

**SENATE JOURNAL
61ST LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 11, 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 Senators Gillan, Squires, and Stewart-Peregoy, excused. Quorum present.

The University of Montana Western Polynesian Culture Club, Dillon, gave a dance performance.

Senator Stewart-Peregoy present.

BILLS AND JOURNALS:

3/11/2009

Correctly printed: **SB 503, SB 504, SB 505, SR 9, HB 30, HB 54, HB 58, HB 72, HB 75, HB 80, HB 94, HB 136, HB 139, HB 140, HB 151, HB 153, HB 192, HB 247, HB 273, HB 278, HB 285, HB 293, HB 298, HJR 17.**

Correctly engrossed: **HB 39, HB 41.**

Correctly enrolled: **SB 91, SB 103, SB 256, SJR 2, SJR 14.**

Examined by the sponsor and found to be correct: **SB 72, SB 157, SB 161, SB 252.**

Signed by the Speaker at 12:30 p.m., March 10, 2009: **SB 18, SB 23, SB 35, SB 42, SB 53, SB 78, SB 90, SB 98, SB 117, SB 130, SB 140, SB 152, SB 215.**

Signed by the Secretary of the Senate at 3:40 p.m., March 10, 2009: **SB 72, SB 157, SB 161, SB 252.**

Signed by the President at 9:30 a.m., March 11, 2009: **SB 72, SB 91, SB 157, SB 161, SB 252.**

Delivered to the Governor for approval at 8:20 a.m., March 11, 2009: **SB 18, SB 23, SB 35, SB 42, SB 53, SB 78, SB 90, SB 98, SB 117, SB 130, SB 140, SB 152, SB 215.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman):

3/11/2009

HB 48, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Black, Chairman):

3/11/2009

HB 27, be concurred in. Report adopted.

HB 82, be concurred in. Report adopted.

HB 118, be concurred in. Report adopted.

HB 179, be amended as follows:

1. Page 1, line 28.

Following: "produced"

Insert: "only"

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

HB 294, be concurred in. Report adopted.

FINANCE AND CLAIMS (Bales, Chairman):

3/10/2009

SB 100, introduced bill, be amended as follows:

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

1. Title, page 1, line 6.

Following: "PROVIDING"

Strike: "AN" through "DATE"

Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

2. Page 3, line 23.

Following: "date"

Insert: " -- coordination"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

Strike: "2009"

Insert: "2011"

3. Page 3, line 24.

Insert: "(2) If House Bill No. 645 is not passed and approved in a form that includes funding for the purposes of [this act], then [this act] is effective July 1, 2009."

4. Page 3, line 25.

Following: "Applicability"

Insert: " -- coordination"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

5. Page 3, line 26.

Strike: "2009"

Insert: "2011"

6. Page 3, line 27.

Insert: "(2) If House Bill No. 645 is not passed and approved in a form that includes funding for the purposes of [this act], then [this act] applies to severance tax collections from coal produced after June 30, 2009."

7. Page 3, line 28.

Following: "TERMINATION"

Insert: " -- coordination"

Strike: "THIS ACT"

Insert: "(1) Except as provided in subsection (2), [this act]"

Strike: "2013"

Insert: "2015"

8. Page 3, line 29.

Insert: "(2) If House Bill No. 645 is not passed and approved in a form that includes funding for the purposes of [this act], then [this act] terminates September 30, 2013."

And, as amended, do pass. Report adopted.

FISH AND GAME (Barkus, Chairman):

3/11/2009

HB 137, be concurred in. Report adopted.

HB 203, be concurred in. Report adopted.

HB 223, be concurred in. Report adopted.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

HB 383, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman): 3/10/2009
HB 311, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/10/2009

HB 290, introduced by Grinde

Senate bills concurred in and returned to the Senate: 3/10/2009

SB 91, introduced by Juneau

SB 103, introduced by Moss

SB 256, introduced by Shockley

Senate joint resolutions concurred in and returned to the Senate: 3/10/2009

SJR 2, introduced by Lewis

SJR 14, introduced by Larsen

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/10/2009

SB 170, introduced by Gebhardt

Senator Gillan present.

FIRST READING AND COMMITMENT OF BILLS

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

SR 10, introduced by Steinbeisser, referred to Agriculture, Livestock and Irrigation.

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

HB 290, introduced by Grinde, MacDonald, referred to Agriculture, Livestock and Irrigation.

**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 Tutvedt in the chair.

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

HB 38 - Senator T. Brown moved **HB 38** be concurred in. Motion carried as follows:

Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp,

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Hinkle, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 46 - Senator Zinke moved **HB 46** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 57 - Senator Branae moved **HB 57** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

HB 101 - Senator Steinbeisser moved **HB 101** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

HB 114 - Senator Stewart-Peregoy moved **HB 149** be concurred in. Motion carried as follows:

Yeas: 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, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Bales, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

HB 149 - Senator Esp moved **HB 149** 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, 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: Hinkle.

Total 1

Absent or not voting: None.

Total 0

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

Excused: Squires.
Total 1

HB 244 - Senator Barkus moved **HB 244** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Branae, Curtiss, Hamlett, Juneau, Kaufmann, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 245 - Senator Erickson moved **HB 245** 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, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Stewart-Peregoy, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: McGee, Ripley, Steinbeisser, J. Tropila.
Total 4

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 308 - Senator Laslovich moved **HB 308** be concurred in. Motion carried as follows:

Yeas: Black, Branae, R. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy.
Total 35

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, T. Brown, Gebhardt, Hinkle, Jackson, Laible, Ripley, Steinbeisser, Zinke, Mr. President.
Total 14

Absent or not voting: None.
Total 0

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

Excused: Squires.
Total 1

Senator McGee assumed the chair.

HB 426 - Senator Tutvedt moved **HB 426** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

Senator Tutvedt re-assumed the chair.

HJR 6 - Senator Hawks moved **HJR 6** be concurred in. Motion carried as follows:

Yeas: Bales, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, 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: Balyeat, Barkus, Esp, Gebhardt, McGee.
Total 5

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Tutvedt 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:

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

HB 80 concurred in 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, 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: Gebhardt.
Total 1

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 94 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, 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, Zinke, Mr. President.
Total 47

Nays: Essmann, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 140 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Cooney, Erickson, Juneau, Kaufmann, Moss, M. Tropila.
Total 6

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

HB 151 concurred in as follows:

Yeas: Bales, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Barkus, Hinkle, Jackson, McGee, Ripley, Steinbeisser.
Total 7

Paired: Squires, Aye; Barkus, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 247 concurred in 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 273 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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, Mr. President.
Total 45

Nays: Balyeat, Esp, Hinkle, Zinke.
Total 4

Absent or not voting: None.
Total 0

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

Excused: Squires.
Total 1

HB 293 concurred in 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 298 concurred in 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HJR 17 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, 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, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Brenden, Esp, McGee, Ripley.
Total 4

Paired: Squires, Aye; Esp, No.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2009

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 506, introduced by Essmann, McAlpin, referred to Taxation.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Thursday, March 12, 2009. Motion carried.

Senate adjourned at 2:14 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate