

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

Helena, Montana
April 5, 2011

Senate Chambers
State Capitol

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

BILLS AND JOURNALS:

4/5/2011

Correctly printed: **SJR 18, SJR 19, SJR 20, HB 3, HB 15, HB 106.**

Correctly engrossed: **HB 7, HB 230, HB 262.**

Correctly enrolled: **SB 9, SB 89, SB 140, SB 160, SB 179, SB 180, SB 183, SB 184, SB 194, SB 206, SB 213, SB 223, SB 228, SB 229, SB 236, SB 246, SB 248, SB 254, SB 275, SB 280, SB 285, SB 286, SB 287, SB 290, SB 297, SB 304, SB 306, SB 320, SB 324, SB 355, SB 366, SB 370, SB 374, SJR 6, SJR 7, SJR 12, SJR 14.**

Examined by the sponsor and found to be correct: **SB 9, SB 89, SB 140, SB 160, SB 179, SB 180, SB 183, SB 184, SB 194, SB 206, SB 213, SB 223, SB 228, SB 229, SB 236, SB 248, SB 254, SB 275, SB 280, SB 287, SB 290, SB 297, SB 304, SB 306, SB 320, SB 324, SB 366, SB 370, SJR 7, SJR 12, SJR 14.**

Signed by the Speaker at 12:04 p.m., April 4, 2011: **SB 74, SB 76, SB 91, SB 109, SB 111, SB 114, SB 115, SB 118.**

Signed by the President at 11:00 a.m., April 4, 2011: **SB 74, SB 76, SB 91, SB 109, SB 111, SB 114, SB 115, SB 118.**

Signed by the Secretary of the Senate at 9:00 a.m., April 4, 2011: **SB 74, SB 76, SB 91, SB 109, SB 111, SB 114, SB 115, SB 118.**

Delivered to the Governor for approval at 3:17 p.m., April 4, 2011: **SB 74, SB 76, SB 91, SB 109, SB 111, SB 114, SB 115, SB 118.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
SR 16, be adopted. Preliminary report adopted.

4/5/2011

FINANCE AND CLAIMS (Lewis, Chairman):
HB 5, be amended as follows:

4/4/2011

1. Page 3, line 15.

Following: line 14

Insert: "Repair Natural Gas Distribution System, Montana State Hospital, Warm Springs 250,000 [LRBP Fund] 250,000 [Total]"

2. Page 4, line 8.

Strike: "274,000" [in both places]

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Insert: "1,274,000" [in both places]

3. Page 4, line 18.

Following: line 17

Insert: "If House Bill No. 316 is not passed and approved or if House Bill No. 316 is passed and approved in a form that retains the \$500,000 allocation to the department of fish, wildlife, and parks in 15-38-202 for the purposes of 87-1-283, then \$1,000,000 of the state special revenue appropriation for Future Fisheries is appropriated from the allocation provided for in 15-38-202."

4. Page 4, line 18.

Following: line 17

Insert: "If House Bill No. 209 is passed and approved and if House Bill No. 209 amends 87-1-242(3) and (4) by allocating 50% of the money to secure wildlife habitat pursuant to 87-1-209 and 50% of the money to the maintenance account established in 87-1-230, then the state special revenue appropriation for Wildlife Habitat Maintenance is increased by \$830,000."

5. Page 6, line 13.

Following: line 12

Insert: "If House Bill No. 209 is passed and approved and if House Bill No. 209 amends 87-1-242(3) and (4) by allocating 50% of the money to secure wildlife habitat pursuant to 87-1-209 and 50% of the money to the maintenance account established in 87-1-230, then the state special revenue appropriation for Habitat Montana is decreased by \$3,476,160."

The appropriation of state special revenue for Fishing Access Site Acquisition in this section is restricted to purchases of land that are 5 acres or less."

6. Page 6, line 20.

Strike: "6,000,000" [in both places]

Insert: "5,850,000" [in both places]

7. Page 8, line 12.

Strike: "\$10,685,622"

Insert: "\$11,185,622"

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

HB 6, be amended as follows:

1. Page 1, line 19.

Following: "biennium;"

Strike: "AND"

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2. Page 1, line 22.

Following: line 21

Insert: "(c) \$300,000 to be used for irrigation development grants to be awarded by the department over the course of the biennium;"

Renumber: subsequent subsections

3. Page 1, line 25.

Following: "biennium"

Insert: "; and

(e) \$180,000 to be used for development of the state water plan and inventory to be awarded by the department over the course of the biennium"

4. Page 6, line 30.

Following: line 29

Insert: "Cascade Conservation District

(Whitmore Ravine Erosion Control and Storm Drainage, Phase I) \$100,000"

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

HB 8, be concurred in. Report adopted.

HB 51, be concurred in. Report adopted.

HB 351, be amended as follows:

1. Page 3, line 13.

Following: line 12

Insert: "34. Crow Tribe for Crow Agency (water) 750,000

35. Hill County (bridge) 174,082

36. Polson, City of (water) 625,000"

2. Page 4, line 2.

Strike: "33"

Insert: "36"

3. Page 4, line 9.

Strike: "33"

Insert: "36"

4. Page 7, line 14.

Strike: "\$3.5"

Insert: "\$3.92"

5. Page 8, line 14.

Strike: "\$1"

Insert: "\$1.57"

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

HB 375, be amended as follows:

1. Page 1, line 24.

Strike: ":"

Insert: ", "

2. Page 1, line 25.

Strike: "(i)"

3. Page 1, line 27.

Strike: "(A)"

Insert: "(i)"

Renumber: subsequent subsections

4. Page 1, line 28.

Strike: "(I)"

Insert: "(A)"

Renumber: subsequent subsections

Strike: "4.8%"

Insert: "5.1%"

5. Page 1, line 29.

Strike: "19.1%"

Insert: "20.1%"

6. Page 1, line 30.

Strike: "11.1%"

Insert: "11.7%"

7. Page 2, line 2.

Strike: "16.7%"

Insert: "17.6%"

8. Page 2, line 3.

Strike: "48.3%"

Insert: "45.6%"

9. Page 2, line 5 through line 10.

Strike: subsections (2)(c)(ii) and (2)(c)(iii) in their entirety

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

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HB 619, be amended as follows:

1. Title, page 1, line 5.

Following: "LAWS"

Strike: "TO IMPLEMENT PROVISIONS OF THE GENERAL APPROPRIATIONS ACT"

2. Page 1, line 20.

Strike: "annual sustainable yield constitutes the"

3. Page 1, line 22.

Following: "ENHANCEMENT"

Insert: "may not exceed the annual sustainable yield"

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

JUDICIARY (Murphy, Chairman):

4/5/2011

HB 574, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman):

4/5/2011

HB 165, be concurred in. Report adopted.

HB 411, be concurred in. Report adopted.

HB 587, be amended as follows:

1. Title, line 6.

Following: "APPROPRIATION;"

Strike: "AND"

2. Title, line 7.

Following: "3-7-222,"

Insert: "3-7-223,"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3, line 4.

Following: line 3

Insert: "**Section 6.** Section 3-7-223, MCA, is amended to read:

"3-7-223. Duties of the chief water judge. The chief water judge shall:

(1) administer the adjudication of existing water rights by:

(a) coordinating with the department of natural resources and conservation in compiling information submitted on water claim forms under Title 85, chapter 2, part 2, to assure that the information is expeditiously and properly compiled and transferred to the water judge in each water division;

(b) assuring that the water judge in each water division moves without unreasonable delay to enter the required preliminary decree;

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- (c) assuring that any contested or conflicting claims are tried and adjudicated as expeditiously as possible;
- (2) conduct hearings in cases certified to the district court under 85-2-309;
- (3) assign court personnel to divisions and duties as needed;
- (4) assign the associate water judge to divisions and cases as needed; and
- ~~(4)~~(5) request and secure the transfer of water judges between divisions as needed."

Renumber: subsequent sections

4. Page 3, line 12.

Strike: "The"

Insert: "With regard to the consideration of a matter within the chief water judge's jurisdiction, the"

5. Page 4, line 10.

Following: line 9

Insert: "NEW SECTION. Section 11. Effective date. [This act] is effective July 1, 2011."

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

SR 7, be adopted. Report adopted.

SR 8, be adopted. Report adopted.

SR 9, be adopted. Report adopted.

SR 10, be adopted. Report adopted.

SR 11, be adopted. Report adopted.

SR 12, be adopted. Report adopted.

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

4/5/2011

HB 83, be concurred in. Report adopted.

HB 551, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

4/4/2011

SR 24, be adopted. Preliminary report adopted.

MESSAGES FROM THE GOVERNOR

April 4, 2011

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

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

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Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 176, "**AN ACT PROHIBITING QUALIFIED HEALTH INSURANCE PLANS OFFERED THROUGH A HEALTH INSURANCE EXCHANGE IN MONTANA FROM COVERING ABORTION SERVICES**" for the following reasons.

I issue this veto because I have been advised that SB 176 is unconstitutional under Montana's constitutional guarantee of individual privacy.

Unlike the federal constitution, Article II, section 10 of the Montana Constitution guarantees Montanans an express right of privacy. The Montana Supreme Court has held, unequivocally, that the state constitutional right of privacy embraces the right of a woman to decide whether to have an abortion. *Armstrong v. State*, 1999 MT 261. I have been advised that SB 176 infringes upon the right of privacy and a woman's right to access reproductive health care found in the Montana Constitution, and for this reason is unconstitutional. Senate Bill 176 implements a provision of the federal health care reform act related to insurance plans offered through health insurance exchanges, which will be launched in 2014. The federal act authorizes states to prohibit abortion coverage in health insurance plans offered through an exchange in their state (the "opt-out" provision). SB 176 is Montana lawmakers' attempt to implement the "opt-out" provision in Montana. It must be mentioned, also, that payment for a "rider" to a health insurance plan offered through an exchange would lie solely with the consumer purchasing the plan. It is not paid for by the federal government or with federal or state funds.

While the federal health care reform act gives states the option whether to exclude abortion coverage from all health insurance plans offered through an exchange, when Montana exercises its discretion, the state is bound by the requirements of Montana's own Constitution.

The Montana Supreme Court stated in *Armstrong*: "[T]he State has no more compelling interest or constitutional justification for interfering with the exercise of this right [of a woman to terminate her pre-viability pregnancy] than it would if she chose to carry the fetus to term. . . . [I]f the State has the power to infringe the right of procreative autonomy in favor of birth, then, necessarily, it also has the power to require abortion under some circumstances." *Id.* at 11 49.

Montana case law could not be clearer. Under that case law, I have been advised that S8 176 is unconstitutional. It would be a waste of taxpayer's money and the State's resources to sign a bill that is unconstitutional and subject the State and other parties to unnecessary litigation. It is for this reason that I have chosen to veto S8 176.

Each of us holds deep and differing opinions on the subject of abortion, including the circumstances under which either an abortion, itself, or government regulation of abortion is appropriate. However, given my obligation to uphold the Montana Constitution, and where legal counsel has advised me that S8 176 is unconstitutional, I believe I have no choice but to veto the bill.

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I respectfully ask that you sustain my veto of S8 176 for the same reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

April 4, 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. 351 (SB 351), **"AN ACT REVISING LAWS RELATED TO MEDICAID MANAGED CARE CONTRACTS; ESTABLISHING AN ADVISORY COUNCIL; REQUIRING REVIEW OF REQUESTS FOR PROPOSALS AND PROPOSED CONTRACTS; AMENDING SECTIONS 33-1-102, 33-31-115, 53-6-116, 53-6-702, 53-6-704, 53-6-705, 53-6-707, AND 53-21-701, MCA; REPEALING SECTION 53-6-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."**

SB 351 establishes a comprehensive review that must be undertaken by the legislative auditor's office, the state auditor's office, and a newly established advisory council prior to the issuance of a request for proposal for, or the award of, a managed care contract by the Department of Public Health and Human Services (DPHHS). In addition to some minor, technical changes for clarity, my amendments are intended not to change the substance and intent of the bill, but rather to exempt a managed care program that has been in existence since 1993 from the requirements of the new process for any managed care proposals or contracts issued on or after February 1, 2011.

Under the DPHHS' "passport to health program," most Medicaid clients are assigned to a primary health care provider who serves as a conduit for other health care. For example, if the client needs to see a specialist other than the client's primary health care provider or needs non-emergency care, the client must obtain a referral from the primary care provider. The Centers for Medicare and Medicaid Services regards this program to be a managed care program and requires a waiver to operate. The waiver also includes the Nurse Advice Line and the Health Improvement Program, which is contracted to several community health centers. These centers have nurses who help people on Medicaid with chronic medical conditions better manage their care.

The "passport to health program" has been in effect in Montana since 1993. It is well-established, well-received, and saves Montana's Medicaid program significant money. It must be renewed every two years. It is my understanding that SB 351 was never intended to be applied to this

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program. My proposed amendments expressly exempt it from the requirements of SB 351.

I ask for your favorable consideration of the proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Governor's recommendations for amendments to **Senate Bill 351** (reference copy -- salmon) are as follows:

1. Page 2, line 7.

Following: the second "for"

Insert: "the provision of services through a"

2. Page 2, line 8.

Strike: "care program"

Insert: "health care entity"

3. Page 2, line 16.

Following: "(c) "

Insert: "within 60 days of receipt of the request for proposal and proposed contract,"

Following: "shall"

Insert: "complete their analyses and"

4. Page 4, line 18.

Following: "(2)"

Strike: "A"

Insert: "The delivery of programs of managed health care services established under Title 53 by
a"

5. Page 5, line 9.

Following: "system"

Insert: ", except for a primary care case management service,"

Following: "requires"

Insert: "for implementation"

6. Page 5, line 30.

Following: "include"

Insert: ": (i)"

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7. Page 6, line 1.

Following: "basis"

Insert: "; (ii) a medicaid primary care case management service within the meaning of 42 CFR 438;"

Following: "or"

Insert: "(iii)"

8. Page 7, line 5.

Following: "that"

Strike: "all"

Insert: "the"

Following: "services"

Strike: "available"

Insert: "approved by the department for delivery"

9. Page 9, line 6.

Strike: "home"

Insert: "facility"

10. Page 9, line 7.

Strike: "home"

Insert: "facility"

11. Page 9, line 14.

Strike: "homes"

Insert: "facilities"

12. Page 9, line 15.

Strike: "home"

Insert: "facility"

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in:

4/4/2011

HB 59, introduced by Belcourt

HB 61, introduced by MacLaren

HB 95, introduced by McNutt

HB 103, introduced by Fitzpatrick

HB 178, introduced by Howard

HB 191, introduced by Flynn

HB 213, introduced by Harris

HB 251, introduced by Hoven

HB 288, introduced by Sands

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HB 300, introduced by Flynn
HB 380, introduced by Blasdel

HB 297 - The House failed to concur in Senate amendments to **HB 297**, 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 297**:

4/4/2011

Representative Berry, Vice Chair
Representative Stahl
Representative B. Bennett

HB 43 - The House failed to concur in Senate amendments to **HB 43**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 43**:

4/4/2011

Representative MacLaren, Vice Chair
Representative Fitzpatrick
Representative Hunter

Senate bills concurred in and returned to the Senate:

4/4/2011

SB 174, introduced by Vuckovich
SB 288, introduced by Gillan
SB 298, introduced by Vincent
SB 357, introduced by Hamlett

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

4/4/2011

SB 1, introduced by Tutvedt
SB 15, introduced by Jent
SB 198, introduced by Balyeat
SB 347, introduced by Lake

Governor's amendments to House bill not concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/4/2011

HB 307, introduced by Burnett

MOTIONS

Senator Essmann moved to appoint a Conference Committee on **HB 29** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Balyeat, Chair

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Senator Facey
Senator Moore

Senator Essmann moved to appoint a Conference Committee on **HB 42** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Ripley, Chair
Senator Olson
Senator Keane

Senator Essmann moved to appoint a Conference Committee on **HB 47** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Balyeat, Chair
Senator Facey
Senator Hinkle

Senator Essmann moved to appoint a Conference Committee on **HB 271** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Shockley, Chair
Senator Hinkle
Senator Larsen

FIRST READING AND COMMITMENT OF BILLS

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

SJR 28, introduced by Lake, Arthun, referred to Education and Cultural Resources.

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

SR 28, introduced by Buttrey, referred to Local Government.

SR 29, introduced by Priest, referred to Public Health, Welfare and Safety.

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

HB 274, introduced by Howard, C. Smith, Skattum, Read, Regier, Blasdel, Blyton, Hale, Loney, O'Hara, Vance, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for

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consideration of business on second reading. Motion carried. Senator Tropila in the chair.

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

SJR 22 - Senator Priest moved **SJR 22** do pass. Motion carried as follows:

Yeas: Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 38

Nays: Arthun, Augare, Buttrey, Gallus, Jent, Keane, Larsen, Stewart-Peregoy, Tropila, Vuckovich, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

HB 196 - Senator Vincent moved **HB 196** be concurred in. Motion carried as follows:

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

Total 42

Nays: Caferro, Hawks, Jent, Kaufmann, Moss, Tropila, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

HB 602 - Senator Hamlett moved **HB 602** 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, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SJR 25 - Senator Moss moved **SJR 25** do pass. 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, 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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 106 - Governor's Amendments - Senator Priest moved Governor's amendments to **SB 106 not** be concurred in. Motion carried as follows:

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

Total 25

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

Total 24

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

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SB 125 - Governor's Amendments - Senator Wittich moved Governor's amendments to **SB 125 not** be concurred in. Motion carried as follows:

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

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 97 - House Amendments - Senator Shockley moved House amendments to **SB 97 not** be concurred in. Motion carried as follows:

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

Total 44

Nays: Gillan, Hawks, Larsen, Moss, Tropila.

Total 5

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 153 - House Amendments - Senator Jent moved House amendments to **SB 153 not** 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, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 156 - House Amendments - Senator Windy Boy moved House amendments to **SB 156** not 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, 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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 54 - House Amendments - Senator Balyeat moved House amendments to **SB 54** be concurred in. Motion carried as follows:

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

Total 35

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

Total 14

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

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SB 59 - House Amendments - Senator Moss moved House amendments to **SB 59** 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, 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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 108 - House Amendments - Senator Barrett moved House amendments to **SB 108** 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, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 46

Nays: Erickson, Kaufmann, Van Dyk.

Total 3

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 124 - House Amendments - Senator Ripley moved House amendments to **SB 124** 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, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.

Total 47

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Nays: Windy Boy, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 135 - House Amendments - Senator Balyeat moved House amendments to **SB 135** be concurred in. Motion carried as follows:

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

Total 41

Nays: Branae, Erickson, Gallus, Kaufmann, Keane, Larsen, Moss, Williams.

Total 8

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 136 - House Amendments - Senator Balyeat moved House amendments to **SB 136** 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, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 44

Nays: Erickson, Kaufmann, Moss, Stewart-Peregoy, Williams.

Total 5

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

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SB 138 - House Amendments - Senator Jones moved House amendments to **SB 138** 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, 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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 173 - House Amendments - Senator Tutvedt moved House amendments to **SB 173** be concurred in. Motion carried as follows:

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

Total 43

Nays: Erickson, Essmann, Kaufmann, Stewart-Peregoy, Van Dyk, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 201 - House Amendments - Senator Walker moved House amendments to **SB 201** be concurred in. Motion carried as follows:

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

Total 36

Nays: Augare, Blewett, Branae, Erickson, Facey, Kaufmann, Larsen, Moss, Stewart-Peregoy,

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Tropila, Van Dyk, Wanzenried, Williams.

Total 13

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 212 - House Amendments - Senator Ripley moved House amendments to **SB 212** be concurred in. Motion carried as follows:

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

Total 37

Nays: Augare, Caferro, Erickson, Facey, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 221 - House Amendments - Senator Gillan moved House amendments to **SB 221** not be concurred in. Motion carried as follows:

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

Total 48

Nays: Augare.

Total 1

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

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SB 234 - House Amendments - Senator Sonju moved House amendments to **SB 234** be concurred in. Motion carried as follows:

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

Total 44

Nays: Erickson, Hawks, Kaufmann, Van Dyk, Wanzenried.

Total 5

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 238 - House Amendments - Senator Blewett moved House amendments to **SB 238** be concurred in. Motion carried as follows:

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

Total 47

Nays: Brenden, Erickson.

Total 2

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 241 - House Amendments - Senator Priest moved House amendments to **SB 241** be concurred in. Motion carried as follows:

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

Total 40

Nays: Erickson, Facey, Kaufmann, Larsen, Moss, Stewart-Peregoy, Wanzenried, Williams,

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Windy Boy.

Total 9

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 255 - House Amendments - Senator Brenden moved House amendments to **SB 255** be concurred in. Motion carried as follows:

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

Total 30

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

Total 19

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 279 - House Amendments - Senator Jackson moved House amendments to **SB 279** be concurred in. Motion carried as follows:

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

Total 22

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

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SB 311 - House Amendments - Senator Gallus moved House amendments to **SB 311** 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, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Tropila, Vuckovich.

Total 2

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 327 - House Amendments - Senator Larsen moved House amendments to **SB 327** be concurred in. Motion carried as follows:

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

Total 48

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 340 - House Amendments - Senator Vincent moved House amendments to **SB 340** 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, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 367 - House Amendments - Senator Vincent moved House amendments to **SB 367** be concurred in. Motion carried 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, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 44

Nays: Augare, Erickson, Kaufmann, Stewart-Peregoy, Vuckovich.

Total 5

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

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

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

Total 44

Nays: Erickson, Kaufmann, Stewart-Peregoy, Wanzenried, Windy Boy.

Total 5

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

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MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 97** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Essmann, Chair
Senator Blewett
Senator Shockley

Senator Essmann moved to appoint a Conference Committee on **SB 153** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Hutton, Chair
Senator Jent
Senator Shockley

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 106 concurred in as follows:

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

Total 41

Nays: Arthun, Barrett, Brenden, Brown, Jones, Priest, Windy Boy, Zinke.

Total 8

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SJR 18 passed as follows:

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

Total 35

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Nays: Arthun, Balyeat, Barrett, Essmann, Hinkle, Jackson, Moore, Ripley, Shockley, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 19 passed as follows:

Yeas: Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 36

Nays: Arthun, Balyeat, Barrett, Essmann, Hinkle, Lake, Priest, Ripley, Shockley, Sonju, Walker, Wittich, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 20 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

REPORTS OF STANDING COMMITTEES

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FINANCE AND CLAIMS (Lewis, Chairman):
HB 9, be amended as follows:

4/4/2011

1. Page 6, line 22.

Insert: "NEW SECTION. **Section 3. Contingent appropriation of additional grant money.** If either or both of the appropriations in House Bill No. 2 to the Montana arts council for Promotion of the Arts of \$204,342 state special revenue for fiscal year 2012 and \$201,903 state special revenue for fiscal year 2013 are reduced, then the appropriation in [section 2] is increased by the amount of the reduction, not to exceed a total increase of \$28,677. This appropriation increase must increase the grant amount for projects with grant approvals greater than \$4,500 on a pro rata basis, with the exception of service organization grants. Service organization grants for Museums Association of Montana, Montana Preservation Alliance, Montana Arts, Museum & Art Gallery Directors' Association, Montana Performing Arts Consortium, Montana Association of Symphony Orchestras, and Montana Dance Arts Association are not increased by the additional appropriation."

Renumber: subsequent sections

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

HB 10, be amended as follows:

1. Title, page 1, line 7.

Following: "COURT"

Insert: "AND REVISING APPROPRIATION CONDITIONS; REVISING BIDDER CRITERIA FOR THE UNEMPLOYMENT INSURANCE TAX MODERNIZATION PROJECT"

2. Page 4, line 13.

Strike: "10%"

Insert: "20%"

3. Page 4, line 15.

Strike: "installed" through "meets"

Insert: "substantially similar projects installed and in production in at least two other states within the past 5 years and that meet"

4. Page 4, line 17.

Strike: "project has"

Insert: "projects have"

Strike: "it has"

Insert: "the projects have"

5. Page 4, line 18.

Strike: "project meets"

Insert: "projects meet"

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

HB 613, be amended as follows:

1. Page 11, line 21.

Following: "year"

Insert: "by September 30 of the subsequent fiscal year"

2. Page 11, line 26 through line 29.

Strike: "The" on line 26 through "." on line 29

3. Page 12, line 1.

Following: "year"

Insert: "by September 30 of the subsequent fiscal year"

4. Page 12, line 3 through page 12, line 5.

Strike: "The" on line 3 through "." on line 5

5. Page 13, line 30.

Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If House Bill No. 2 is not passed and approved, then [this act] is void."

Renumber: subsequent sections

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

MOTIONS

Senator Larsen moved to change his vote on **SJR 20** from Yes to No. Without objection, so ordered.

Senator Vuckovich moved to change his vote on **SB 106** from No to Yes. Without objection, so ordered.

Senator Gillan moved to change her vote on **SJR 20** 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., Wednesday, April 6, 2011. Motion carried.

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Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate