

**SENATE JOURNAL  
61ST LEGISLATURE  
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 21, 2009

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brueggeman, Jent, and Stewart-Peregoy, excused. Quorum present.

**BILLS AND JOURNALS:**

4/21/2009

Correctly printed: **SR 37, HB 52, HB 108, HB 130, HB 131, HB 132, HB 194, HB 279, HJR 36.**

Correctly enrolled: **SB 55, SB 214.**

Delivered to the Governor for approval at 8:50 a.m., April 21, 2009: **SB 97, SB 249.**

Examined by the sponsor and found to be correct: **SB 55, SB 214.**

**MESSAGES FROM THE GOVERNOR**

April 21, 2009

The Honorable Robert Story  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Story:

Please be informed that I have signed **Senate Bill 9** sponsored by Senator Erickson, **Senate Bill 22** sponsored by Senator Murphy, **Senate Bill 26** sponsored by Senator Murphy, **Senate Bill 57** sponsored by Senator Gillan, **Senate Bill 58** sponsored by Senator Gillan, **Senate Bill 62** sponsored by Senator Laible, **Senate Bill 68** sponsored by Senator Wanzenried, **Senate Bill 71** sponsored by Senator Erickson, **Senate Bill 84** sponsored by Senator Gillan, **Senate Bill 95** sponsored by Senator Brueggeman, **Senate Bill 96** sponsored by Senator Jent, **Senate Bill 104** sponsored by Senator Esp, **Senate Bill 113** sponsored by Senator Keane, **Senate Bill 123** sponsored by Senator Squires, **Senate Bill 124** sponsored by Senator Squires, **Senate Bill 126** sponsored by Senator Murphy, **Senate Bill 127** sponsored by Senator Gillan, **Senate Bill 133** sponsored by Senator Kaufmann, **Senate Bill 136** sponsored by Senator Gebhardt, **Senate Bill 148** sponsored by Senator J. Peterson, **Senate Bill 151** sponsored by Senator Brueggeman, **Senate Bill 156** sponsored by Senator Cooney, **Senate Bill 174** sponsored by Senator Perry, **Senate Bill 192** sponsored by Senator Zinke, **Senate Bill 200** sponsored by Senator Erickson, **Senate Bill 202** sponsored by Senator Hinkle, **Senate Bill 222** sponsored by Senator Hansen, **Senate Bill 226** sponsored by Senator Hawks, **Senate Bill 227** sponsored by Senator R. Brown, **Senate Bill 228** sponsored by Senator De. Barrett, **Senate Bill 247** sponsored by Senator Black, **Senate Bill 261** sponsored by Senator Wanzenried, **Senate Bill 269** sponsored by Senator R. Brown, **Senate Bill 275** sponsored by Senator Squires, **Senate Bill 276** sponsored by Senator Squires, **Senate Bill 280** sponsored by Senator Gebhardt, **Senate Bill 292** sponsored by Senator Gebhardt, **Senate Bill 294** sponsored by Senator Gillan, **Senate Bill 297** sponsored by Senator Larsen, **Senate Bill 299** sponsored by Senator J. Tropila, **Senate Bill 308** sponsored by Senator Keane, **Senate Bill 311** sponsored by Senator Gallus, **Senate Bill 330** sponsored by Senator Moss, **Senate Bill 367** sponsored by Senator Hamlett, **Senate Bill 388** sponsored by Senator Gillan, **Senate Bill 392** sponsored by Senator Brueggeman, **Senate Bill 401** sponsored by Senator Laslovich, **Senate Bill 405** sponsored by Senator Moss, **Senate Bill 424** sponsored by Senator Barkus, **Senate Bill 426** sponsored by Senator Laslovich, **Senate Bill 441**

sponsored by Senator Laslovich, **Senate Bill 444** sponsored by Senator Laslovich, **Senate Bill 447** sponsored by Senator Moss, **Senate Bill 449** sponsored by Senator Keane, and **Senate Bill 463** sponsored by Senator Wanzenried on April 21, 2009.

Please be informed that the following Senate bills were not signed, but after ten days became law: **Senate Bill 76** sponsored by Black, **Senate Bill 193** sponsored by McGee, **Senate Bill 351** sponsored by Essmann, **Senate Bill 353** sponsored by Black, **Senate Bill 361** sponsored by Ripley, **Senate Bill 375** sponsored by Peterson.

Sincerely,

BRIAN SCHWEITZER  
Governor

**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 Wanzenried in the chair.

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

**SB 322 - House Amendments** - Senator Curtiss moved House amendments to **SB 322** be **not** concurred in. Motion carried as follows:

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

Total 43

Nays: Cooney, Erickson, Hansen, Hawks, Kaufmann, Laslovich, Schmidt.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 52** - Senator Bales moved **HB 52** 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, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Juneau.

Total 1

Absent or not voting: None.

Total 0

Excused: None.  
Total 0

**HB 108** - Senator Lewis moved **HB 108** be concurred in. Motion carried 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.  
Total 48

Nays: Esp, Mr. President.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 263 - Conference Committee Report No. 1** - Senator Shockley moved the Conference Committee report to **SB 263** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 48

Nays: Gebhardt, Juneau.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 171 - Governor's Amendments** - Senator Barkus moved Governor's amendments to **SB 171** 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, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 371 - Governor's Amendments** - Senator Perry moved Governor's amendments to **SB 371** be concurred in.

**SB 371 - Governor's Amendments** - Senator Perry made a **substitute motion** that Governor's amendments to **SB 371** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 31

Nays: Branae, Cooney, Erickson, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried, Williams.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 98 - Governor's Amendments** - Senator Erickson moved Governor's amendments to **HB 98** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Zinke, Mr. President.  
Total 40

Nays: Balyeat, Brenden, R. Brown, Gebhardt, Hinkle, Jackson, Laible, McGee, Tutvedt, Windy Boy.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 483 - Governor's Amendments** - Senator Black moved Governor's amendments to **HB 483** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.  
Total 46

Nays: R. Brown, Esp, McGee, Mr. President.  
Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Wanzenried 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 235, as amended by the Governor**, passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 290, as amended by the Governor**, 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 348, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Laible, Larsen, Lewis, Moss,

Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 38

Nays: Balyeat, R. Brown, Cooney, Hinkle, Keane, Laslovich, McGee, Murphy, Schmidt, J. Tropila, M. Tropila, Wanzenried.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 446, as amended by the Governor,** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 48

Nays: Barrett, Schmidt.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 509, as amended by the House,** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Mr. President.  
Total 35

Nays: Branae, Cooney, Erickson, Hawks, Jent, Juneau, Kaufmann, Moss, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried, Williams, Zinke.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 194** concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, Tutvedt,

Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 43

Nays: Balyeat, Erickson, Essmann, Kaufmann, Shockley, J. Tropila, M. Tropila.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 279** concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 41

Nays: Balyeat, R. Brown, Curtiss, Esp, Gillan, Hinkle, Jackson, McGee, Schmidt.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 301, as amended by the Governor**, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 48

Nays: R. Brown, Murphy.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 332, as amended by the Governor**, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 49

Nays: Brenden.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 486, Conference Committee Report No. 1**, adopted as follows:

Yeas: Bales, Black, Branae, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 35

Nays: Balyeat, Barkus, Barrett, Brenden, R. Brown, T. Brown, Curtiss, Gebhardt, Hinkle, Jackson, Lewis, McGee, Ripley, Shockley, Steinbeisser.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 531, Conference Committee Report No. 1**, adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, T. Brown, Brueggeman, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.  
Total 33

Nays: Black, Branae, Cooney, Curtiss, Erickson, Gillan, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Moss, Ripley, Schmidt, Steinbeisser, Williams.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 36** concurred in as follows:

Yeas: Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 35

Nays: Bales, Brenden, Erickson, Esp, Essmann, Gallus, Gebhardt, Hinkle, Laible, McGee, Peterson, Ripley, Shockley, Tutvedt, Mr. President.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

### SPECIAL ORDERS OF THE DAY

**SR 37** - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 37, and that the ayes and nays be spread upon the journal. As members of the Board of Investments pursuant to section 5-5-302, MCA:

Elouise Cobell, Browning  
Teresa Olcott Cohea, Helena  
Jack Prothero, Great Falls  
James Turcotte, Helena  
Patrick McKittrick, Great Falls

Yeas: Bales, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 44

Nays: Balyeat, Barkus, R. Brown, Hinkle, Lewis, McGee.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

### MOTIONS

Senator Schmidt moved to change her vote on **HB 486** from no to yes. Without objection, so ordered.

Senator Peterson moved the Senate recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 1:00 p.m.

Roll Call: All members present. Quorum present.

### REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 507**  
Report No. 1, April 21, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 507** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 507** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

**Strike:** "OR INDEMNITY"

2. Title, lines 10 and 11.

**Following:** "EASEMENTS;" on line 10

**Strike:** remainder of line 10 through "PURPOSES;" on line 11

3. Page 2, line 4.

**Strike:** "9"

**Insert:** "8"

4. Page 2, line 7.

**Strike:** "9"

**Insert:** "8"

5. Page 2, line 10.

**Following:** "mark"

**Insert:** "as provided in 70-16-201"

6. Page 2, line 13.

**Strike:** "9"

**Insert:** "8"

7. Page 2.

**Following:** line 13

**Insert:** "(3) "Navigable river" means a river that:

(a) was determined navigable at the time of the original federal government surveys of the public land as evidenced by the recorded and monumented surveys of the meander lines of the river; or

(b) has been adjudicated as navigable by a court of competent jurisdiction."

8. Page 4.

**Following:** line 21

**Insert:** "(3) Section 77-1-805 applies to the use of navigable rivers for which leases, licenses, or easements for the use of the bed have been granted."

9. Page 4, line 24.

**Strike:** "9"

**Insert:** "8"

10. Page 5, line 8.

**Following:** "(2)"

**Strike:** "THE"

**Insert:** "For the purposes of [sections 1 through 8], the"

**Following:** "NOT"

**Insert:** ": (a)"

11. Page 5, lines 9 and 10.

**Strike:** "OR THE INDEMNIFICATION OF THE STATE" on line 9

**Following:** "EASEMENT" on line 9

**Strike:** remainder of line 9 through "NOT" on line 10

**Insert:** "; or

(b)"

**Strike:** "OR THE INDEMNIFICATION OF THE STATE"

12. Page 5, lines 18 through 20.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

13. Page 6, line 14.

**Strike:** "9"

**Insert:** "8"

14. Page 6, line 16.

**Strike:** "9"

**Insert:** "8"

For the Senate:

McGee, Chair  
Hamlett

For the House:

Cohenour, Vice Chair  
Dick Barrett  
Lake  
Stahl

**FREE CONFERENCE COMMITTEE**  
on **House Bill 331**  
Report No. 1, April 21, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 331** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 331** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

**Strike:** "AND"

2. Title, page 1, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 12 through line 18.

**Strike:** subsection (i) through subsection (iv) in their entirety

**Insert:** "(i) \$85 for each license issued to an establishment that does not have more than two employees working at any one time; and  
(ii) \$115 for establishments not referred to in subsection (1)(b)(i)."

4. Page 4, line 7 through line 8.

**Strike:** "as" on line 7 through "(2)" on line 8

**Insert:** "of \$115"

5. Page 4, line 9 through line 14.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

6. Page 4, line 18.

**Strike:** "(2)"

**Insert:** "(1)"

7. Page 4, line 20.

**Strike:** "(2)"

**Insert:** "(1)"

8. Page 4, line 25.

**Strike:** "(3)"

**Insert:** "(2)"

9. Page 4, line 27.

**Insert:** "NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval."

For the House:

Grinde, Vice Chair  
Hamilton  
Klock  
Morgan

For the Senate:

Gebhardt, Chairman  
Jackson  
J. Tropila

#### MESSAGES FROM THE OTHER HOUSE

**House joint resolution** passed and transmitted to the Senate for concurrence: 4/21/2009

**HJR 43**, introduced by Wiseman

**Senate amendments to House bills** concurred in: 4/21/2009

**HB 598**, introduced by P. Noonan

**HB 615**, introduced by MacLaren

**HB 634**, introduced by McAlpin

**HB 636**, introduced by Dickenson

**Senate bills** concurred in and returned to the Senate: 4/21/2009

**SB 343**, introduced by Jackson

**SB 475**, introduced by Esp

**Senate joint resolutions** concurred in and returned to the Senate: 4/21/2009

**SJR 3**, introduced by Laible

**SJR 28**, introduced by J. Peterson

**SJR 29**, introduced by Moss

**SJR 37**, introduced by Essmann

**Senate joint resolution** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/21/2009

**SJR 30**, introduced by Zinke

Conference Committee Report No.1 adopted: 4/21/2009

**SB 263**, introduced by Shockley  
**HB 486**, introduced by MacLaren  
**HB 531**, introduced by B. Nooney

**Governor's amendments to House bills** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/21/2009

**HB 85**, introduced by Sands  
**HB 557**, introduced by Belcourt

**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 Wanzenried in the chair.

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

**SB 400 - Governor's Amendments** - Senator Laslovich moved Governor's amendments to **SB 400** be concurred in. Motion carried as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Essmann, Gebhardt, Hinkle, Lewis, Ripley, Squires, Stewart-Peregoy, Zinke.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 507 - Free Conference Committee Report No. 1** - Senator Story moved the Free Conference Committee report to **SB 507** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 48

Nays: Hawks, Kaufmann.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.

Total 0

**HB 85 - Governor's Amendments** - Senator Juneau moved Governor's amendments to **HB 85** be concurred in. Motion carried as follows:

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

Total 40

Nays: Balyeat, Barrett, R. Brown, Curtiss, Esp, Hinkle, McGee, Tutvedt, Zinke, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 557 - Governor's Amendments** - Senator Windy Boy moved Governor's amendments to **HB 557** be concurred in. Motion carried as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 26

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Perry, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

#### **MOTIONS**

Senator Peterson moved to appoint a Conference Committee for **SB 322**. Motion carried. President Story appointed Senator Curtiss (Chair), Senator Shockley, and Senator Hansen.

#### **SPECIAL ORDERS OF THE DAY**

Retiring Senator J. Tropila gave his farewell address to the Senate.

Retiring Senator Ken Hansen gave his farewell address to the Senate.

#### **ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 8:00 a.m., Wednesday, April 22, 2009. Motion carried.

Senate adjourned at 1:47 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate