

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
SEVENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 1, 2011

Senate Chambers  
State Capitol

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

**BILLS AND JOURNALS:**

4/1/2011

Correctly printed: **HB 161, HB 180, HB 265, HB 272, HB 330, HB 361, HB 366, HB 405, HB 414, HB 416, HB 456, HB 464, HB 491, HB 530, HB 533, HB 535, HB 543, HB 555, SJR 22, SR 5.**

Senator Vincent rose on a point of privilege and clarified his County did vote in favor of medical marijuana.

**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 161** concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, 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, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 180** 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

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

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** concurred in as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, 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 47

Nays: Balyeat, Gallus, Vincent.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 272** concurred in as follows:

Yeas: Arthun, 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, Wittich, Mr. President.

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

**HB 330** concurred in as follows:

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

Total 35

Nays: Arthun, Brenden, Buttrey, Gallus, Hinkle, Hutton, Jackson, Moore, Moss, Mowbray, Ripley, Sonju, Steinbeisser, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 361 not** concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Hinkle, Hutton, Jackson, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Tutvedt, Vincent, Zinke, Mr. President.

Total 19

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moss, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich.

Total 31

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 366** concurred in 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

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 405** concurred in 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 414** concurred in as follows:

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

Total 34

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

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 416** concurred in 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

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

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 456** concurred in as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 464** concurred in 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

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

**HB 483** concurred in as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 491** 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 530** concurred in as follows:

Yeas: Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 32

Nays: Arthun, Balyeat, Brenden, Buttrey, Essmann, Hinkle, Jackson, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Walker.

Total 18

Absent or not voting: None.

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Total 0

Excused: None.

Total 0

**HB 535** 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 543** concurred in 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, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Brenden.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 555 not** concurred in as follows:

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

Total 25

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MESSAGES FROM THE GOVERNOR**

April 1, 2011

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

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 106, (SB 106), **"AN ACT REQUIRING THE MONTANA ATTORNEY GENERAL TO FILE A MOTION TO JOIN THE FLORIDA LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF PUBLIC LAW 111-148, THE PATIENT PROTECTION AND AFFORDABLE CARE ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

SB 106 requires the Montana Attorney General, on behalf of the State of Montana, to file a motion to join a lawsuit now on appeal in the 11th Circuit Court of Appeals, challenging the constitutionality of the federal Patient Protection and Affordable Care Act. My amendments to SB 106 address two matters.

First, the Montana Constitution establishes the Montana Attorney General as the "legal officer of the state." MONT. CONST. Art. VI, § 4(4). The Montana Constitution also expressly establishes three distinct branches of government and prohibits one branch from exercising the powers of another. MONT. CONST. Art. III, § 1. I have been advised that the bill in its current form likely runs afoul of these provisions of the Montana Constitution. I understand that the Legislature, too, received an opinion from its own chief legal counsel questioning the constitutionality of SB 106.

To address this problem, my amendments remove from SB 106 the requirement that the Montana Attorney General move to join the federal lawsuit and instead state that the Legislature encourages such action by the Attorney General. My amendment would leave intact the Attorney General's responsibility, as granted by the Montana Constitution, to exercise his independent judgment as to whether and how to litigate on behalf of the State. By leaving the decision on whether to seek



SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

to join the lawsuit in the discretion of the Attorney General, I believe the constitutional infirmities in the bill are resolved.

Second, any effort by the State of Montana to join the federal lawsuit will not be without cost to the state treasury. The lawsuit is proceeding on its own, without Montana's involvement, and Montana's participation would have no bearing on the outcome. It is evident that despite costing taxpayers money, SB 106 is intended to serve a symbolic purpose, only.

I find it particularly ironic that some legislators are willing to spend Montana taxpayers' money to challenge the federal health care reform act for symbolic reasons, while at the same time deriving personal advantage from state health care laws and policies that allow them, as legislators, to receive taxpayer-funded health insurance benefits. My proposed amendments to SB 106 would reduce appropriations to the Legislature contained in House Bill No. 1 (the "feed bill") by an amount totaling 50% of one year to 93 legislators who voted in favor of SB 106 on third reading. This reduction of appropriations to the Legislature, totaling \$409,014, could be used to fund the State's involvement in the lawsuit, should the Attorney General choose to so act.

I ask you for favorable consideration of my amendment.

cc: Legislative Services Division

Governor's recommendations for amendments to **Senate Bill 106** (reference copy -- salmon) are as follows:

1. Title, line 4.

**Strike:** "REQUIRING"

**Insert:** "ENCOURAGING"

2. Title, line 6.

**Following:** "ACT;"

**Insert:** "MAKING FUNDING AVAILABLE FOR THE LITIGATION; AMENDING SECTION 1, CHAPTER 1, LAWS OF 2011;"

3. Page 1, line 11.

**Strike:** "shall"

**Insert:** "is encouraged to"

4. Page 1, line 16.

**Strike:** "shall"

**Insert:** "is encouraged to"

5. Page 1, line 18.

**Insert:** **"Section 2.** Section 1, Chapter 1, Laws of 2011, is amended to read:

Section 1. Appropriation. (1) The following amounts are appropriated from the state general fund for fiscal years 2011, 2012, and 2013 for the operation of the 62nd legislature and the costs of preparing for the 63rd legislature:

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

LEGISLATIVE BRANCH (1104)

1. Senate	\$2,827,566	<u>\$2,691,228</u>
2. House of Representatives	4,609,477	<u>4,336,801</u>
3. Legislative Services Division	616,237	

(2) The following amounts are appropriated from the state general fund for fiscal year 2013 for the initial costs of the 63rd legislature:

LEGISLATIVE BRANCH (1104)

1. Senate	\$101,521	
2. House		161,000
3. Legislative Services Division	7,663"	

**Renumber:** subsequent section

April 1, 2011

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

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 125, (SB 125), **"AN ACT PROHIBITING MONTANA STATE GOVERNMENT FROM ADMINISTERING FEDERAL HEALTH INSURANCE PURCHASE REQUIREMENTS."**

SB 125 prohibits state agencies from implementing or enforcing the individual mandate provisions of the federal health care reform acts Public Law 111-148 and Public Law 111-152. The prohibitions in SB 125 are based on the Legislature's finding that the requirements for individuals to purchase health insurance and that penalize employers for failing to contribute toward employees' health insurance will cause unneeded expense and inconvenience to certain individuals and employers.

My amendments express that the provisions of the federal health care reform act are onerous to individuals and small employers because no low-cost public health insurance option is available to Montana consumers. Were a low-cost public health plan available as an option to Montanans, we could rest assured that insurance prices would become more competitive and affordable for Montanans. My amendments also state that if a low-cost public health insurance option becomes available in the future, the provisions of SB 125 will terminate.

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

I ask you for favorable consideration of my amendment.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Governor's recommendations for amendments to **Senate Bill 125** (reference copy -- salmon) are as follows:

1. Title, page 1, line 6.

**Following:** "REQUIREMENTS"

**Insert:** "; AND PROVIDING A CONTINGENT TERMINATION DATE"

2. Page 1, line 11.

**Following:** "that"

**Insert:** ", in the absence of the availability of a low-cost public health insurance option,"

3. Page 2, line 6.

**Insert:** "NEW SECTION. Section 3. Contingent termination. [This act] terminates on the date that the director of the department of public health and human services certifies to the governor that a low-cost public health insurance option that is equivalent to or stronger than the public health insurance option in the introduced version of H.R. 3200, America's Affordable Health Choices Act of 2009, is available for purchase by Montanans. The department of public health and human services shall immediately notify the code commissioner of the certification."

**MOTIONS**

Senator Williams moved to change her vote on **HB 330** from No to Yes. Without objection, so ordered.

Senator Balyeat moved to change his vote on **HB 530** from Yes to No. Without objection, so ordered.

Senator Wittich moved to reconsider the third reading action on **HB 555** and place **HB 555** on third reading on April 2, 2011.

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

Total 26

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

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Vuckovich, Wanzenried, Williams, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Mowbray moved **HB 354** be moved from the Committee of the Whole committee to the Business, Labor, and Economic Affairs committee.

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

Total 35

Nays: Blewett, Branae, Erickson, Gillan, Hamlett, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Branae moved to change his vote on **HB 180** from Yes to No. Without objection, so ordered.

Senator Keane moved to change his vote on **HB 180** from Yes to No. Without objection, so ordered.

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

Senator Balyeat moved **HB 609** be moved from the Business, Labor, and Economic Affairs committee to the Public Health, Welfare and Safety committee. Without objection, so ordered.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SR 20**, introduced by Jones, referred to Highways and Transportation.

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

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

**HB 603**, introduced by Blasdel, Hansen, Knox, Stahl, Osmundson, Essmann, Stewart-Peregoy, Taylor, C. Smith, Rosendale, McGillvray, Evans, Windy Boy, Randall, McNiven, Priest, referred to Education and Cultural Resources.

**HB 616**, introduced by Randall, Stahl, Warburton, Salomon, Esp, Beck, Blyton, Rosendale, Wagner, Hale, Osmundson, Hansen, Vance, Harris, Knudsen, referred to Taxation.

**HB 627**, introduced by G. Bennett, Milburn, Regier, Taylor, Warburton, C. Smith, McGillvray, referred to Judiciary.

**HB 629**, introduced by Knudsen, referred to Local Government.

**HB 636**, introduced by Loney, referred to Highways and Transportation.

**HB 641**, introduced by Hands, referred to Taxation.

**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 Ripley in the chair.

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

**SJR 21** - Senator J. Peterson moved **SJR 21** do pass. Motion carried as follows:

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

Total 46

Nays: Barrett, Moore, Windy Boy, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 24** - Senator Shockley moved **SJR 24** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Moss, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 30

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: Barrett, Brenden, Erickson, Gillan, Hamlett, Hinkle, Jackson, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Ripley, Sonju, Tropila, Vincent, Walker, Wittich, Zinke.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SR 3** - Senator Gillan moved **SR 3** be adopted. 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 111** - Senator Erickson moved **HB 111** 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, Wittich, Zinke, Mr. President.  
Total 49

Nays: Windy Boy.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

**HB 132** - Senator Arthun moved **HB 132** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, 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, Vincent, Vuckovich, Wanzenried, Williams, Mr. President.

Total 41

Nays: Barrett, Brenden, Buttrey, Hamlett, Hinkle, Walker, Windy Boy, Wittich, Zinke.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 133** - Senator Larsen moved **HB 133** be concurred in. Motion carried as follows:

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

Total 38

Nays: Arthun, Balyeat, Brenden, Hinkle, Lake, Lewis, Moore, Ripley, Vincent, Walker, Wittich, Zinke.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 195** - Senator Buttrey moved **HB 195** 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, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.

Total 45

Nays: Hamlett, Keane, Stewart-Peregoy, Wanzenried, Windy Boy.

Total 5

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 206** - Senator Lewis moved **HB 206** 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 339** - Senator Hinkle moved **HB 339** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, 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 49

Nays: Erickson.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 460** - Senator Walker moved **HB 460** 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,



SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 48

Nays: Vuckovich, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 529** - Senator Wittich moved **HB 529** 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, Lake, 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 47

Nays: Hinkle, Keane, Windy Boy.

Total 3

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 Ripley moved the Committee of the Whole report be adopted. Report 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, Williams, Wittich, Zinke, Mr. President.

Total 48

Nays: Wanzenried, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Excused: None.  
Total 0

**MOTIONS**

Senator Hamlett moved to change his vote on **HB 132** 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 8:00 a.m., Saturday, April 2, 2011. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate