

**SENATE JOURNAL  
61ST LEGISLATURE  
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 2, 2009

Senate Chambers  
State Capitol

Senate convened at 5:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brenden, Larsen, Moss, Shockley, Squires, Stewart-Peregoy, Tutvedt, Windy Boy, and Zinke, excused. Quorum present.

**LEGISLATIVE ADMINISTRATION** (Curtiss, Chairman):

3/2/2009

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 1:00 p.m., Thursday, February 26, 2009:

<u>TITLE</u>	<u>NAME</u>
Pages:	Emma Boreson, Opheim Meghan Rogers, Ulm Kelsie Hanson, Chinook Courtney Platko, Sheridan Echo Allen, Fairfield Leann Dorvall, Bridger Tanner Beaman, Lake Side

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 2, 2009:

<u>TITLE</u>	<u>NAME</u>
Pages:	Nathaniel Wagner, Kalispell Ann Koenig, Kalispell Mary Kaercher, Havre Taylor Albright, Kalispell Sierra Chambers, Clancy Karlyanne Ryan, Plains Charlene Healy, Dodson

Report Adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 34**, introduced by Wilmer (by request of the Teachers' Retirement Board), referred to State Administration.

**HB 103**, introduced by Wilson (by request of the Public Service Commission), referred to Highways and Transportation.

**HB 171**, introduced by Augare (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

**HB 194**, introduced by Mendenhall, referred to Finance and Claims.

**HB 204**, introduced by Ebinger, Esp, referred to Business, Labor, and Economic Affairs.

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- HB 218**, introduced by Menahan, referred to Fish and Game.
- HB 289**, introduced by Phillips, referred to State Administration.
- HB 307**, introduced by Roberts, referred to Public Health, Welfare and Safety.
- HB 322**, introduced by Blewett, Shockley, K. Peterson, referred to Judiciary.
- HB 331**, introduced by Morgan, Kaufmann, Gebhardt, Sesso, referred to Business, Labor, and Economic Affairs.
- HB 357**, introduced by Berry, Hunter, Glaser, referred to Business, Labor, and Economic Affairs.
- HB 362**, introduced by Henry, referred to Judiciary.
- HB 375**, introduced by Phillips, referred to Natural Resources.
- HB 386**, introduced by O'Hara, Squires, McChesney, Reinhart, Steinbeisser, referred to Business, Labor, and Economic Affairs.
- HB 390**, introduced by Reinhart, Getz, Howard, French, Hamilton, Taylor, Wilmer, Warburton, More, Kottel, Pomnichowski, Ebinger, Arntzen, Wilson, Furey, referred to Business, Labor, and Economic Affairs.
- HB 402**, introduced by French, referred to Natural Resources.
- HB 404**, introduced by Reinhart, Dick Barrett, Belcourt, A. Noonan, Ebinger, Hands, referred to Business, Labor, and Economic Affairs.
- HB 407**, introduced by MacDonald, Hands, Furey, Sands, Reinhart, Steenson, Campbell, McClafferty, Malek, Pease-Lopez, Hiner, McAlpin, Boland, Henry, Calf Boss Ribs, Pomnichowski, Grinde, Kottel, Cohenour, Driscoll, French, Caferro, Dickenson, Wilmer, referred to Judiciary.
- HB 409**, introduced by Pomnichowski, Hands, French, Henry, McAlpin, Becker, referred to Public Health, Welfare and Safety.
- HB 418**, introduced by Butcher, referred to Agriculture, Livestock and Irrigation.
- HB 420**, introduced by Reinhart, Erickson, Gallus, Moss, Kaufmann, Laslovich, Pomnichowski, Sesso, Fleming, Ebinger, Hollenbaugh, Wiseman, Malek, Grinde, Furey, Boland, Becker, Cohenour, Driscoll, Blewett, Calf Boss Ribs, Sands, Steenson, referred to Local Government.
- HB 431**, introduced by Blewett, Butcher, Roberts, referred to Judiciary.
- HB 432**, introduced by Mehlhoff, Cohenour, referred to Education and Cultural Resources.
- HB 443**, introduced by Menahan, Phillips, referred to Fish and Game.
- HB 445**, introduced by Hands, referred to Agriculture, Livestock and Irrigation.
- HB 451**, introduced by Ebinger, Hawk, Taylor, Hamilton, Pomnichowski, Reinhart, Menahan, referred to Business, Labor, and Economic Affairs.
- HB 453**, introduced by P. Noonan, Villa, Sesso, Pomnichowski, Hollenbaugh, Reinhart, French, McClafferty, Steenson, MacDonald, Pease-Lopez, Grinde, Calf Boss Ribs, Boland, Augare, McAlpin, Furey, Cohenour, Becker, referred to Public Health, Welfare and Safety.
- HB 466**, introduced by P. Beck, Berry, B. Beck, Van Dyk, Ankney, referred to Local Government.
- HB 475**, introduced by Phillips (by request of the Secretary of State), referred to State Administration.
- HB 477**, introduced by Menahan, referred to Judiciary.
- HB 483**, introduced by Jones, Keane, Black, Augare, Belcourt, Mehlhoff, Ankney, Villa, referred to Energy and Telecommunications.
- HB 486**, introduced by MacLaren, Reinhart, Laible, Gallus, Zinke, Hawks, referred to Local Government.
- HB 488**, introduced by Jones, referred to Education and Cultural Resources.
- HB 490**, introduced by Van Dyk, referred to Judiciary.
- HB 495**, introduced by Arntzen, referred to Local Government.
- HB 504**, introduced by Reinhart, McChesney, Wiseman, French, O'Hara, K. Peterson, Furey, Hamilton, Augare, Sands, Kottel, McClafferty, McGillvray, referred to Judiciary.
- HB 509**, introduced by Ingraham, referred to State Administration.
- HB 513**, introduced by Cohenour, Phillips, Hawks, Wilmer, referred to Education and Cultural Resources.
- HB 515**, introduced by McAlpin, referred to Judiciary.
- HB 517**, introduced by Hollenbaugh, referred to Judiciary.
- HB 522**, introduced by Reinhart, referred to Local Government.
- HB 529**, introduced by Jones, referred to Energy and Telecommunications.

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- HB 530**, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.
- HB 531**, introduced by Nooney, referred to Highways and Transportation.
- HB 533**, introduced by Taylor, Nooney, referred to Judiciary.
- HB 534**, introduced by Campbell, Windy Boy, Jent, Shockley, Laslovich, Stewart-Peregoy, Hamlett, Wilmer, French, McChesney, Hamilton, Sands, referred to Judiciary.
- HB 536**, introduced by Malek, Menahan, Hamilton, McAlpin, referred to Judiciary.
- HB 542**, introduced by Vance, referred to Business, Labor, and Economic Affairs.
- HB 544**, introduced by Vincent, Wilson, referred to Business, Labor, and Economic Affairs.
- HB 545**, introduced by Vincent, Wilmer, referred to Local Government.
- HB 546**, introduced by Pomnichowski, referred to Local Government.
- HB 557**, introduced by Belcourt, referred to Natural Resources.
- HB 563**, introduced by Kottel, referred to Local Government.
- HB 567**, introduced by Sonju, referred to Business, Labor, and Economic Affairs.
- HB 572**, introduced by Pomnichowski, Gillan, Branae, Moss, Hawks, Roundstone, Furey, Sands, Wilmer, Wiseman, Getz, Fleming, McAlpin, Nooney, Belcourt, referred to Business, Labor, and Economic Affairs.
- HB 574**, introduced by Vincent, referred to Judiciary.
- HB 584**, introduced by A. Noonan, referred to Energy and Telecommunications.
- HB 591**, introduced by Pease-Lopez, referred to Judiciary.
- HB 592**, introduced by Randall, Hinkle, Getz, Bean, Boniek, Taylor, referred to Agriculture, Livestock and Irrigation.
- HB 593**, introduced by Villa, Gallus, Laslovich, Keane, Hiner, Sesso, A. Noonan, McClafferty, P. Noonan, referred to Natural Resources.
- HB 602**, introduced by Cohenour, referred to State Administration.
- HB 608**, introduced by Sesso, referred to Local Government.
- HB 621**, introduced by Wilson (by request of the House Business and Labor Standing Committee), referred to Business, Labor, and Economic Affairs.
- HB 622**, introduced by Himmelberger, referred to State Administration.
- HB 623**, introduced by Milburn, referred to Local Government.
- HB 626**, introduced by Welborn, referred to State Administration.
- HB 628**, introduced by Stoker (by request of the House Judiciary Standing Committee), referred to Judiciary.

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

- HJR 14**, introduced by Warburton, Hinkle, T. Brown, Curtiss, Smith, Regier, Randall, Berry, Stahl, Butcher, K. Peterson, Taylor, McNutt, More, McGillvray, MacLaren, Nooney, O'Hara, Belcourt, Hoven, Roundstone, Bean, Kerns, Sonju, Roberts, D. Brown, Hollandsworth, Boniek, Vance, Washburn, Reichner, referred to Judiciary.
- HJR 15**, introduced by Milburn, referred to Fish and Game.
- HJR 22**, introduced by O'Hara, Williams, Hamlett, M. Tropila, Kaufmann, Wanzenried, Schmidt, Laslovich, Lewis, Keane, Branae, Hansen, McGee, R. Brown, J. Peterson, Brueggeman, Windy Boy, Murphy, Zinke, Nooney, Ebinger, Campbell, Cohenour, French, Mehlhoff, Warburton, Ankney, Grinde, Jones, Boland, Miller, Getz, Himmelberger, Van Dyk, Bean, Augare, K. Peterson, T. Brown, Squires, Erickson, Gallus, Stewart-Peregoy, Larsen, Hawks, Cooney, Moss, Sands, Hollandsworth, Malek, Blewett, Kottel, Roberts, Belcourt, Smith, referred to State Administration.
- HJR 23**, introduced by Augare, Juneau, Calf Boss Ribs, Pease-Lopez, Windy Boy, Campbell, Belcourt, Roundstone, MacDonald, Stewart-Peregoy, referred to State Administration.
- HJR 25**, introduced by Warburton, O'Hara, French, referred to Public Health, Welfare and Safety.
- HJR 27**, introduced by Wilmer, Juneau, Hands, Grinde, Calf Boss Ribs, Belcourt, McAlpin, Phillips, Campbell, Augare, Malek, Roundstone, Steenson, referred to Education and Cultural Resources.
- HJR 29**, introduced by Becker, referred to Public Health, Welfare and Safety.

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**MOTIONS**

Senator Balyeat moved that the Senate reconsider the third-reading action on **SB 484** for the purpose of re-referring **SB 484** to Finance and Claims for amendment.

Senator Tutvedt present.

Senate at ease.

President Story ruled Senator Balyeat's motion to reconsider was in order.

Sen. J. Tropila made a substitute motion for a Rules committee meeting. Motion **failed** as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laslovich, Lewis, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 19

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

Total 23

Absent or not voting: None.

Total 0

Excused: Brenden, Larsen, Moss, Shockley, Squires, Stewart-Peregoy, Windy Boy, Zinke.

Total 8

Senator Jent moved to appeal President Story's ruling to allow the reconsider motion.

Senate at ease.

Senator Jent clarified that the motion would be whether to sustain the ruling of the chair. Therefore, a yes vote would be in favor of the ruling and a no vote would be in opposition to President Story's ruling.

The motion to uphold President Story's ruling carried as follows:

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

Total 24

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laslovich, Schmidt, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 18

Absent or not voting: None.

Total 0

Excused: Brenden, Larsen, Moss, Shockley, Squires, Stewart-Peregoy, Windy Boy, Zinke.

Total 8

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Senator Gallus made a substitute motion to adjourn until the Forty-Seventh Legislative Day. Motion **failed** as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laslovich, Schmidt, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 18

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

Total 24

Absent or not voting: None.

Total 0

Excused: Brenden, Larsen, Moss, Shockley, Squires, Stewart-Peregoy, Windy Boy, Zinke.

Total 8

Senator Balyeat moved to reconsider the reconsideration vote on **SB 484**. Senator Balyeat then withdrew his original reconsideration motion.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Tuesday, March 3, 2009. Motion carried.

Senate adjourned at 6:08 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate