

**SENATE JOURNAL  
61ST LEGISLATURE  
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 19, 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. Quorum present.

**BILLS AND JOURNALS:**

3/18/2009

Correctly printed: **SB 350, SB 452, HB 41, HB 72, HB 75, HB 78, HB 93, HB 139, HB 153, HB 418, HJR 1.**

Correctly engrossed: **SB 22, SB 263, SB 343, SB 402, SB 429, SB 498, SB 500, HB 221, HB 222, HB 317.**

Delivered to the Governor for approval at 10:51 a.m., March 19, 2009: **SB 77, SB 150, SB 219.**

Delivered to the Secretary of State at 3:56 p.m., March 18, 2009: **SJR 5, SJR 6, SJR 16.**

Examined by the sponsor and found to be correct: **SB 40, SB 54, SB 88, SB 170, SB 438.**

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the forty-sixth, forty-seventh, forty-eighth, forty-ninth, and fiftieth legislative days, find the same to be correct.

Senator Curtiss, Chair

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

3/18/2009

**HB 15**, introduced by Villa

**HB 211**, introduced by Welborn

**HB 262**, introduced by Ebinger

**HB 315**, introduced by Blewett

**HB 356**, introduced by Wagner

**HB 499**, introduced by French

**HB 585**, introduced by McClafferty

**HB 635**, introduced by McChesney

**HB 636**, introduced by Dickenson

**House joint resolution** passed and transmitted to the Senate for concurrence:

3/18/2009

**HJR 33**, introduced by Bergren

**Senate amendments to House bills** concurred in:

3/18/2009

**HB 244**, introduced by Ankney

**HB 308**, introduced by Augare

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman):

3/19/2009

**HB 195**, be amended as follows:

1. Page 3, line 15.

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**Following:** "(6)"

**Insert:** "(a)"

2. Page 3, line 16.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

3. Page 3, line 25.

**Following:** "11 p.m."

**Insert:** "The provisions of this subsection (6)(a)(iv) and subsection (6)(b) do not apply to a restaurant for which a restaurant beer and wine license is in effect as of [the effective date of this act] or to subsequent renewals of that license."

4. Page 3.

**Following:** line 25

**Insert:** "(b) The term does not mean a fast-food restaurant that, excluding any carry-out business, serves a majority of its food and drink in throw-away containers not reused in the same restaurant."

5. Page 3, line 26.

**Strike:** "(i) Subject to" through "(7)(a)(ii), a"

**Insert:** "A"

6. Page 3, line 27 through page 4, line 1.

**Strike:** "if there" on page 3, line 27 through "new" on page 4, line 1

**Insert:** "only after 1 year of use by the original"

7. Page 5, line 12.

**Strike:** "Any"

**Insert:** "A preference must be given to an"

**Following:** "who"

**Insert:** "does not yet have in any quota area a restaurant beer and wine license or a retail beer license and who"

**Strike:** "in a quota area, AS PRESCRIBED IN 16-4-105,"

**Insert:** "that is in the quota area described in subsection (8) in which the license has become available and "

8. Page 5, line 13 through line 14.

**Following:** "application"

**Strike:** "must be given a" on line 13 through "preference" on line 14

9. Page 5, line 15.

**Strike:** "for a newly available" through "license"

10. Page 5.

**Following:** line 22

**Insert:** "(d) If a successful lottery applicant does not use a license within 1 year of notification by the department of license eligibility, the applicant shall forfeit the license. The department shall refund any fees paid except the application fee and offer the license to the next eligible ranked applicant in the lottery."

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11. Page 6.

**Following:** line 15

**Insert:** "NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Renumber:** subsequent sections

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

**HB 291**, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "PROVIDING THAT AVERAGE PREVAILING"

**Insert:** "REDEFINING THE"

2. Title, page 1, line 5.

**Strike:** "RATHER THAN LOWEST PREVAILING MARKET PRICE"

**Insert:** "THAT"

3. Page 2, line 4.

**Strike:** "prevailing"

4. Page 2, line 9.

**Strike:** "Prevailing market"

**Insert:** "Market"

**Following:** "price."

**Insert:** "(1)"

5. Page 2, line 10.

**Strike:** "prevailing"

**Following:** "means the"

**Insert:** ":

(a) price agreed upon between the insurer and the business; or"

**Strike:** "average" through "area"

**Insert:** "(b) prevailing competitive rate that is reasonable and necessary in the local area where the repairs are to be performed"

6. Page 2.

**Following:** line 10

**Insert:** "(2)"

7. Page 2, line 11.

**Strike:** "prevailing"

8. Page 2, line 22.

**Strike:** "prevailing"

9. Page 3, line 23.

**Strike:** "prevailing competitive"

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10. Page 4, line 16.

**Strike:** "prevailing"

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

**HB 354**, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "EXEMPTING CERTAIN FORENSIC PRACTICES"

**Insert:** "PROVIDING CERTAIN EXEMPTIONS"

2. Page 6, line 2.

**Strike:** "or"

3. Page 6, line 4.

**Following:** "employed"

**Insert:** "; or

(n) a person who evaluates and advises management on personnel and human resource issues in the workplace"

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

**HB 357**, be concurred in. Report adopted.

**HB 386**, be amended as follows:

1. Page 1, line 23.

**Following:** "arrangements"

**Insert:** "-- disposition directions -- definition"

2. Page 1, line 25.

**Following:** "part 4,"

**Insert:** "or by providing disposition directions"

3. Page 1, line 27.

**Strike:** "disposition directions and"

4. Page 1, line 28.

**Following:** "mortuary"

**Insert:** "or the disposition directions"

5. Page 1, line 29.

**Following:** "contract"

**Insert:** "or the disposition directions"

6. Page 1, line 30.

**Following:** "contract"

**Insert:** "or the disposition directions"

7. Page 1.

**Following:** line 30

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**Insert:** "(3) As used in this section, the term "disposition directions" means:

(a) a video provided in a replayable format of the person who is the subject of the disposition directions in which the person describes the wishes for disposition and that is accompanied by a written attestation of the video accuracy by two witnesses who are at least 18 years of age; or

(b) a legible written instrument signed by the person who is the subject of the disposition directions and by two people who are at least 18 years of age who have witnessed the signing by the person. The written instrument may be but is not limited to a letter of instructions, a will, a trust document, or advance directives. A written instrument that does not name a person with the right to control the decedent's disposition must follow the priority of rights of disposition provided in [section 4]."

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

**HB 400**, be concurred in. Report adopted.

**HB 530**, be concurred in. Report adopted.

**HB 621**, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Bales, Chairman):

3/19/2009

**SB 303**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "FLATHEAD,"

2. Page 1, line 28.

**Following:** "Yellowstone,"

**Insert:** "and"

**Strike:** ", and"

3. Page 1, line 29.

**Strike:** "Flathead"

4. Page 2, line 4.

**Following:** "effects of"

**Strike:** "climate change,"

**Following:** "drought"

**Strike:** " z"

5. Page 2, line 7.

**Strike:** ", instream flow requirements,"

6. Page 2, line 11.

**Following:** "council"

**Insert:** "in both the Yellowstone and Missouri River basins that is inclusive and representative of all water interests and interests in those basins. For the Clark Fork basin, the department shall continue to utilize the Clark Fork River basin task force established pursuant to 85-2-350."

7. Page 2, line 12.

**Strike:** "in each basin."

8. Page 2, line 13.

**Strike:** "EACH COUNCIL CONSISTS"

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**Insert:** "The councils in the Missouri and Yellowstone River basins consist"

9. Page 2, line 14.

**Strike:** "BASIN"

**Insert:** "basins"

10. Page 2, line 15 through line 16.

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

11. Page 2, line 17.

**Strike:** "(D)"

**Insert:** "(c)"

12. Page 2, line 18.

**Strike:** "(E)"

**Insert:** "(d)"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Perry, Chairman):

3/18/2009

**HB 322**, be concurred in. Report adopted.

**HB 397**, be amended as follows:

1. Title, line 6.

**Following:** "GRANDCHILD"

**Strike:** "RELATIVE'S"

**Following:** "CHILD"

**Strike:** "IS TO BE"

**Insert:** "THAT IS RELATED HAS BEEN"

2. Page 2, line 5.

**Following:** "to be"

**Strike:** "RELATIVE'S"

**Following:** "CHILD"

**Insert:** "that is related"

3. Page 2, line 11.

**Following:** "registry"

**Insert:** "and notify the relatives on the registry"

4. Page 2, line 12.

**Strike:** "this section"

**Insert:** "41-3-301"

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

**HB 407**, be amended as follows:

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1. Page 2, line 1.

**Following:** "travels"

**Strike:** "or attempts to travel any distance"

2. Page 2, line 5.

**Following:** "travel"

**Strike:** "or attempt to travel"

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

**HJR 14**, be amended as follows:

1. Title, line 10.

**Following:** "GENERAL"

**Insert:** ", IF IT IS DETERMINED THAT THE ATTORNEY GENERAL HAS STANDING,"

2. Page 2, line 12.

**Following:** "General"

**Insert:** ", if the Attorney General determines that the Attorney General has standing,"

3. Page 2, line 15.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

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

**NATURAL RESOURCES** (Gebhardt, Chairman):

3/18/2009

**SB 502**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** the second "AND"

2. Title, page 1, line 10.

**Following:** "MCA"

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

3. Page 6.

**Following:** line 4

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

And, as amended, do pass. Report adopted.

**HB 593**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AND TIMELINES"

2. Title, page 1, line 7.

**Following:** "REQUIREMENTS;"

**Insert:** "AMENDING SECTION 75-1-110, MCA;"

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3. Page 1, line 22.

**Strike:** "time"

4. Page 1, line 24 through line 30.

**Strike:** ":" on line 24 through "as" on line 30

**Insert:** "in accordance with a schedule"

5. Page 2, line 1.

**Strike:** "for" through "material"

6. Page 2, line 3.

**Following:** "[section 7]"

**Insert:** "and subsection (2) of this section"

7. Page 2.

**Following:** line 5

**Insert:** "(2) (a) The requirements of subsection (1) may be waived when, after review of an application by a person undertaking a remedial action, the department finds that the remedial action plan complies with Title 75, chapters 2, 5, and 10, and applicable rules.

(b) The person conducting the remedial action shall reimburse the department for costs incurred by the department under this section.

(c) Reimbursements must be deposited in the environmental rehabilitation and response account provided for in 75-1-110."

**Renumber:** subsequent subsection

8. Page 3.

**Following:** line 12

**Insert:** "Section 8. Section 75-1-110, MCA, is amended to read:

**"75-1-110. Environmental rehabilitation and response account.** (1) There is an environmental rehabilitation and response account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) fine and penalty money received pursuant to 75-10-1223, 82-4-311, and 82-4-424 and other funds or contributions designated for deposit to the account;

(b) reimbursements received pursuant to [section 3];

~~(b)~~(c) unclaimed or excess reclamation bond money received pursuant to 82-4-241, 82-4-311, 82-4-424, and 82-4-426; and

~~(c)~~(d) interest earned on the account.

(3) Money in the account is available to the department of environmental quality by appropriation and must be used to pay for:

(a) reclamation and revegetation of land affected by mining activities, research pertaining to the reclamation and revegetation of land, and the rehabilitation of water affected by mining activities;

(b) reclamation and revegetation of unreclaimed mine lands for which the department may not require reclamation by, or obtain costs of reclamation from, a legally responsible party;

(c) remediation of sites containing hazardous wastes or hazardous substances for which the department may not recover costs from a legally responsible party; or

(d) response to an imminent threat of substantial harm to the environment, to public health, or to public safety for which no funding or insufficient funding is available pursuant to 75-1-1101.

(4) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account until spent or appropriated by the legislature."

**Renumber:** subsequent sections



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

**PUBLIC HEALTH, WELFARE AND SAFETY** (Brown, Chairman):  
**HB 365**, be amended as follows:

3/19/2009

1. Page 3, line 2.  
**Strike:** "33-31-202"  
**Insert:** "33-31-201"

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

**STATE ADMINISTRATION** (Shockley, Chairman):  
**SR 9**, be adopted. Report adopted.  
**HB 146**, be concurred in. Report adopted.  
**HB 193**, be concurred in. Report adopted.  
**HB 197**, be amended as follows:

3/19/2009

1. Page 2, line 1.  
**Following:** "(3)"  
**Insert:** "(a)"  
**Strike:** "Recall"  
**Insert:** "Except as provided in subsection (3)(b), recall"

2. Page 2, line 4.  
**Following:** "appointed:"  
**Insert:** "(b)"

3. Page 2, line 5 through line 6.  
**Following:** "THEN" on line 5  
**Strike:** "AT" on line 5 through "OF" on line 6  
**Insert:** "the petition:

(i) must contain the signatures of qualified electors equaling at least 15% of the number of persons registered to vote at the preceding county general election; and  
(ii) must also contain"

4. Page 2, line 6.  
**Following:** "SIGNATURES"  
**Strike:** "MUST BE"  
**Following:** "FROM"  
**Insert:** "at least 15% of the"

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

**HB 622**, be amended as follows:

1. Title, line 6.  
**Strike:** "PLACED"  
**Insert:** "REMAINING"

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2. Title, line 7.

**Following:** "ACCOUNT"

**Insert:** "ESTABLISHED"

3. Page 2, line 7.

**Strike:** "placed"

**Insert:** "remaining"

**Following:** "~~contributions,~~"

**Insert:** "on [the effective date of this act]"

4. Page 2, line 15.

**Following:** "account"

**Insert:** "that was established"

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

**MESSAGES FROM THE GOVERNOR**

March 18, 2009

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

Dear President Story:

Attached is a list of board and commission appointments requiring confirmation by the Montana State Senate. We have supplied the following information for each appointment:

Reference to statute and a brief description of the statute  
Name, address, and phone number(s) for each appointee  
Appointee qualifications and term of appointment  
Brief biographies

Additional information, including a complete list of gubernatorial appointees, is available online at: <http://boards.mt.gov/>. Meanwhile, please don't hesitate to contact our office if my staff or I can be of assistance to you.

Sincerely yours,

BRIAN SCHWEITZER  
Governor

**HARD ROCK MINING IMPACT BOARD -- 2-15-1822, MONTANA CODE ANNOTATED**

The board is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. Three members must come from impact areas or areas expected to be impacted by large-scale mineral development and at least two persons must come from one of each district designated by statute. Further, members must include a representative of the hard-rock mining industry, a representative of a major financial institution, an elected school district trustee, an elected county commissioner and a member of the public.

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**Edward M. Tinsley, 1236 9th Ave, Helena MT 59601 (Member)**

Contact Phone(s): 406-443-7126

Appointment date: 3/12/2009; Term ends: January 1, 2013

Qualification: public representative and resident of District 2/impact area

Tinsley was a Lewis and Clark county commissioner and is currently the sergeant-at-arms for the Montana House of Representatives. He has a master's of public administration from the University of Montana. He's an Army veteran and a graduate of the Montana Law Enforcement Academy.

**Mary Ellen Cremer, 189 Boulder Rd, Big Timber MT 59011 (Member)**

Contact Phone(s): 406-932-5774, 406-932-4392

Appointment date: 3/12/2009; Term ends: January 1, 2013

Qualification: a representative of a major financial institution in Montana and resident of district 1/impact area

Cremer is a partner in a strategy consulting group, and a third generation majority stockholder in Citizens Bank & Trust Company, serving Sweet Grass, Wheatland and Golden Valley Counties. She is currently the bank board's vice chair.

**Joe Michaletz, Geo-Lex LLC, PO Box 1226, Helena MT 59624 (Member)**

Contact Phone(s): 406-449-8432,

Appointment date: 3/12/2009; Term ends: January 1, 2013

Qualification: a representative of the hard-rock mining industry, and resident of district 2/impact area

Michaletz is the owner of GeoLex, Inc., and has an education background in geology, geophysics, sedimentology and hydrology. He performs various proprietary investigations including structural and stratigraphic mapping for oil and gas interests, coal definition, mineral evaluations, geohydrologic analyses, water development, aerial photography interpretation and photogrammetry.

In addition, current member Marianne Roose was redesignated as the elected county commissioner representative.

**BOARD OF HORSERACING -- 2-15-3106, MONTANA CODE ANNOTATED**

The board consists of seven members, who serve staggered 3-year terms, and who must be citizens, residents, and qualified electors. Two board members must be in the horseracing industry and may not represent the same district. The other five members are appointed by district as defined in the statute, and may not be in the horseracing industry. A member of the board may not wager at any licensed racing meet in this state. The governor may not appoint any member who would have a conflict of interest during the member's term of appointment (with the exception of the industry representatives).

**Mike Tatsey, 553 Birch Creek Rd, Valier MT 59486 (Member)**

Contact Phone(s): 406-472-3398,

Appointment date: 3/6/2009; Term ends: January 20, 2012

Qualification: resident of district 3

Tatsey is a vo-ag instructor with the Browning Public Schools. He has a bachelor of science degree in agriculture education from Montana State University. Tatsey has been vice president of the Montana-Wyoming Indian Stockgrowers Association.

**Carol Lambert, PO Box 2, Broadus MT 59317 (Member)**

Contact Phone(s): 406-436-2001,

Appointment date: 3/6/2009; Term ends: January 20, 2012

Qualification: resident of district 1

Lambert served in the Montana Legislature from 2003-2008. She is a rancher and served as state president of Women Involved in Farm Economics. She has served on other boards including the Statewide Independent Living Council and the Public Employees Retirement Board.

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**BOARD OF HOUSING -- 2-15-1814, MONTANA CODE ANNOTATED**

The board is designated as a quasi-judicial board and consists of seven members. The members shall be informed and experienced in housing, economics, or finance.

**Audrey Black Eagle, PO Box 234, Lodge Grass MT 59050 (Member)**

Contact Phone(s): 406-638-7131, 406-639-2381

Appointment date: 3/6/2009; Term ends: January 1, 2013

Qualification: public representative

Black Eagle is the executive director of the Apsaalooke' Nation Housing Authority. She's a former member of the Montana Association of School Business Officials and served on the Lodge Grass Board of Trustees, with two years as board chair. She's also been involved with the Community Housing Resource Board.

**J.P. Crowley, 18 S Beattie St, Helena MT 59601 (Member)**

Contact Phone(s): 406-449-9645

Appointment date: 3/6/2009; Term ends: January 1, 2013

Qualification: public representative

Crowley is a rental real estate manager, and has also worked as a benefits system analyst, financial and real estate analyst, art program director for Stanford University Hospital and field representative for Senator Max Baucus. He has a degree in political science from Montana State University, and was recently elected to the National Council of State Housing Boards.

**Jeff Rupp, 32 South Tracy, Bozeman MT 59715 (Member)**

Contact Phone(s): 406-587-4486, 406-586-1380

Appointment date: 3/6/2009; Term ends: January 1, 2013

Qualification: public representative

Rupp is the chief executive officer of the Human Resources Development Council. He has degrees in political science and history, and attended both Montana State University and Roosevelt University. Rupp has served on other statewide boards, including the State Workforce Investment Board, the Montana Community Foundation, the Midwest Assistance Program, Inc., as well as community boards.

**Elizabeth Scanlin, PO Box 65, Red Lodge MT 59068 (Member)**

Contact Phone(s): 406-446-1016, 406-446-1599

Appointment date: 3/6/2009; Term ends: January 1, 2013

Qualification: Attorney

Scanlin has served on the Red Lodge City Council and is currently Mayor of Red Lodge. She is active in the Carbon County Historical Society and the Red Lodge Festival of Nations. She has an English degree and a law degree from the University of Montana, and has also worked as a reporter for the Billings Gazette and Carbon County News.

**BOARD OF LIVESTOCK -- 2-15-3102, MONTANA CODE ANNOTATED**

The board consists of seven members who serve 6-year terms. They must be Montana residents and active livestock producers, and are appointed upon the recommendation of the related industry. Four members are cattle producers; one is a dairy producer representing the dairy and poultry industry; one is a swine producer; and one is a sheep producer. The governor designates the presiding officer. NOTE: Brett DeBruycker's interim appointment was confirmed in SR 7.

**Janice French, HCR 81 Box 86, Hobson MT 59452 (Chair)**

Contact Phone(s): 406-423-5304

Appointment date: 3/12/2009; Term ends: March 1, 2015

Qualification: cattle producer

French was one of the first women to receive a degree in animal science from Montana State University. French and

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her husband own the T Lazy T Ranch where they run 550 head of Angus cattle. French has been active and held membership in the 4-H, Grain Growers, Montana Cattlemen Association, Montana Farm Bureau, Montana Stockgrowers Association, R-CALF, Montana Woolgrowers Association and the Montana Pork Producers.

**Brett DeBruycker, 1692 6th Ln NE, Dutton MT 59433 (Member)**

Contact Phone(s): 406-788-5694, 406-476-3214

Appointment date: 3/12/2009; Term ends: March 1, 2015

Qualification: cattle producer

DeBruycker has a BA from Montana State University in agriculture economics. A third generation farmer and rancher, he's raised purebred Charolais cattle for 20 years. The family operation markets over 800 purebred Charolais bulls yearly. The DeBruycker's also feed out cattle, and have managed or owned North Montana Feeders for nearly 30 years. DeBruycker is past president of the Montana Charolais Association and is currently president of the Montana Cattlemen's Association.

**Jeffery Lewis, 1621 Chaffin Ln, Corvallis MT 59828 (Member)**

Contact Phone(s): 406-961-5499, 406-360-1828

Appointment date: 3/12/2009; Term ends: March 1, 2011

Qualification: dairy producer

Lewis and his wife own and operate MuJuice Dairy in Corvallis, which was bought from Lewis's parents. Lewis also operates a composting and fertilizer business to handle the solid wastes produced by over 200 milk cows. He's a member of the National Federation of Independent Business and the Montana Farm Bureau, and serves on the Montana Beef Council as the dairy representative. He's also been involved with All West/Select Sires and 4-H.

**John H. Lehfeltdt, PO Box 125, Lavina MT 59046 (Member)**

Contact Phone(s): 406-636-4212, 406-670-2117

Appointment date: 3/12/2009; Term ends: March 1, 2013

Qualification: sheep producer

Lehfeltdt is a 4<sup>th</sup> generation rancher who operates the same ranch as his forbearers. He attended Montana State University, and spent two years in the Peace Corps. Lehfeltdt runs 2,200 ewes and 250 mother cows. He's president of the Mountain Plains Agriculture Service, is on the board of the Center of the Nation Wool and belongs to the Montana Wool Growers Association.

**MILK CONTROL BOARD -- 2-15-3105, MONTANA CODE ANNOTATED**

The board is designated as a quasi-judicial board and consists of five members. A member may not be connected in any way with the production, processing, distribution, or wholesale or retail sale of milk or dairy products. A member may not have held an elective or appointive public office during the 2 years immediately preceding appointment, and a member may not hold a public office, either elective or appointive, during a term on the board. Not more than three members may be of the same political party.

**Gary A. Parker, 50 Parker Rd, Fort Shaw MT 59443 (Chair)**

Contact Phone(s): 406-264-5299

Appointment date: 3/6/2009; Term ends: January 1, 2013

Qualification: public representative; Democrat

Parker is currently a farmer, and operated a dairy until 1990. Parker attended Northern Montana College in Havre, and was active in FFA and sports during his school career. He's served as president of the Cascade County Pest Control board and chairman of the Sun River Valley School Board.

**James Prinkki, 20 Taylor Hill Road, Roberts MT 59070 (Member)**

Contact Phone(s): 406-446-2619

Appointment date: 3/6/2009; Term ends: January 1, 2013

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Qualification: public representative; Democrat

Prinkki is a third-generation farmer, and operated a dairy until 1994 when the farm converted to raising and selling hay. Prinkki is an Air Force veteran, has been on the Red Lodge school board, served as president of the Rock Creek Water Users and president of the Consolidated Ditch.

**Larry Van Dyke, 2422 Fairway Dr, Bozeman MT 59715 (Member)**

Contact Phone(s): 406-581-8000

Appointment date: 3/6/2009; Term ends: January 1, 2013

Qualification: public representative; Republican

Van Dyke has owned a farm operation raising grain, hay, and potatoes. He's been in leadership capacities for both the Kughen and Perks Canal Boards, has been president and secretary of the Manhattan and Montana Potato Growers and council member for the Manhattan Christian Reformed Church.

**Jerrold A. Weissman, 2777 Greenbriar Dr, Great Falls MT 59404 (Member)**

Contact Phone(s): 406-452-3333

Appointment date: 3/6/2009; Term ends: January 1, 2011

Qualification: public representative

Weissman has a degree in history with a minor in economics from the University of Miami (Florida). He held top leadership positions with Carl Weissman and Sons, Inc., was a founding member of Pasta Montana and is currently board chair of the National General Supply Company. He's state chair of the American-Israel Public Affairs Committee.

**BOARD OF NURSING -- 2-15-1734, MONTANA CODE ANNOTATED**

The board consists of nine members who serve staggered 4-year terms (maximum of two consecutive terms): four registered nurses, at least one must have had at least 5 years in administrative, teaching, or supervisory experience in one or more schools of nursing, at least one must be an advanced practice registered nurse, at least one must be engaged in nursing practice in a rural health care facility, and at least one must be currently engaged in the administration, supervision, or provision of direct client care. Each registered nurse member must be a graduate of an approved school of nursing; be a licensed registered professional nurse in this state; have had at least 5 years' experience in nursing following graduation; and be currently engaged in the practice of professional nursing and have practiced for at least 5 years. Three members are practical nurses, who must be graduates of a school of practical nursing; be licensed in this state; have had at least 5 years' experience as a practical nurse; and be currently engaged in the practice of practical nursing and have practiced for at least 5 years. Two members are public members who are not medical practitioners, involved in the practice of nursing or employment of nursing, or administrators of Montana health care facilities. All members must have been residents of this state for at least 1 year before appointment and must be citizens of the United States.

**Connie Reichelt, Bullhook Clinic, 110 13th St, Havre MT 59501 (Member)**

Contact Phone(s): 406-378-2189, 406-378-2361

Appointment date: 7/1/2009; Term ends: July 1, 2013

Qualification: advanced practice registered nurse

Reichelt is an advanced practice nurse/family nurse practitioner with the Bullhook Clinic. She received her master's degree in nursing from Montana State University in 2003, and was a Peace Corps volunteer.

**BOARD OF PARDONS AND PAROLE -- 2-15-2302, MONTANA CODE ANNOTATED**

The board is designated as a quasi-judicial board and consists of three members and four auxiliary members who serve staggered 4-year terms. Each member must have knowledge of American Indian culture and problems gained through training. Members of the board, including the auxiliary members, must possess academic training that has

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qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed may be substituted for these educational requirements.

**Teresa McCann O'Connor, 208 N Broadway Ste 412, Billings MT 59101 (attorney and member)**

Contact Phone(s): 406-252-7127,

Appointment date: 3/10/2009; Term ends: January 1, 2013

Qualification: education or experience in criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling

O'Connor is in private practice with her husband. She has been a deputy county attorney for Yellowstone County, and was staff counsel for the American Library Association in Washington, DC. She has a bachelor's, a master's, and a JD degree from The Catholic University in Washington, D.C.

**John Ward, 4525 Glass Dr, Helena MT 59602 (auxiliary member)**

Contact Phone(s): 406-458-5025

Appointment date: 3/10/2009; Term ends: January 1, 2013

Qualification: education or experience in criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling

Ward is a small business owner and a former legislator, and served two terms on the House Judiciary Committee. He served in the U.S. Navy and Navy Reserve for 24 years, where he spent 11 years in military justice enforcement. He has a degree in marketing from Gonzaga University.

**Samuel Lemaich, 2720 Carnoustie Way, Missoula MT 59808 (auxiliary member)**

Contact Phone(s): 406-728-5108

Appointment date: 3/10/2009; Term ends: January 1, 2013

Qualification: education or experience in criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling

Lemaich has a psychology degree from the University of California-Davis. He's served as chair of Turning Point Chemical Dependency Center and has been on the Missoula DUI Task Force. He retired as a probation and parole officer with the Department of Corrections.

**BOARD OF RADIOLOGIC TECHNOLOGISTS -- 2-15-1738, MONTANA CODE ANNOTATED**

The board consists of seven members who serve staggered 3-year terms. One member is a radiologist licensed to practice medicine in Montana; one member is a physician licensed to practice medicine in Montana who employs at least one person granted a permit issued by the board; one member is a person granted a permit issued by the board; one member is a public member; and three members are radiologic technologists registered with the American Registry of Radiologic Technologists (ARRT) who are licensed radiologic technologists.

**Kelli Bush, 2636 Harvard Ave, Butte MT 59701 (Member)**

Contact Phone(s): 406-723-2572, 406-240-4470

Appointment date: 7/1/2009; Term ends: July 1, 2012

Qualification: radiologic technician

Bush is a Radiology Tech with St. James Healthcare. She received her training from the Benefis Healthcare School of Radiology Technology, and also studied pre-med/pre-pharmacy at the University of Montana. Bush is certified by the American Registry of Radiologic Technologists and is active in the Montana Society of Radiologic Technologists.

**BOARD OF REALTY REGULATION -- 2-15-1757, MONTANA CODE ANNOTATED**

The board consists of seven members who serve staggered 4-year terms, limited to not more than two full or partial terms. Five members must be licensed real estate brokers or salespeople or property managers who are actively engaged in the real estate business as a broker, a salesperson, or a property manager in this state. Two members must

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be representatives of the public who are not state government officers or employees and who are not engaged in business as a real estate broker or salesperson. The members must be residents of this state. Not more than five members, including the presiding officer, may be from the same political party.

**Lucinda Willis, PO Box 7, Polson MT 59860 (Member)**

Contact Phone(s): 406-883-8037, 406-883-2453

Appointment date: 5/9/2009; Term ends: May 9, 2013

Qualification: real estate salesperson; Democrat

Willis is a self-employed real estate buyers' broker and operates Real Estate Buyers Solutions. She is active in and held office in the Polson Community Development Corporation and the Lake County Community Development Corporation

**State Compensation Insurance Fund Board -- 2-15-1019, Montana Code Annotated**

The board consists of seven members who serve 4-year terms (maximum of two 4-year terms). At least four of the seven members must represent State Fund policyholders and may be employees of State Fund policyholders. At least four members of the board shall represent private, for-profit enterprises. One of the seven members may be a licensed insurance producer. A member of the board may not, except for the licensed insurance producer member, represent or be an employee of an insurance company that is licensed to transact workers' compensation insurance under compensation plan No. 2; or be an employee of a self-insured employer under compensation plan No. 1.

NOTE: Thomas Heisler's interim appointment was confirmed in SR 2.

**James Swanson, 1301 N Kendrick, Glendive MT 59330 (Member)**

Contact Phone(s): 406-377-5384,

Appointment date: 4/28/2009; Term ends: April 28, 2013

Qualification: insurance producer/policy holder

Swanson is an insurance agent and has been chair of the Glendive medical board and the Glendive police commission.

**Jane DeBruycker, 1690 6th Ln NE, Dutton MT 59433 (Member)**

Contact Phone(s): 406-476-3427

Appointment date: 4/28/2009; Term ends: April 28, 2013

Qualification: policy holder

DeBruycker is a farmer-rancher and former legislator. She has also provided management services to a local retirement home, and is active in the Bethany Lutheran Church.

**Ken Johnson, 7389 Peregrine Ct, Missoula MT 59808 (Member)**

Contact Phone(s): 406-543-4450, 406-728-6892

Appointment date: 4/28/2009; Term ends: April 28, 2013

Qualification: private enterprise/policy holder

Johnson is the president and owner of CM Manufacturing, which provides aircraft parts to the U.S. Department of Defense. His BS degree from the University of Montana is in business/finance.

**Thomas R. Heisler, 90 Elk Dr, Great Falls MT 59404 (Member)**

Contact Phone(s): 406-761-7009, 406-761-3060

Appointment date: 4/28/2009; Term ends: April 28, 2013

Qualification: private enterprise/policy holder

Heisler has owned and operated the same business in Great Falls since 1970. He's been active in insurance and workers' compensation issues.



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**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 15**, introduced by Villa (by request of the Governor), referred to Finance and Claims.

**HB 211**, introduced by Welborn, Gebhardt, Blasdel, Keane, Menahan, Wilson, referred to Business, Labor, and Economic Affairs.

**HB 262**, introduced by Ebinger, Phillips, Driscoll, referred to Taxation.

**HB 315**, introduced by Blewett, Taylor, Brueggeman, Laslovich, referred to State Administration.

**HB 356**, introduced by Wagner, referred to Highways and Transportation.

**HB 499**, introduced by French, Vincent, Furey, Wilmer, referred to Fish and Game.

**HB 585**, introduced by McClafferty, Villa, Hamilton, A. Noonan, P. Noonan, Mehlhoff, Hiner, Augare, Sesso, Pease-Lopez, Dickenson, Ebinger, P. Beck, Howard, Malek, Belcourt, Hollenbaugh, Wilson, Campbell, Wilmer, Arntzen, Roundstone, Keane, referred to Fish and Game.

**HB 635**, introduced by McChesney (by request of House Joint Appropriations Subcommittee on General Government), referred to Business, Labor, and Economic Affairs.

**HB 636**, introduced by Dickenson, Hands, Mehlhoff, Belcourt, Getz, Augare, Henry, referred to Taxation.

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

**HJR 33**, introduced by Bergren, Story, Williams, McNutt, referred to Finance and Claims.

**SPECIAL ORDERS OF THE DAY**

Senator Peterson introduced "Cork County Line," a band comprised of Ed Tinsley, Bill Lombardi, Mark Piskolich, and Errol Koch. "Cork County Line" performed a song in honor of Charlie Russell's birthday, as well as a song about cowboys, horses, and the hard but rewarding life of working on the land.

**MOTIONS**

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

Senate in recess.

**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 Hawks in the chair.

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

**SB 114** - Senator Wanzenried moved **SB 114** do pass. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 114** - Senator J. Peterson moved **SB 114** be **indefinitely postponed**. Motion carried as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Peterson moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Hawks moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SB 418** - Senator Zinke moved **SB 418** be concurred in.

Senator Zinke withdrew his motion.

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 Hawks 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 452** passed as follows:

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

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Total 29

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 47, as amended by the House**, passed 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 49, as amended by the House**, passed 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

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**HB 41** concurred in as follows:

Barkus, Barrett, Branae, 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 41

Nays: Balyeat, Black, Brenden, R. Brown, Hinkle, Jackson, McGee, Ripley, Steinbeisser.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 72** 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, 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, Mr. President.  
Total 48

Nays: Hinkle, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 75** concurred in as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Hinkle, Jackson, Laible, McGee, Peterson, Ripley, Steinbeisser, Tutvedt.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 78** concurred in as follows:

Yeas: Bales, Balyeat, 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, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Erickson, Juneau, Kaufmann, Schmidt.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 93** 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, 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

**HB 139** 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.

Total 44

Nays: Cooney, Erickson, Juneau, Kaufmann, Moss, Williams.

Total 6

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**HB 153** concurred in as follows:

Yeas: Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, 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.  
Total 36

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, Curtiss, Esp, Gebhardt, Hinkle, McGee, Ripley, Steinbeisser, Mr. President.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Consul General Dale Eisler, Canadian Federal Government, addressed the Senate.

**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 Hawks in the chair.

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

**HB 418** - Senator Zinke moved **HB 418** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hinkle, Jackson, Lewis, McGee, Murphy, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Zinke, Mr. President.  
Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Moss, Perry, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Friday, March 20, 2009. Motion carried.

Senate adjourned at 3:23 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate