

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

Helena, Montana
March 20, 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 Juneau and Moss, excused. Quorum present.

BILLS AND JOURNALS:

3/20/2009

Correctly printed: **SR 9, HB 146, HB 193, HB 322, HB 357, HB 400, HB 418, HB 530, HB 621.**

Correctly engrossed: **SB 303, SB 502, HB 195, HB 197, HB 291, HB 354, HB 365, HB 386, HB 397, HB 407, HB 593, HB 622, HJR 14.**

Correctly enrolled: **SB 47, SB 49, SB 216.**

Delivered to the Governor for approval at 4:00 p.m., March 19, 2009: **SB 40, SB 54, SB 88, SB 170, SB 438.**

Signed by the Speaker at 3:00 p.m., March 19, 2009: **SB 40, SB 54, SB 88, SB 170, SB 438.**

Signed by the President at 9:15 a.m., March 19, 2009: **SB 40, SB 54, SB 88, SB 170, SB 438.**

Signed by the Secretary of the Senate at 3:40 p.m., March 18, 2009: **SB 40, SB 54, SB 88, SB 170, SB 438.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman):

3/20/2009

HB 290, be amended as follows:

1. Page 1, line 17.

Strike: "\$45,000"

Insert: "\$25,000"

2. Page 1, line 24.

Strike: "\$45,000"

Insert: "\$25,000"

3. Page 2, line 6.

Strike: "\$45,000"

Insert: "\$25,000"

4. Page 2, line 10.

Strike: "\$45,000"

Insert: "\$25,000"

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

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

3/20/2009

HB 378, be concurred in. Report adopted.

HB 412, be amended as follows:

1. Title, page 1, line 6.

Following: "PROVIDING"

Insert: "AN IMMEDIATE EFFECTIVE DATE AND"

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2. Page 2, line 1.

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Renumber: subsequent section

3. Page 2, line 2 through line 3.

Strike: "September" on line 2 through "30" on line 3

Insert: "July 1"

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

FINANCE AND CLAIMS (Bales, Chairman):

3/19/2009

SB 63, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "PROVIDING"

Insert: "A"

2. Title, page 1, line 7.

Strike: "INCENTIVES"

Insert: "INCENTIVE"

Strike: "AND THEIR EMPLOYERS"

3. Page 1, line 29.

Following: "care;"

Insert: "or"

4. Page 1.

Strike: line 30 in its entirety

Renumber: subsequent subsection

5. Page 2, line 2.

Strike: "\$1,000"

Insert: "\$100"

6. Page 2, line 6.

Strike: "\$1,000"

Insert: "\$100"

7. Page 2, line 12 through page 3, line 9.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent sections

8. Page 4, line 7.

Strike: "5"

Insert: "3"

9. Page 4, line 15.

Strike: "[Sections 2 and 4] are"

Insert: "[Section 2] is"

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10. Page 4, line 16.

Strike: "[sections 2 and 4]"

Insert: "[section 2]"

11. Page 4, line 17 through line 18.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

12. Page 4, line 19.

Following: "[Section"

Strike: "5"

Insert: "3"

13. Page 4, line 20.

Strike: "5"

Insert: "3"

14. Page 4, line 24.

Strike: "5"

Insert: "3"

15. Page 4, line 26.

Strike: "[Sections 2 through 4] apply"

Insert: "[Section 2] applies"

And, as amended, do pass. Report adopted.

SB 183, do pass. Report adopted.

SB 217, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "DISEASES"

Insert: "BRUCELLOSIS"

2. Title, line 6.

Following: "BY"

Strike: "GAME ANIMALS"

Insert: "ELK"

Following: "WHEN"

Strike: "GAME ANIMAL"

Insert: "ELK"

3. Title, line 7.

Following: "MET"

Insert: "IN COUNTIES WHERE LIVESTOCK ARE BEING TESTED"

4. Page 2, line 1.

Following: "for"

Strike: "game animals, as defined in 87-2-101,"

Insert: "elk"

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5. Page 2, line 2.

Following: "met"

Insert: "in counties where livestock are being tested"

Following: "for"

Strike: "diseases"

Insert: "brucellosis"

6. Page 2, line 3.

Following: "by"

Strike: "game animals"

Insert: "elk"

And, as amended, do pass. Report adopted.

SB 241, introduced bill, be amended as follows:

1. Title, line 17.

Following: "COUNCIL;"

Insert: "PROVIDING FOR A DESIGN AND COST PROPOSAL AND A BUSINESS CASE ANALYSIS BY THE LEGISLATIVE FISCAL DIVISION;"

2. Title, line 18.

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 26 through line 27.

Following: "expenditure" on line 26

Strike: remainder of line 26 through "employee" on line 27

Insert: "at the program level"

4. Page 3, line 17.

Strike: "By January 2011, the"

Following: "department"

Insert: "The"

5. Page 4, line 23.

Insert: "NEW SECTION. Section 6. Design and cost proposal -- business case analysis -- recommendation.

The legislative fiscal division, in cooperation with the legislative services division, shall prepare a design or cost proposal and business case analysis needed to implement [sections 1 through 5]. The proposal must be submitted to the legislative finance committee and the legislative council for policy or budget recommendations for the 2011 legislature."

Renumber: subsequent sections

6. Page 5, line 28.

Insert: "NEW SECTION. Section 10. Contingent voidness. If an appropriation for the purposes of [sections 1 through 6] is not included in House Bill No. 2 or House Bill No. 645, [this act] is void."

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7. Page 5, line 29.

Following: "Effective"

Strike: "date"

Insert: "dates"

Strike: "[This act]"

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

Following: line 29

Insert: "(2) [Sections 1 through 4 and 8] are effective July 1, 2011."

And, as amended, do pass. Report adopted.

SB 245, introduced bill, be amended as follows:

1. Page 1, lines 20 and 21.

Following: "implications." on line 20

Strike: remainder of line 20 through "impact." on line 21

And, as amended, do pass. Report adopted.

SB 291, do pass. Report adopted.

SB 446, introduced bill, be amended as follows:

1. Page 9, line 22.

Following: "hospital AND"

Insert: "the hospital"

And, as amended, do pass. Report adopted.

SB 505, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "reaches"

Insert: "has reached"

2. Page 1, line 27.

Strike: "reaches"

Insert: "has reached"

3. Page 2, line 19.

Strike: "a \$200"

Insert: "an \$800"

And, as amended, do pass. Report adopted.

TAXATION (Essmann, Chairman):

3/20/2009

SB 491, introduced bill, be amended as follows:

1. Title, line 6.

Following: "LAW;"

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Insert: "PROVIDING A TRANSITION PROVISION;"

2. Page 2, line 7.

Insert: "(3) (a) For the purposes of this section, "group benefits" means group hospitalization, health, medical, surgical, life, and other similar and related group benefits provided to officers and employees of political subdivisions, including flexible spending account benefits and payments in lieu of group benefits.

(b) The term does not include casualty insurance as defined in 33-1-206, marine insurance as authorized in 33-1-209 and 33-1-221 through 33-1-229, property insurance as defined in 33-1-210, surety insurance as defined in 33-1-211, and title insurance as defined in 33-1-212."

3. Page 2, line 28.

Strike: "local government units"

Insert: "political subdivisions, as defined in 2-9-101, except school districts"

4. Page 3, line 8.

Strike: "unit of local government"

Insert: "political subdivision"

5. Page 3, line 16.

Strike: "the"

Insert: "that year's average annual contribution and subtracting from that amount the"

6. Page 6, line 4.

Insert: "NEW SECTION. Section 4. Transition. (1) Except as provided in subsection (2), a political subdivision that levied mills for group contributions pursuant to 2-18-703 in fiscal year 2009 may for the fiscal years 2010 through 2014 levy the greater of:

(a) the dollar amount levied in 2009; or

(b) the amount determined in 2-18-703.

(2) The actual dollar amount under subsection (1)(a) may not include an amount for group benefits paid from user charges described in 2-9-212(2)(a)(i)."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 499, introduced bill, be amended as follows:

1. Page 1, line 26.

Strike: "The following production"

Insert: "That portion of the production from a new or existing mine that is used in facilities described in 15-6-157(1)(h) or (1)(k)"

2. Page 1, line 27 through page 2, line 1.

Following: "(1)" on line 27

Insert: "."

Strike: ";" on page 1, line 27 through "(1)(k)." on page 2, line 1

3. Page 2, line 3.

Following: "qualify"

Insert: "as a new mine"

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Following: "(4)(a)"
Strike: "(i)"

4. Page 2, line 5.
Following: "(4)(a)"
Strike: "(ii)"

5. Page 2, line 7.
Following: "(4)(a)"
Strike: "(ii)"

6. Page 2, line 10.
Strike: "exemptions"
Insert: "exemption"
Strike: "subsections (4)(a)(i) and (4)(a)(ii) continue"
Insert: "subsection (4)(a) continues"

7. Page 2, line 11.
Strike: "do"
Insert: "does"

And, as amended, do pass. Report adopted.

HB 588, be amended as follows:

1. Page 2, line 18.
Strike: "Except" through "those"
Insert: "Those"

2. Page 2, line 18 through line 20.
Strike: "in the relative" on line 18 through "fiscal year" on line 20
Insert: "as follows:

(i) the state share must be distributed in the relative proportions required by levies for state purposes in the same manner as property taxes were distributed in fiscal year 1990;

(ii) except as provided in subsection (4), the county share must be distributed in the relative proportions required by levies for county purposes, other than an elementary school or high school, in the same manner as property taxes were distributed in the previous fiscal year;

(iii) except as provided in subsection (5), the school districts' share must be distributed in the relative proportions required by levies for school district purposes in the same manner as property taxes were distributed in the previous fiscal year"

3. Page 2, line 23.
Following: "(3)(b)"
Insert: "(i)"

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

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REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 74
Report No. 0, March 20, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 74** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 74** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.

Strike: "AND OTHER APPROPRIATE"

For the Senate:

Laible, Chairman
Esp
Laslovich

For the House:

Sands, Vice Chairman
Ingraham
Pomnichowski

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/19/2009

HB 4, introduced by Jones
HB 216, introduced by Menahan
HB 416, introduced by MacDonald
HB 478, introduced by Grinde

Senate amendments to House bills concurred in: 3/19/2009

HB 39, introduced by Cohenour
HB 179, introduced by Villa
HB 288, introduced by Kerns

HB 23 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 23**:

Representative Phillips, Vice Chair 3/19/2009
Representative Himmelberger
Representative McAlpin
Representative Brown

Senate bill concurred in and returned to the Senate: 3/19/2009

SB 216, introduced by Laslovich

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FIRST READING AND COMMITMENT OF BILLS

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

SB 511, introduced by M. Tropila, referred to Business, Labor, and Economic Affairs.

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

HB 4, introduced by Jones (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 216, introduced by Menahan, referred to Judiciary.

HB 416, introduced by MacDonald, Getz, P. Beck, Berry, Brueggeman, referred to Highways and Transportation.

HB 478, introduced by Grinde, MacDonald, referred to Agriculture, Livestock and Irrigation.

MOTIONS

Senator Peterson moved that a conference committee be appointed for **HB 23**. Motion carried. Senator Curtiss, Senator Gebhardt, and Senator Gallus appointed.

**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 Perry in the chair.

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

Senator Juneau present at this time.

Senator Moss present at this time.

SB 343 - Senator Jackson moved **SB 343** do pass. Motion carried 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, 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: Balyeat, Juneau.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 350 - Senator Gillan moved **SB 350** do pass. Motion carried as follows:

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Yeas: Bales, 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 47

Nays: Balyeat, Hinkle, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 24 - Senator Kaufmann moved **HB 24** 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

HB 58 - Senator Bales moved **HB 58** 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

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Senator McGee assumed the chair.

HB 150 - Senator Perry moved **HB 150** be concurred in.

HB 150 - Senator Jent moved **HB 150**, second reading copy, be amended as follows:

1. Page 2, line 13.

Following: "activity"

Insert: "and that cannot be prevented by the use of reasonable care"

Amendment adopted 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 150 - Senator Perry moved **HB 150**, as amended, be concurred in. Motion carried as follows:

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

Total 33

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Juneau, Kaufmann, Keane, Laslovich, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, Wanzenried, Williams.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Schmidt excused at this time.

Senator Perry re-assumed the chair.

Senator Branae excused at this time.

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SB 460 - Senator Story moved **SB 460** do pass. Motion carried as follows:

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

Nays: Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Branae, Schmidt.
Total 2

Senator Schmidt present at this time.

HB 55 - Senator Hinkle moved **HB 55** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Zinke, Mr. President.
Total 40

Nays: Erickson, Esp, Juneau, Kaufmann, Keane, Moss, Schmidt, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HB 106 - Senator Murphy moved **HB 106** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, 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: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HB 133 - Senator Esp moved **HB 133** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HB 214 - Senator Larsen moved **HB 214** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HB 230 - Senator Gallus moved **HB 230** be concurred in. Motion carried as follows:

Yeas: Balyeat, Barkus, Barrett, Black, 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

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Nays: Bales, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HB 367 - Senator R. Brown moved **HB 367** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HB 623 - Senator Barkus moved **HB 623** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HJR 7 - Senator Hansen moved **HJR 7** be concurred in. Motion carried as follows:

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

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Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

HJR 25 - Senator Lewis moved **HJR 25** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, 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 48

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: Branae.
Total 1

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

HB 418 concurred in 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

Paired: Essmann, Aye; Branae, No.

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Wanzenried moved to reconsider the indefinitely postpone action on **SB 114**. Motion **failed** as follows:

Yeas: 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 23

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: Branae.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 8:00 a.m., Saturday, March 21, 2009. Motion carried.

Senate adjourned at 2:59 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate