

**SENATE JOURNAL
61ST LEGISLATURE
FIFTIETH LEGISLATIVE DAY**

Helena, Montana
March 6, 2009

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Squires, Senator Gallus, excused. Quorum present.

Senator Gallus present.

BILLS AND JOURNALS:

3/6/2009

Correctly printed: **SB 425, SB 497, SJR 28, SJR 29, HB 44, HB 61, HB 76, HB 138, HB 140, HB 151, HB 159, HB 160, HB 171, HB 181, HB 273, HJR 17.**

Correctly engrossed: **SB 377.**

Correctly enrolled: **SB 24, SB 116, SB 181, SJR 13.**

Signed by the Speaker at 12:00 p.m., March 6, 2009: **SB 2, SB 29, SB 43, SB 125.**

Examined by the sponsor and found to be correct: **SB 24, SB 116, SB 181, SJR 13.**

Signed by the President at 10:20 a.m., March 6, 2009: **SB 2, SB 29, SB 43, SB 125.**

Signed by the Secretary of the Senate at 2:45 p.m., March 5, 2009: **SB 2, SB 29, SB 43, SB 125.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman):

3/5/2009

HB 168, be concurred in. Report adopted.

HB 247, be concurred in. Report adopted.

HB 368, be concurred in. Report adopted.

FISH AND GAME (Barkus, Chairman):

3/6/2009

HB 172, be amended as follows:

1. Page 1, line 28.

Strike: "MUST"

2. Page 1, line 29.

Following: "(A)"

Insert: "must"

3. Page 1, line 30.

Following: "(B)"

Insert: "must"

4. Page 2, line 1.

Following: "(C)"

Strike: "NOT"

Insert: "may only"

Strike: "WHILE" through "ACCOMPANYING"

Insert: "a game animal that may be taken with the license of"

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5. Page 2, line 2 through line 3.

Strike: "AND MAY" on line 2 through "DISABILITY" on line 3

6. Page 2, line 4.

Following: "(D)"

Insert: "must"

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

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman):

3/5/2009

HB 120, be concurred in. Report adopted.

HB 125, be concurred in. Report adopted.

TAXATION (Essmann, Chairman):

3/6/2009

SB 462, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "contract"

Strike: "takes, receives, or"

2. Page 2, line 2.

Following: "contract"

Strike: "takes, receives, or"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/5/2009

SB 24, introduced by Williams

SB 116, introduced by Keane

SB 181, introduced by Esp

Senate joint resolution concurred in and returned to the Senate:

3/5/2009

SJR 13, introduced by Zinke

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

3/5/2009

SB 74, introduced by Laible

FIRST READING AND COMMITMENT OF BILLS

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

SB 502, introduced by Keane, Mendenhall, Gallus, Klock, Gebhardt, Welborn, McClafferty, Gillan, D. Brown, P. Noonan, referred to Natural Resources.

Senator J. Peterson moved the Senate recess for caucuses. Motion carried.

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Senate in recess.

Senate reconvened at 1:19 p.m.

Roll Call. All members present, except Senator Squires, Wanzenried, excused. Quorum present.

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

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinkle in the chair.

Senator Wanzenried present.

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

SB 216 - Senator Laslovich moved **SB 216** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Balyeat, Erickson, Juneau, Kaufmann, Shockley, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

SB 488 - Senator Windy Boy moved **SB 488** do pass.

SB 488 - Senator Windy Boy moved **SB 488**, second reading copy, be amended as follows:

1. Page 3, line 13.

Following: "subjects"

Strike: "of"

Insert: "associated with or claimed by the relevant entity regarding"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.

Total 40

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Nays: T. Brown, Hansen, Hawks, Hinkle, Juneau, Peterson, Schmidt, M. Tropila, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

SB 488 - Senator Windy Boy moved **SB 488**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brueggeman, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Hamlett, Jent, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Windy Boy, Zinke, Mr. President.
Total 27

Nays: Black, Branae, Brenden, R. Brown, T. Brown, Cooney, Esp, Gillan, Hansen, Hawks, Hinkle, Jackson, Juneau, Kaufmann, Larsen, Moss, Peterson, Schmidt, M. Tropila, Tutvedt, Wanzenried, Williams.
Total 22

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

Senator Gillan excused.

HB 74 - Senator Balyeat moved **HB 74** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Erickson, Juneau, Kaufmann, Moss, Stewart-Peregoy, J. Tropila, Williams.
Total 7

Absent or not voting: None.
Total 0

Excused: Gillan, Squires.
Total 2

HB 90 - Senator T. Brown moved **HB 90** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Essmann, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

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Total 43

Nays: Erickson, Esp, Gallus, Tutvedt, Mr. President.

Total 5

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

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

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

HB 126 - Senator Keane moved **HB 126** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

Senator Gillan present.

HB 207 - Senator Gebhardt moved **HB 207** be concurred in. Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.
Total 36

Nays: Branae, Cooney, Erickson, Hawks, Jent, Juneau, Kaufmann, Larsen, Moss, Stewart-Peregoy, M. Tropila, Wanzenried, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 208 - Senator Esp moved **HB 208** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Branae, Cooney, Erickson, Gillan, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, M. Tropila, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 296 - Senator J. Tropila moved **HB 296** be concurred in.

Senator J. Tropila made a substitute motion that **HB 296** be passed for the day. Without objection, motion carried.

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Hinkle moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

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

SB 327 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.
Total 34

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Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hawks, Jent, Juneau, Kaufmann, Larsen, Moss, Schmidt, Squires, M. Tropila, Wanzenried, Williams.

Total 16

Paired: Barkus, Aye; Squires, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 425 passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Curtiss, Essmann, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Jent, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Windy Boy, Zinke.

Total 30

Nays: Balyeat, R. Brown, Brueggeman, Cooney, Erickson, Esp, Gallus, Gillan, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Wanzenried, Williams, Mr. President.

Total 20

Paired: Barkus, Aye; Squires, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 497 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hinkle, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 33

Nays: Branae, Cooney, Erickson, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 17

Paired: Barkus, Aye; Squires, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SJR 28 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

SJR 29 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 44

Nays: Brenden, Esp, Gallus, Gebhardt, Jackson.

Total 5

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

SPECIAL ORDERS OF THE DAY

Senator R. Brown introduced that Pages and thanked them for their work during the week of March 1-7, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 10:30 a.m., Saturday, March 7, 2009. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate