative vote of the county commissioners in counties with three county commissioners;

(ii) an affirmative vote of at least four county commissioners in counties with five commissioners; or

(iii) an affirmative vote of at least two-thirds of the county commissioners in counties with more than five commissioners.

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(b) A county commissioner may not abstain from voting unless a proven conflict of interest exists as determined by the county attorney"

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

MOTIONS

Senator Essmann moved to suspend the rules to allow **SB 423** and **SB 429** to be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows: Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved to suspend the rules to allow **SB 429** to be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows: Yeas: Arthun, Balyeat, Barrett, Buttrey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Hamlett, Jent, Kaufmann, Lewis, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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Senator Brenden moved to take HB 161 from Judiciary and place on second reading on March 31, 2011. Motion carried as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Vuckovich moved that **SB 193** be taken from Judiciary and brought before the Committee of the Whole and placed on second reading on March 31, 2011. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Zinke moved to reconsider action on **SB 423**. Motion carried as follows:

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

Total 28

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker,

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Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Zinke moved to suspend the rules to allow **SB 423** to be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows:

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

President.

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Gallus moved to reconsider action on **SB 429**. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 34

Nays: Balyeat, Barrett, Branae, Brenden, Caferro, Erickson, Essmann, Hinkle, Jent, Kaufmann, Moss, Stewart-Peregoy, Vincent, Vuckovich, Walker, Windy Boy.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Gallus moved to suspend the rules and that **SB 429** be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows:

Yeas: Arthun, Barrett, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jones, Keane, Lake, Larsen, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 29

Nays: Augare, Balyeat, Blewett, Branae, Brenden, Caferro, Erickson, Gillan, Hinkle, Jent, Kaufmann, Lewis, Moss, Priest, Sonju, Stewart-Peregoy, Van Dyk, Vincent, Vuckovich, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 12:00 p.m., Thursday, March 31, 2011. Motion carried.

Senate adjourned at 6:27 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate