

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

Helena, Montana
March 31, 2011

Senate Chambers
State Capitol

Senate convened at 12:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Gallus, excused. Quorum present.

BILLS AND JOURNALS: 3/31/2011

Correctly printed: **SB 429, HB 161, HB 249, HB 318, HB 341, HB 421, HB 480, HB 508, HB 535, HB 566.**

Correctly printed: **HB 66, HB 100, HB 122, HB 152, HB 167, HB 172, HB 408, HB 525, HB 547.**

Correctly engrossed: **HB 354, HB 366, HB 483, HB 555.**

Senator Essmann announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senator Gallus present.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 3/30/2011
SR 13, be adopted. **Preliminary** report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/31/2011
SR 5, be adopted. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/31/2011
SJR 22, do pass. Report adopted.
SR 7, be adopted. **Preliminary** report adopted.
SR 8, be adopted. **Preliminary** report adopted.
HB 533, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 30, 2011

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

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Dear President Peterson:

Attached is the fifth list of appointments to various boards, councils and commissions submitted to the Montana State Senate for confirmation. For each appointment, the following information has been supplied:

Reference to statute and a brief description of the statute
Name, address and phone number(s) for each appointee
Appointee qualifications and term of appointment
Brief biographies

Additional information, including a complete list of gubernatorial appointees, is available online at: <http://boards.mt.gov>. Please don't hesitate to contact our office if my staff or I can be of assistance to you.

Sincerely yours,

BRIAN SCHWEITZER
Governor

Board of Banking

Maureen Fleming, Missoula

Coal Board

Marcia Brown, Butte
Ralph Lenhart, Glendive
Loren Acton, Bozeman

County Printing Board

Dan Killooy, Miles City
Calvin Oraw, Sidney
Marianne Roose, Eureka
Milton Wester, Laurel
Laura Obert, Townsend

Board of Dentistry

Terry Klise, Missoula
Luella Vogel, Great Falls

Board of Hail Insurance

Gary Gollehon, Brady

Board of Horseracing

Cody Drew, Circle

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Board of Nursing Home Administrators

Ken Chase, Billings

Board of Oil and Gas Conservation

Ronald Efta, Wibaux
Bret Smelser, Sidney
Jack King, Billings

Board of Optometry

Douglas Kimball, Bozeman
Peter Fontana, Great Falls

Board of Pardons and Parole

Michael McKee, Hamilton
John Rex, Miles City

Board of Plumbers

Debi Friede, Havre
Denver Fraser, Clancy
Scott Lemert, Livingston
Steve Carey, Frenchtown
David Lindeen, Helena

Board of Radiologic Technologists

Jesse Cole, Butte
Charles McCubbins, Shelby
Anna L. Hazen, Fort Benton
Sharon Dinstel, Colstrip

Board of Realty Regulation

Larry Milless, Stevensville
Connie Wardell, Billings
Shirley McDermott, Laurel
C. E. "Abe" Abramson, Missoula

Transportation Commission

S. Kevin Howlett, Arlee
Carol Lambert, Broadus

MESSAGES FROM THE OTHER HOUSE

HB 271 - The House failed to concur in Senate amendments to **HB 271**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 271**:

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Representative Kerns, Vice Chair
Representative Mehlhoff
Representative Skattum

HB 593 - The House failed to concur in Senate amendments to **HB 593**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 593**:

3/31/2011

Representative Ankney, Vice Chair
Representative McChesney
Representative Stahl

Senate amendments to House bill concurred in:

3/30/2011

HB 334, introduced by Reichner

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

3/30/2011

SB 42, introduced by Shockley
SB 43, introduced by Keane
SB 97, introduced by Shockley
SB 100, introduced by Shockley
SB 108, introduced by Barrett
SB 136, introduced by Balyeat
SB 156, introduced by Windy Boy
SB 222, introduced by Augare
SB 307, introduced by Tutvedt
SB 337, introduced by Blewett
SB 352, introduced by Steinbeisser
SB 367, introduced by Vincent

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

3/31/2011

SB 54, introduced by Balyeat
SB 59, introduced by Moss
SB 124, introduced by Ripley
SB 135, introduced by Balyeat
SB 153, introduced by Jent
SB 173, introduced by Tutvedt
SB 212, introduced by Ripley
SB 221, introduced by Gillan
SB 241, introduced by Priest

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SB 311, introduced by Gallus

Senate bills concurred in and returned to the Senate: 3/31/2011

SB 74, introduced by Steinbeisser

SB 76, introduced by Jent

SB 91, introduced by Brown

SB 109, introduced by Barrett

SB 111, introduced by Sonju

SB 114, introduced by Hinkle

SB 115, introduced by Hinkle

SB 118, introduced by Jent

House bills passed and transmitted to the Senate for concurrence: 3/31/2011

HB 603, introduced by Blasdel

HB 616, introduced by Randall

HB 627, introduced by G. Bennett

HB 629, introduced by Knudsen

HB 636, introduced by Loney

HB 641, introduced by Hands

HB 274, introduced by Howard

This bill is being transmitted after the deadline for Appropriation Bills. Joint rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

FIRST READING AND COMMITMENT OF BILLS

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

HB 163, introduced by Hollandsworth, referred to Finance and Claims.

HB 165, introduced by Hollandsworth, referred to Natural Resources.

HB 175, introduced by Regier, referred to Judiciary.

HB 184, introduced by C. Smith, referred to Taxation.

HB 357, introduced by MacLaren, McGillvray, J. Peterson, Milburn, referred to Taxation.

HB 411, introduced by Wilmer, Menahan, referred to Natural Resources.

HB 444, introduced by Burnett, Greef, Walker, Wittich, Miller, Randall, Cuffe, C. Smith, Hollandsworth, O'Neil, Kerns, O'Hara, Blasdel, More, Arntzen, Skees, Connell, Ehli, Reichner, Edmunds, Harris, Kary, Salomon, Regier, Osmundson, Gibson, referred to Taxation.

HB 495, introduced by Cook, referred to Finance and Claims.

HB 560, introduced by Arntzen, referred to Local Government.

HB 561, introduced by Arntzen, referred to Local Government.

HB 562, introduced by Arntzen, referred to Local Government.

HB 577, introduced by Stahl, referred to Business, Labor, and Economic Affairs.

HB 587, introduced by McNutt, referred to Natural Resources.

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HB 604, introduced by Cook, referred to Finance and Claims.

HB 609, introduced by MacLaren, Taylor, Reichner, G. Bennett, Blyton, Connell, Esp, Flynn, Hale, Hendrick, Hollandsworth, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, Milburn, Miller, More, O'Neil, Osmundson, Regier, Reichner, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Essmann, Hutton, Jackson, Moore, Olson, Ripley, Tutvedt, Vincent, Walker, Zinke, referred to Business, Labor, and Economic Affairs.

HB 612, introduced by Roberts, 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 423 passed as follows:

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

Total 36

Nays: Augare, Caferro, Erickson, Facey, Hawks, Kaufmann, Keane, Larsen, Stewart-Peregoy, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 429 passed as follows:

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

Total 35

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Tropila, Wanzenried, Williams.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

HB 66 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 100 concurred in as follows:

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

Total 34

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

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 122 concurred in as follows:

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

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 152 concurred in as follows:

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

HB 167 concurred in as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 172 concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen,

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Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Zinke, Mr. President.

Total 43

Nays: Augare, Erickson, Kaufmann, Moss, Williams, Windy Boy, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 249 concurred in as follows:

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

Total 38

Nays: Augare, Blewett, Erickson, Gallus, Kaufmann, Larsen, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 318 concurred in as follows:

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

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Excused: None.

Total 0

HB 341 concurred in as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 408 concurred in 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

HB 421 concurred in as follows:

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

Total 34

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Murphy, Olson, Priest,

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Sonju, Steinbeisser, Vincent, Walker, Wittich.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 480 concurred in as follows:

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

Total 39

Nays: Arthun, Balyeat, Hinkle, Moore, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 508 concurred in as follows:

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

Total 37

Nays: Arthun, Balyeat, Essmann, Hinkle, Jackson, Moore, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 525 concurred in as follows:

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

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

Total 49

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 547 concurred in as follows:

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

Total 41

Nays: Arthun, Essmann, Hinkle, Priest, Ripley, Sonju, Vincent, Walker, Wittich.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 566 concurred in as follows:

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

Total 40

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

Total 10

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 Zinke in the chair.

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

HB 272 - Senator Wittich moved **HB 272** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 31

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 330 - Senator Blewett moved **HB 330** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Priest, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 30

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Moore, Mowbray, Olson, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 361 - Senator Olson moved **HB 361** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

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Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 483 - Senator Balyeat moved **HB 483** be concurred in.

Senator Gallus excused at this time.

HB 483 - Senator Balyeat moved **HB 483**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Strike: "DEFINING "BALLOT ISSUE COMMITTEE";"

Amendment adopted as follows:

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

Total 43

Nays: Erickson, Facey, Kaufmann, Larsen, Tropila, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

HB 483 - Senator Balyeat moved **HB 483**, as amended, be concurred in. Motion carried as follows:

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

Total 30

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

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 491 - Senator Mowbray moved **HB 491** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 530 - Senator Blewett moved **HB 530** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 26

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 543 - Senator Shockley moved **HB 543** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, 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, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 46

Nays: Brenden, Gillan, Lake, Windy Boy.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 180 - Senator Mowbray moved **HB 180** 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, Walker, Wittich, Zinke, Mr. President.

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 265 - Senator Sonju moved **HB 265** be concurred in.

HB 265 - Senator Buttrey moved **HB 265**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Following: "ARBITRARILY"

Insert: "AND ARBITRARILY"

2. Page 1, line 20.

Following: "arbitrarily"

Insert: "and arbitrarily"

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3. Page 1, line 22.

Following: "repair."

Insert: "For the purposes of this subsection (1)(a)(iii), "arbitrarily" means without a reasonable basis in fact."

Amendment **not** adopted as follows:

Yeas: Arthun, Buttrey, Facey, Jones, Mowbray, Murphy, Priest, Shockley, Steinbeisser, Tutvedt, Vuckovich, Zinke, Mr. President.

Total 13

Nays: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Olson, Ripley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich.

Total 37

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 265 - Thereupon, the Senate reverted to the original motion of Senator Sonju which passed 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, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Balyeat, Steinbeisser.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 555 - Senator Wittich moved **HB 555** 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, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 27

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

HB 416 - Senator Moore moved **HB 416** 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, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 27

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

HB 414 - Senator Balyeat moved **HB 414** be concurred in. Motion carried as follows:

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

Total 36

Nays: Augare, Blewett, Caferro, Erickson, Gillan, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Williams, Windy Boy.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 405 - Senator Tutvedt moved **HB 405** be concurred in. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 535 - Senator Balyeat moved **HB 535** 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, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 48

Nays: Larsen, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 354 - Senator Mowbray moved **HB 354** be concurred in. Motion **failed** as follows:

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

Total 25

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

Total 25

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 354 - Senator Williams moved **HB 354** be indefinitely postponed. Motion failed as follows:

Yeas: Arthun, 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 23

Nays: 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 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 366 - Senator Wittich moved **HB 366** be concurred in. Motion carried as follows:

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

Total 27

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

Total 23

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 Zinke moved the Committee of the Whole report be adopted. Report adopted as follows:

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Total 35

Nays: Augare, Blewett, Caferro, Erickson, Facey, Jent, Kaufmann, Keane, Moss, Mowbray, Stewart-Peregoy, Tropila, Wanzenried, Williams, Windy Boy.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate in recess.

Senate reconvened at 4:02 p.m.

**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 Zinke in the chair.

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

HB 456 - Senator Walker moved **HB 456** 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, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, 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 464 - Senator Tutvedt moved **HB 464** 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, Walker, Wittich, Zinke, Mr. President.

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 161 - Senator Hutton moved **HB 161** be concurred in. Motion carried as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

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

Total 32

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

Total 18

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Mowbray moved to reconsider action on **HB 354** and that **HB 354** be placed on second reading. Motion **failed** as follows:

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

Total 25

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, 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: None.

Total 0

Senator Vuckovich moved to change his vote on **HB 265** from No to Yes. Without objection, so ordered.

Senator Buttrey moved to change his vote on **HB 341** from No to Yes. Without objection, so ordered.

Senator Williams moved to change her vote on **HB 272** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, April 1, 2011. Motion carried.

Senate adjourned at 6:23 p.m.

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MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate