

**SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 18, 2011

Senate Chambers
State Capitol

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

Senator Vincent present.

LEGISLATIVE ADMINISTRATION (Brown, Chairman):

4/18/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Wednesday, April 13, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Sami Doane, Richey Tate Lamb, Belgrade Matt Myers, Churchill Michelle Portra, Billings Josh Sinrud, Belgrade Katie Staffanson, Sidney James Werk, Harlem

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 18, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Sarah Burk, Ulm Austin Davis, Butte Zachary Hargrove, Billings Cassia Wagner, Kalispell Kelly Walker, Billings

Report Adopted.

BILLS AND JOURNALS:

4/18/2011

Correctly printed: **SJR 28, SJR 29, SJR 30, HB 211, HB 409, HJR 8.**

Correctly enrolled: **SB 412, SB 420.**

Examined by the sponsor and found to be correct: **SB 412, SB 420.**

Signed by the Speaker at 4:40 p.m., April 13, 2011: **SB 54, SB 108, SB 135, SB 136, SB 138, SB**

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149, SB 268, SB 279, SB 327, SB 382, SB 389.

Signed by the President at 2:45 p.m., April 13, 2011: **SB 54, SB 108, SB 135, SB 136, SB 138, SB 149, SB 268, SB 279, SB 327, SB 382, SB 389.**

Signed by the Secretary of the Senate at 5:40 p.m., April 12, 2011: **SB 54, SB 108, SB 135, SB 136, SB 138, SB 149, SB 268, SB 279, SB 327, SB 382, SB 389.**

Delivered to the Governor for approval at 10:06 a.m., April 14, 2011: **SB 54, SB 108, SB 135, SB 136, SB 138, SB 149, SB 279, SB 327, SB 382, SB 389.**

Delivered to the Secretary of State at 8:22 a.m., April 18, 2011: **SB 268, SJR 11.**

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 4/18/2011
SR 23, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 4/18/2011
SR 20, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

April 15, 2011

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

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 3** sponsored by Senator Hawks, **Senate Bill 5** sponsored by Senator Brown, **Senate Bill 9** sponsored by Senator Keane, **Senate Bill 55** sponsored by Senator Jent, **Senate Bill 160** sponsored by Senator Vincent, **Senate Bill 194** sponsored by Senator Brenden, **Senate Bill 208** sponsored by Senator Erickson, **Senate Bill 210** sponsored by Senator Tutvedt, **Senate Bill 223** sponsored by Senator Zinke, **Senate Bill 236** sponsored by Senator Buttrey, **Senate Bill 248** sponsored by Senator Gillan, **Senate Bill 275** sponsored by Senator Zinke, **Senate Bill 280** sponsored by Senator Brown, **Senate Bill 287** sponsored by Senator Keane, **Senate Bill 290** sponsored by Senator Zinke, and **Senate Bill 355** sponsored by Senator Hamlett on April 15, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

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April 14, 2011

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

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 74** sponsored by Senator Steinbeisser, **Senate Bill 76** sponsored by Senator Jent, **Senate Bill 91** sponsored by Senator Brown, and **Senate Bill 118** sponsored by Senator Jent on April 14, 2011. In addition I delivered the following bill with no signature.

SB 115 Hinkle Prohibit disclosure of certain hunters' information.

Sincerely,

BRIAN SCHWEITZER
Governor

April 15, 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

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 return with amendments Senate Bill 11, "**AN ACT REDUCING THE WITHHOLDING TAX RATE ON THE PROCEEDS FROM LOTTERY WINNINGS; AMENDING SECTION 15-30-2522, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE**" for the following reasons.

As delivered to me, SB 11 contains an immediate effective date and a retroactive applicability date making the bill applicable to the current tax year. However, SB 11 changes the withholding rate, not the tax rate on proceeds from lottery winnings. Therefore, the retroactive applicability date is unnecessary and does not make sense in the context of the bill, and the immediate effective date

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would be almost impossible for the Lottery Commission to implement.
My proposed amendments: 1) make the bill effective July 1 to provide the Lottery Commission lead time to implement the withholding changes required under the bill; and 2) eliminate the retroactive applicability date, which is unnecessary in this legislation that does not affect tax rates.
I ask for your favorable consideration of the amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 11** (reference copy -- salmon) are as follows:

1. Title, line 6.
Strike: "IMMEDIATE"
2. Title, line 7.
Strike: "AND A RETROACTIVE APPLICABILITY DATE"
3. Page 1, line 23.
Strike: "on passage and approval"
Insert: "July 1, 2011"
4. Page 1, line 25 through line 26.
Strike: section 3 in its entirety

April 15, 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

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 return with amendments Senate Bill 229, "**AN ACT AUTHORIZING CERTAIN**

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SEPARATE LEGAL ENTITIES CREATED UNDER THE STATE-TRIBAL COOPERATIVE AGREEMENTS ACT TO CONTRACT WITH THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO PROVIDE RETIREMENT SYSTEM COVERAGE FOR EMPLOYEES OF A LEGAL ENTITY"
for the following reasons.

My proposed amendments to SB 229 are not intended to change the bill's original purpose but to improve the bill presented to me. I have worked on the amendments with representatives of the Public Employees' Retirement Board and state attorneys involved in water compact negotiations. My amendments ensure, which the original bill did not, that to become a contracting employer, the entity must meet all the requirements of Title 19, chapter 2, and Title 19, chapter 3, part 2, MCA, which requirements are consistent with federal tax law. Additionally, although I eliminated the restrictive language added into the bill, limiting its provisions only to entities managing irrigation projects, having consulted with the above representatives, I believe my proposed amendments retain appropriate sideboards.

I ask for your favorable consideration of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 229** (reference copy -- salmon) are as follows:

1. Page 1, line 12 through line 14.

Strike: "THAT" on line 12 through "system" on line 14

Insert: "is eligible under 19-3-201(1) to become a contracting employer with the public employees' retirement board if the separate legal entity meets all the requirements of Title 19, chapter 2, and Title 19, chapter 3, part 2, for a participating employer and to the extent that the eligible employees of the entity are substantially engaged in governmental services and not in the performance of commercial activities"

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

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

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 return with amendments Senate Bill 305, "**AN ACT REVISING MONTANA'S ENERGY POLICY; AMENDING SECTION 90-4-1001, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

Senate Bill 305 amends Montana's energy policy, encompassing energy production, transmission, use, and conservation. The bill takes an "all legs under the stool" approach, which I am glad to see. The revisions to the state energy policy expressed in SB 305 are consistent with the manner in which my Administration has tackled energy issues from the get-go and will continue to do so for the remainder of my term for the benefit of all Montanans.

This approach to energy development has been successful. It has been good for our economy, jobs, and tax base. Under this approach, Montana has become one of the fastest-growing states in the nation in terms of oil production, second in the nation in growth of coal production (up 13% since 2005), and first in wind power growth among states that have at least 250 megawatts of installed wind power. Montana also is in the process of building the first wholly merchant transmission line in the entire western interconnection, and, finally, using this approach, Montana has developed more new electrical generating capacity since 2005 than in the previous 20 years.

To continue this responsible, multi-faceted approach to energy development, I have suggested amendments that I believe make SB 305 even stronger. I respectfully ask for your support for these amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 305** (reference copy -- salmon) are as follows:

1. Page 1, line 15 through line 16.

Strike: subsection (b) in its entirety

Insert: "(b) enhance existing energy development and create new diversified energy development from all of Montana's abundant energy resources;"

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2. Page 1, line 17.

Following: "using"

Insert: "advanced"

3. Page 1, line 19.

Following: "manner"

Insert: "that includes the mitigation of greenhouse gas and other emissions"

4. Page 2, line 4.

Following: "lines"

Insert: ", pipelines, and other energy infrastructure"

5. Page 2, line 16 through line 17.

Strike: subsection (q) in its entirety

Insert: "(q) utilize modeling and high-capacity computer technology to quantify the benefits of geographic diversity and for regional planning in the siting of future wind development facilities in order to optimize usable power generation and mitigate firming needs;"

6. Page 2, line 21.

Strike: "that require facilities to pay the cost of integrating"

Insert: ", which facilitate the development of small power production facilities by identifying fair and reasonable costs for integration of"

7. Page 3, line 1.

Following: "lands;"

Strike: "and"

8. Page 3, line 4.

Following: "cost"

Insert: "; and

(x) ensure that adequate amounts of the electrical energy produced at the lowest cost in this state are reserved for Montana's families, businesses, and industries"

April 15, 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. 366 (SB 366), "**AN ACT**

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GENERALLY REVISING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES' RESPONSIBILITIES REGARDING ADMINISTRATION OF THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT REGULATIONS REQUIRING A 30-DAY SUSPENSION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS WHEN AN ADULT FAMILY MEMBER VOLUNTARILY QUILTS A JOB; REQUIRING COMPLETION OF ALL WORK ACTIVITIES FOR THE BENEFIT PERIOD BEFORE RECEIPT OF BENEFITS; AND AMENDING SECTION 53-4-212, MCA."

Senate Bill 366 would change Montana's Temporary Assistance to Needy Families Program (TANF) in two respects: it would impose a 30-day waiting period for benefits when an applicant has voluntarily quit a job of 20 hours/week or more without good cause and it would require the Department of Public Health and Human Services (DPHHS) to establish what is called a "pay for performance" requirement, under which a TANF recipient could not receive the benefit until after the required work was performed.

My amendments shorten the waiting period from 30 to 15 days and eliminate the "pay for performance" requirement. I offer my first amendment to lessen the hardship on children, who will also be hurt by a delay in the receipt of benefits when parents voluntarily leave their employment.

With regard to my second amendment, Montana already requires TANF recipients to work 30 hours/week as a condition of receiving benefits, and failure to comply results in strong sanctions, up to and including denial of benefits. Because these benefits are available to assist families in times of crisis, I believe it is not constructive to make the families wait 30 days, until the end of the benefit period, after they have completed their work assignments, to receive the benefit. DPHHS currently has a progressive sanction period that works well if recipients do not perform the required work.

I respectfully ask for your favorable consideration of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 366** (reference copy -- salmon) are as follows:

1. Title, line 7.
Strike: "30-DAY"
Insert: "15-DAY"

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2. Title, line 9 through line 10.

Strike: "REQUIRING" on line 9 through "BENEFITS;" on line 10

3. Page 1, line 27 through line 28.

Following: "rules" on line 27

Strike: "⋮" on line 27 through "(i)" on line 28

4. Page 1, line 30.

Strike: "(A)"

Insert: "(i)"

Strike: "30"

Insert: "15"

5. Page 2, line 1.

Strike: "(B)"

Insert: "(ii)"

Strike: "30"

Insert: "15"

6. Page 2, line 3 through line 4.

Strike: subsection (ii) in its entirety

7. Page 4, line 4 through line 5.

Following: "rules" on line 4

Strike: "⋮" on line 4 through "(i)" on line 5

8. Page 4, line 7.

Strike: "(A)"

Insert: "(i)"

Strike: "30"

Insert: "15"

9. Page 4, line 8.

Strike: "(B)"

Insert: "(ii)"

Strike: "30"

Insert: "15"

10. Page 4, line 10 through line 11.

Strike: subsection (ii) in its entirety

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to Senate bills concurred in and returned to the Senate: 4/13/2011

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SB 294, introduced by Buttrey

SB 351, introduced by Ripley

Senate bill not concurred in and returned to the Senate:

4/13/2011

SB 214, introduced by Gillan

SB 329 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 329**:

4/13/2011

Representative McGillvray, Vice Chair

Representative Esp

Representative Mehlhoff

SB 348 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 348**:

4/13/2011

Representative K. Peterson, Vice Chair

Representative Connell

Representative Phillips

SB 423 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 423**:

4/13/2011

Representative C. Smith, Vice Chair

Representative Berry

Representative Sands

**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 Windy Boy in the chair.

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

SB 379 - House Amendments - Senator Olson moved House amendments to **SB 379** be concurred in. Motion carried as follows:

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

Total 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, 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

SB 187 - House Amendments - Senator Shockley moved House amendments to **SB 187** be concurred in. Motion carried as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 326 - House Amendments - Senator Larsen moved House amendments to **SB 326** be concurred in. Motion carried as follows:

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

Total 41

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Hutton, Jackson, Ripley, Wittich.

Total 9

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 417 - House Amendments - Senator Buttrey moved House amendments to **SB 417** 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, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Shockley.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 90 - Governor's Amendments - Senator Buttrey moved Governor's amendments to **HB 90** be concurred in. Motion carried as follows:

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

Total 43

Nays: Balyeat, Brenden, Hinkle, Hutton, Vincent, Walker, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 559 - Governor's Amendments - Senator Priest moved Governor's amendments to **HB 559** be concurred in. Motion carried as follows:

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

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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, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Balyeat, Brenden, Tropila, Wittich.

Total 4

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 Windy Boy 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, 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 47

Nays: Erickson, Kaufmann, Moss.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 29, Conference Committee Report No. 1, 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, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

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

Total 49

Nays: Moore.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 43, Free Conference Committee Report No. 1, adopted as follows:

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

Total 34

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

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 47, Conference Committee Report No. 1, adopted as follows:

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

Total 44

Nays: Erickson, Gallus, Kaufmann, Lake, Moore, Tutvedt.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 132, Conference Committee Report No. 1, 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, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Moore, Ripley, Steinbeisser.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 258, Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, 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 48

Nays: Erickson, Facey.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 297, Conference Committee Report No. 1, adopted 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, 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: Gallus.

Total 1

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 333, as amended by the Governor, concurred in as follows:

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

Total 37

Nays: Arthun, Branae, Brenden, Caferro, Erickson, Essmann, Kaufmann, Moore, Moss, Priest, Vincent, Windy Boy, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 409 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, 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, Windy Boy, Wittich, Zinke, Mr. President.

Total 46

Nays: Blewett, Hawks, Wanzenried, Williams.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 445 concurred in as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 525, Conference Committee Report No. 1, adopted as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 633 concurred in as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 153, Conference Committee Report No. 1, adopted as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 156, Free Conference Committee Report No. 1, adopted as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 198, Conference Committee Report No. 1, adopted as follows:

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

Total 30

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

Total 20

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 207, as amended by the House, passed as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 215, as amended by the House, passed 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, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Barrett, Lake, Walker, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 221, Conference Committee Report No. 1, 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,

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Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 233, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Mr. President.
Total 32

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Wittich, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283, as amended by the House, passed 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

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SB 299, as amended by the House, passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 331, as amended by the House, passed as follows:

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

Total 44

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

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 410, as amended by the House, passed as follows:

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

Total 36

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

Total 14

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 411, as amended by the House, passed as follows:

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

Total 38

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 418, as amended by the House, passed as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 426, as amended by the House, passed as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 429, as amended by the House, passed as follows:

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

Total 41

Nays: Branae, Caferro, Erickson, Facey, Hawks, Kaufmann, Moss, Tropila, Van Dyk.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 28 passed as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SJR 29 passed 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, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 45

Nays: Ripley, Sonju, Tutvedt, Wittich, Zinke.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 30 passed as follows:

Yeas: 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, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 43

Nays: Arthun, Barrett, Ripley, Sonju, Steinbeisser, Wittich, Zinke.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. Motion carried as follows:

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

Total 27

Nays: Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich,

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Zinke, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 26**. 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

Senator Priest moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 29**. Motion carried as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Brown introduced the Senate pages for the week of April 18-21, 2011.
Committee meetings were announced by committee chairs.

Senator Shockley excused.

MOTIONS

Senator Williams moved to change her vote on **HB 445** from Yes to No. Without objection, so ordered.

Senator Blewett moved **HB 631** be moved from the Committee of the Whole to the Judiciary committee. Without objection, so ordered.

Senator Larsen moved to change his vote on **HB 445** from Yes to No. Upon objection from Senator Wittich, motion denied.

Senator Larsen moved to reconsider the third reading action on **HB 445**. Motion failed as follows:

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

Total 23

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

Total 26

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

Senate recessed at 10:37 p.m.

Senate reconvened at 1:02 p.m.

BILLS AND JOURNALS:

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Correctly engrossed: **SR 20, SR 23.**

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REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 4/18/2011
HB 526, be amended as follows:

1. Page 2, line 27.

Following: "defense"

Insert: ", the"

Strike: "or"

Following: "affairs"

Insert: ", or the Indian health service"

Strike: "OR PROVIDED TO INDIANS"

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

MOTIONS

Senator Essmann moved the Senate accede to the House of Representative's request to appoint a Conference Committee on **HB 122**. Motion carried. President Peterson appointed:
4/18/2011

Senator Balyeat, Chair
Senator Jent
Senator Shockley

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

Senate in recess.

Senate reconvened at 1:19 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 Brown in the chair.

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

SB 253 - House Amendments - Senator Lake moved House amendments to **SB 253** be concurred in. Motion carried as follows:

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

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 265 - House Amendments - Senator Hamlett moved House amendments to **SB 265** be concurred in. Motion **failed** as follows:

Yeas: 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

Nays: 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 295 - House Amendments - Senator Lake moved House amendments to **SB 295** be concurred in. Motion carried as follows:

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

Total 43

Nays: Blewett, Facey, Hamlett, Tropila, Van Dyk, Wanzenried, Wittich.

Total 7

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 372 - House Amendments - Senator Tutvedt moved House amendments to **SB 372** 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

SB 409 - House Amendments - Senator Tutvedt moved House amendments to **SB 409** be concurred in. Motion carried as follows:

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

Total 49

Nays: Hamlett.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 211 - Senator Hinkle moved **HB 211** be concurred in. Motion carried as follows:

Yeas: Augare, Branae, Brown, Caferro, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moss, Murphy, Olson, Stewart-Peregoy, Tutvedt,

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Vuckovich, Windy Boy, Zinke, Mr. President.

Total 26

Nays: Arthun, Balyeat, Barrett, Blewett, Brenden, Buttrey, Erickson, Essmann, Hamlett, Lewis, Moore, Mowbray, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich.

Total 24

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 Brown 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, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Erickson, Hamlett, Kaufmann, Shockley, Wanzenried.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 126**
Report No. 1, April 18, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 126** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **Senate Bill 126** (reference copy -- salmon) be amended as follows:

1. Page 2, line 1.

Following: "basis;"

Insert: "or"

2. Page 2, line 2.

Following: "\$1,000 IN"

Insert: "gross"

3. Page 2, line 2 through line 4.

Following: "STOCK"

Strike: remainder of line 2 through "VENDORS" on line 4

4. Page 2, line 5 through line 7.

Strike: subsection (c) in its entirety

For the Senate:

Brown, Chair
Larsen

For the House:

Salomon, Vice Chair
Furey

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Tuesday, April 19, 2011. Motion carried.

Senate adjourned at 1:58 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate