

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

Helena, Montana  
March 27, 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:**

3/27/2009

Correctly printed: **SB 260, SB 465, SB 510, HB 144, HB 400, HB 475, HB 477, HB 495, HB 504, HB 530, HB 572, HB 635.**

Correctly engrossed: **SB 342, SB 499, HB 19, HB 95, HB 147, HB 328, HB 384, HB 488, HB 546, HB 563.**

Correctly enrolled: **SR 10.**

Signed by the Speaker at 10:30 a.m., March 27, 2009: **SB 250.**

Signed by the Secretary of the Senate at 3:45 p.m., March 26, 2009: **SB 250.**

Signed by the President at 8:45 a.m., March 27, 2009: **SB 250.**

Delivered to the Governor for approval at 11:25 a.m., March 27, 2009: **SB 74, SB 111, SB 143, SB 185, SB 188, SB 209, SB 250, SB 273, SB 340, SB 341, SB 395.**

Examined by the sponsor and found to be correct: **SR 10.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman):

3/27/2009

**SB 38**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Following:** "STOCK;"

**Strike:** "EXEMPTING SELLERS" on line 6 through "FEE PROVISIONS;" on line 7

**Following:** "AMENDING" on line 7

**Strike:** "SECTIONS 80-7-105 AND"

**Insert:** "SECTION"

**Following:** "PROVIDING AN"

**Insert:** "IMMEDIATE"

2. Page 1, line 12 through page 2, line 10.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 2, line 14 through line 15.

**Following:** "a license" on line 14

**Strike:** "for each location"

**Following:** "department." on line 15

**Insert:** "If the firm, nursery, or plant dealer sells or distributes nursery stock at more than one location, the firm, nursery, or plant dealer shall obtain:

(a) one license if its combined annual gross sales are less than \$10,000; and

(b) a license for each location if its gross annual sales are \$10,000 or more."

4. Page 2, line 23.

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

**Following:** "nursery stock"

**Insert:** "must be licensed but"

**Following:** "from licensing"

**Insert:** "fees"

5. Page 2, line 25.

**Strike:** "\$30"

**Insert:** "\$50"

6. Page 2, line 26.

**Following:** "\$3,000"

**Strike:** "or more"

**Insert:** "but less than \$10,000"

7. Page 2, line 27.

**Strike:** "\$95"

**Insert:** "\$125"

8. Page 2.

**Following:** line 27

**Insert:** "(d) A firm, nursery, or plant dealer that earns \$10,000 or more in gross annual sales of nursery stock shall pay a license fee of \$160."

**ReNUMBER:** subsequent subsections

9. Page 3, line 3 through line 5.

**Strike:** subsection (5) in its entirety

**ReNUMBER:** subsequent subsection

10. Page 3.

**Following:** line 7

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. (1) If House Bill No. 478 is not passed and approved, then [this act] is void.

(2) If both House Bill No. 478 and [this act] are passed and approved, then [section 1] of House Bill No. 478, amending 80-7-105, is void and 80-7-105 must be amended as follows:

**"80-7-105. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Firm" means an individual, company, partnership, association, or corporation.

(2) "Landscape service" means a firm that buys, sells, or resells nursery stock.

(3) "Nursery" means the business or location where nursery stock is grown or offered for sale or resale or as part of a landscape service.

(4) "Nursery stock" means botanically classified plants or parts of plants, including but not limited to tropical potted plants, aquatic plants, cut trees and their products, and turf or sod grass. The following plants and plant materials may not be considered nursery stock:

(a) field crop plants and seeds;

(b) pasture grasses;

(c) cut plants not for propagation;

(d) fruits or vegetables for human or animal consumption;

(e) cut trees and products that are going to be processed to a point that they no longer represent a pest risk;

and

(f) plant debris for disposal or processing.

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

(5) "Nursery stock certification" means the process by which the nursery stock or other plants have been inspected and found to meet certification standards established by department rule.

(6) "Plant dealer" means a firm that buys plants or plant products from a producer for the purpose of offering the plants or plant products for sale or resale or as part of a landscape service.

(7) "Plant inspection certificate" means a document issued by the department or the plant pest regulatory agency of another state that declares that the nursery stock, plants, or plant material grown by the firm named on the certificate is apparently free of injurious plant pests.

(8) "Plant pest" means an insect, weed, fungus, virus, bacteria, or other organism that can directly or indirectly injure or cause damage in a plant or a product of a plant and that meets the criteria as a pest established by department rule. For purposes of this chapter, noxious weeds, as defined in 7-22-2101(8)(a)(i), or other exotic weeds are defined as plant pests.

(9) "Small plant vendor" means a Montana firm that is engaged in the business of selling or distributing nursery stock, including coniferous Christmas decorations, and that:

(a) grows in Montana the nursery stock offered for sale or distribution; and

(b) has gross annual sales of less than \$1,000 in a calendar year."

11. Page 3, line 9.

**Strike:** "July 1, 2009"

**Insert:** "on passage and approval"

And, as amended, do pass. Report adopted.

**SR 18**, be adopted. Report adopted.

**HR 478**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "LICENSURE"

**Insert:** "FEES"

2. Page 2, line 10.

**Following:** "means a"

**Insert:** "Montana"

3. Page 2, line 12.

**Following:** "grows"

**Insert:** "in Montana"

4. Page 2, line 13.

**Strike:** "\$3,000"

**Insert:** "\$1,000"

5. Page 3, line 4.

**Following:** "vendor"

**Insert:** "must be licensed but"

**Following:** "from the"

**Insert:** "license fee"

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

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

3/27/2009

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

**SB 511**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Following:** "establishment"

**Insert:** "located in Montana"

2. Page 1, line 17.

**Strike:** "Establishments"

**Insert:** "Unless the sacramental wine is purchased on-site at the premises of the licensed retailer, an establishment"

**Strike:** "may"

**Insert:** "shall"

3. Page 1, line 18.

**Following:** "premises"

**Insert:** "using the establishment's own employees and equipment"

And, as amended, do pass. Report adopted.

**HB 211**, be concurred in. Report adopted.

**HB 246**, be concurred in. Report adopted.

**HB 318**, be amended as follows:

1. Page 2, line 18.

**Strike:** "\$750"

**Insert:** "\$250"

2. Page 2.

**Following:** line 26

**Insert:** "(c) Fees received pursuant to this section and any civil fines, fees, costs, or penalties received or recovered by the department of justice pursuant to [section 4] must be deposited into a state special revenue account to the credit of the department of justice and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to [sections 1 through 4]. Civil penalties, costs, or settlements received by a county attorney must be paid to the general fund of the county in which any enforcement action was commenced."

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

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

**HB 374**, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "INCREASING FINES" on line 6 through "LICENSE;" on line 7

2. Title, page 1, line 10.

**Strike:** "37-68-316,"

3. Page 5, line 17.

**Strike:** "4,000"

**Insert:** "2,000"

4. Page 6, line 23 through line 24.

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

**Strike:** "The" on line 23 through "basis." on line 24

5. Page 7, line 14 through line 15.

**Strike:** "The" on line 14 through "basis." on line 15

6. Page 9, line 5 through line 27.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

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

**ENERGY AND TELECOMMUNICATIONS** (Black, Chairman):  
**HB 584**, be amended as follows:

3/26/2009

1. Title, page 1, line 5.

**Strike:** "CERTIFICATION PROGRAM"

**Insert:** "BEST MANAGEMENT PRACTICE"

2. Title, page 1, line 6.

**Strike:** "A"

3. Title, page 1, line 7.

**Strike:** "CERTIFICATION PROGRAM"

**Insert:** "BEST MANAGEMENT PRACTICES"

4. Page 1, line 25.

**Strike:** "through a certification program"

5. Page 2, line 1 through line 4.

**Strike:** subsections (1) and (2) in their entirety

**Insert:** "(1) "Best management practice" means activities, procedures, and practices established by the department based on recommendations by the committee established in [section 4] that a wind generation facility can use to minimize impacts on wildlife, wildlife habitat, and historical and cultural sites."

**Renumber:** subsequent subsections

6. Page 2.

**Following:** line 18

**Insert:** "(5) "Wind generation facility" means the owner of a proposed wind generation facility with a nameplate capacity greater than 5 megawatts."

7. Page 2, line 20.

**Strike:** "certification program"

**Insert:** "best management practices"

8. Page 2, line 21.

**Following:** "shall"

**Insert:** "develop proposed voluntary best management practices.

(2) Prior to adopting the proposed best management practices, the department shall"

**Strike:** the second "a"

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

9. Page 2, line 22.

**Strike:** "certification program"

**Insert:** "best management practices"

10. Page 2, line 23.

**Strike:** "(2)"

**Insert:** "(3)"

**Strike:** "program and recommendations for"

**Insert:** "best management practices, including"

11. Page 2, line 24 through line 26.

**Strike:** "applicant" on line 24 through the first "for" on line 26

12. Page 2, line 26 through page 27.

**Strike:** "when" on line 26 through "requested" on line 27

**Insert:** "on the proposed best management practices"

13. Page 1, line 28.

**Strike:** line 28

14. Page 2, line 29.

**Strike:** "(e)"

**Insert:** "(b)"

**Strike:** "for the program;"

**Insert:** "that are available or are recommended to be available so that wind generation facilities use best management practices; and"

15. Page 2, line 30 through page 3, line 3.

**Strike:** line 30 through line 3

**Insert:** "(c) places where the department's proposed best management practices are different from those recommended by the committee established in [section 4]."

16. Page 3, line 4.

**Strike:** "(3)"

**Insert:** "(4)"

**Strike:** "certification"

**Insert:** "best management practice"

17. Page 3, line 5.

**Strike:** the first "recommendation"

**Insert:** "best management practice recommendation"

**Strike:** the second "recommendation"

**Insert:** "best management practice proposal"

18. Page 3, line 6.

**Strike:** "(2)"

**Insert:** "(3)"

19. Page 3, line 8.

**Strike:** "certification"

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

**Insert:** "best management practice"

20. Page 3, line 9.

**Strike:** "certification"

**Insert:** "best management practice"

21. Page 3, line 11.

**Strike:** "at least"

**Strike:** "a minimum of"

22. Page 3, line 12.

**Strike:** "four"

**Insert:** "six"

**Strike:** "generating"

**Following:** "Montana"

**Insert:** ", developers of wind facilities, or both"

23. Page 3, line 14.

**Strike:** "two representatives"

**Insert:** "one representative"

24. Page 2, line 15.

**Strike:** "two representatives"

**Insert:** "one representative"

25. Page 3, line 17.

**Following:** "Additional"

**Insert:** "ex officio"

26. Page 3, line 25.

**Strike:** "certification"

**Insert:** "best management practice"

27. Page 3, line 26.

**Strike:** "a"

28. Page 3, line 27.

**Strike:** "certification program"

**Insert:** "best management practices"

29. Page 3, line 28.

**Strike:** "an"

30. Page 3, line 29.

**Strike:** "applicant" through "measures"

**Insert:** "a wind generation facility implements best management practices"

31. Page 4, line 1.

**Strike:** "an applicant"

**Insert:** "a wind generation facility"

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

**Strike:** "be required to"

32. Page 4, line 4.

**Strike:** "measures necessary"

**Insert:** "best management practices recommended"

33. Page 4, line 6.

**Strike:** line 6

34. Page 4, line 7.

**Strike:** "(e)"

**Insert:** "(d)"

**Strike:** "pursue certification;"

**Insert:** "use best management practices; and"

35. Page 4, line 8 through line 11.

**Strike:** line 8 through line 11

36. Page 4, line 12.

**Strike:** "(h)"

**Insert:** "(e)"

**Strike:** "a"

37. Page 4, line 13.

**Strike:** "certification program"

**Insert:** "best management practices"

38. Page 4, line 19.

**Following:** "develop"

**Insert:** "best management practice"

39. Page 4, line 20.

**Strike:** "Recommendations"

**Insert:** "Best management practice recommendations"

40. Page 4, line 22.

**Following:** the third "the"

**Insert:** "proposed best management practices and the"

41. Page 4, line 23.

**Strike:** "and recommendations"

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

**FISH AND GAME** (Barkus, Chairman):

3/27/2009

**HB 190**, be amended as follows:

1. Page 1, line 30.

**Strike:** ", conditionally,"



SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

2. Page 2, line 4.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) that the legislation neither create any right nor extinguish any right related to county roads established by prescriptive use that exist at the time of passage; "

**Renumber:** subsequent subsections

3. Page 3, line 6.

**Following:** line 5

**Insert:** "(3) The provisions in [sections 1 and 3] and this section related to public access to surface waters for recreational use neither create nor extinguish any right related to county roads established by prescriptive use that exist on [the effective date of this act].

(4) For purposes of determining liability, a person accessing surface waters for recreational use pursuant to this section is owed no duty by a landowner or an agent or tenant of that landowner other than for an act or omission that constitutes willful or wanton misconduct."

4. Page 3, line 14.

**Following:** "characteristics of"

**Insert:** "an access feature of"

5. Page 3, line 15.

**Following:** "Examples of"

**Insert:** "an access feature of"

6. Page 3, line 23.

**Following:** line 22

**Insert:** "(b) It may only be necessary to locate one access feature on each side of the surface water. When practicable, one access feature must be located on the downstream bridge edge, guardrail, or abutment. The department may waive these provisions when one access feature is sufficient."

**Renumber:** subsequent subsections

7. Page 3, line 30 through page 4, line 1.

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

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

**HB 443**, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "DEFINITIONS" on line 5 through "AND" on line 6

**Insert:** "THE DEFINITION OF"

**Strike:** "GRANTING RULEMAKING AUTHORITY;" on line 6

2. Title, page 1, line 6 through line 7.

**Strike:** "SECTIONS 87-2-101," on line 6

**Insert:** "SECTION"

**Strike:** "AND 87-5-105,"

3. Page 1, line 11 through page 2, line 26.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

4. Page 3, line 20.

**Strike:** "included" through "87-2-101"

**Insert:** "legally classified by statute or regulation of this state"

5. Page 3, line 22.

**Following:** "~~part:~~"

**Insert:** "Animals designated by statute or regulation of this state as predatory in nature are not classified as nongame wildlife for purposes of this part."

6. Page 4, line 1 through line 12.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

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

**HB 499**, be concurred in. Report adopted.

**HJR 15**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Brueggeman, Chairman):

3/27/2009

**HB 103**, be concurred in. Report adopted.

**HB 116**, be concurred in. Report adopted.

**HB 356**, be concurred in. Report adopted.

**HB 371**, be concurred in. Report adopted.

**HB 373**, be concurred in. Report adopted.

**HB 380**, be concurred in. Report adopted.

**HB 416**, be concurred in. Report adopted.

**HB 531**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "DEVICE;"

**Insert:** "PROVIDING EXCEPTIONS;"

2. Page 1.

**Following:** "(5)" on line 24

**Insert:** "(a)"

**Following:** line 25

**Insert:** "(b) Subsection (5)(a) does not apply to automated enforcement systems attached to traffic control devices at railroad grade crossings."

3. Page 2.

**Following:** "(2)" on line 3

**Insert:** "(a)"

**Following:** line 4

**Insert:** "(b) Subsection (2)(b) does not apply to automated enforcement systems attached to traffic control devices at railroad grade crossings."

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

**MESSAGES FROM THE OTHER HOUSE**

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

House bills passed and transmitted to the Senate for concurrence:

3/27/2009

**HB 52**, introduced by McNutt  
**HB 110**, introduced by Sesso  
**HB 280**, introduced by Hunter  
**HB 464**, introduced by O'Hara  
**HB 472**, introduced by Dick Barrett  
**HB 562**, introduced by Cohenour  
**HB 578**, introduced by Caferro  
**HB 583**, introduced by Fleming  
**HB 634**, introduced by McAlpin  
**HB 644**, introduced by Sesso  
**HB 645**, introduced by Sesso  
**HB 664**, introduced by Jopek  
**HB 676**, introduced by Sesso

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 52**, introduced by McNutt (by request of the Water Policy Committee), referred to Natural Resources.  
**HB 110**, introduced by Sesso (by request of the Legislative Finance Committee), referred to State Administration.  
**HB 280**, introduced by Hunter, referred to Public Health, Welfare and Safety.  
**HB 464**, introduced by O'Hara, Ankney, Arntzen, Bean, P. Beck, Belcourt, Blewett, Driscoll, Ebinger, Fleming, French, Glaser, Hamilton, Hendrick, Himmelberger, Hollandsworth, Hoven, Jones, Klock, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Milburn, Nooney, J. Peterson, Pomnichowski, Randall, Reichner, Roberts, Smith, Sonju, Stahl, Steenson, Taylor, Washburn, Welborn, Wilson, Barkus, Debbie Barrett, Black, Brenden, T. Brown, Brueggeman, Cooney, Gebhardt, Hawks, Jackson, Larsen, Murphy, Perry, J. Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, referred to Finance and Claims.  
**HB 472**, introduced by Dick Barrett, Vincent, referred to Local Government.  
**HB 562**, introduced by Cohenour, referred to Taxation.  
**HB 578**, introduced by Caferro, referred to Public Health, Welfare and Safety.  
**HB 583**, introduced by Fleming, French, Black, Brueggeman, Getz, Campbell, Taylor, Grinde, Steinbeisser, Keane, Warburton, referred to Agriculture, Livestock and Irrigation.  
**HB 634**, introduced by McAlpin, McChesney, Van Dyk, Villa, Sands, Augare, Wiseman, Malek, Steenson, P. Noonan, Furey, Pomnichowski, Caferro, McClafferty, MacDonald, Fleming, Campbell, Ebinger, Reinhart, referred to Judiciary.  
**HB 644**, introduced by Sesso, A. Noonan, Gallus, Laslovich, Hiner, Villa, P. Noonan, Keane, McClafferty, referred to Finance and Claims.  
**HB 645**, introduced by Sesso (by request of the House Appropriations Standing Committee), referred to Finance and Claims.  
**HB 664**, introduced by Jopek, Blasdel, referred to Agriculture, Livestock and Irrigation.  
**HB 676**, introduced by Sesso (by request of the House Appropriations Standing Committee), referred to Finance and Claims.

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

**SJR 33**, introduced by Perry (by request of the Senate Judiciary Standing Committee), referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

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

**SR 21**, introduced by J. Tropila (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

**SR 22**, introduced by J. Tropila (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

**SR 23**, introduced by R. Brown (by request of the Senate Public Health, Welfare, and Safety Committee), referred to Public Health, Welfare and Safety.

**SR 24**, introduced by Perry (by request of the Senate Judiciary Standing Committee), referred to Judiciary.

**SR 25**, introduced by Barkus (by request of the Senate Fish and Game Standing Committee), referred to Fish and Game.

**SR 26**, introduced by Shockley (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 27**, introduced by Shockley (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 28**, introduced by Shockley (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SPECIAL ORDERS OF THE DAY**

Senator Brueggeman read the following Joint Proclamation:

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA**

**March 27, 2009**

Commending Michael W. Haynes, a 28-year-old Trooper with the Montana Highway Patrol, for his service to the State of Montana;

**Whereas**, Trooper Haynes was the beloved son of John and Melody Haynes of Kalispell, the loving husband of Tawny, and devoted father of Taryn and Elias; and

**Whereas**, Trooper Haynes was a hardworking man, dedicated to his job with the Highway Patrol, who lived the example of the core duties of the Patrol: service, integrity, and respect; and

**Whereas**, Trooper Haynes was sworn in to duty on August 10, 2006, and stationed in Baker and assumed his Kalispell duty station on October 1, 2007; and

**Whereas**, Trooper Haynes was injured in the line of duty while on patrol of U.S. Highway 93 in the early morning hours of March 23, 2009, and he succumbed to his injuries on March 27, 2009;

**THEREFORE BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
THE STATE OF MONTANA:**

*That the members of this body recognize the dedication of Trooper Haynes to the citizens of the State of Montana and the sacrifice he made. The members of this body further extend condolences to the family of Trooper Haynes and extend best wishes for strength in this difficult time.*

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

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Senator Robert R. Story Jr.  
President of the Senate

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Representative Bob Bergren  
Speaker of the House

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Sen. John Brueggeman, Chairman  
Highways & Transportation Committee

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Rep. Jon Sonju, Chairman  
Transportation Committee

**MOTIONS**

Senator Peterson moved the Senate recess until 1:30 p.m. for the purpose of caucuses. Motion carried.

Senate in recess.

Senate reconvened at 1:30 p.m.

Roll Call. All members present. Quorum present.

**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 Brenden in the chair.

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

**SB 370** - Senator Perry moved **SB 370** do pass.

**SB 370** - Senator Perry moved **SB 370**, second reading copy, be amended as follows:

1. Page 3, line 24.

**Following:** "(2)"

**Insert:** "(a)"

**Strike:** "EACH"

**Insert:** "Except as provided in subsection (2)(b), each"

2. Page 3.

**Following:** line 25

**Insert:** "(b) Permitted operations that mine, extract, or produce bentonite are not subject to the fee provided in this section."

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.

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 370** - Senator Perry moved **SB 370**, as amended, do pass. Motion carried as follows:

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

Total 45

Nays: Balyeat, R. Brown, Gallus, Hinkle, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Brueggeman excused at this time.

**SB 509** - Senator Gebhardt moved **SB 509** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Mr. President.

Total 31

Nays: Cooney, Erickson, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 18

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

Senator Brueggeman present at this time.

**SB 342** - Senator Essmann moved **SB 342** do pass. Motion **failed** as follows:

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Peterson, Shockley, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 24

Nays: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 342** - Senator Williams moved **SB 342** be indefinitely postponed. Motion carried as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams.  
Total 28

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Shockley, Windy Boy, Zinke, Mr. President.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 163** - Senator Gillan moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Perry, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy.  
Total 29

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Ripley, Shockley, Steinbeisser, Zinke, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

resident Story in the chair. Chairman Brenden 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 260** passed as follows:

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

Total 41

Nays: Cooney, Erickson, Hamlett, Juneau, Kaufmann, Laslovich, McGee, Squires, Stewart-Peregoy.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 465** 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 491** passed as follows:

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

Total 49



SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 510** 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, Hinkle, Jackson, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, J. Tropila, Tutvedt, Zinke, Mr. President.  
Total 39

Nays: Hawks, Jent, Juneau, Kaufmann, Larsen, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 144** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 47

Nays: Gallus, McGee, Perry.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 386** concurred in as follows:

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

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

Total 48

Nays: Esp, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 400** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Hamlett, Hawks, Hinkle, Jackson, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.  
Total 40

Nays: Curtiss, Esp, Gillan, Hansen, Jent, Juneau, McGee, Schmidt, Stewart-Peregoy, Windy Boy.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 530** 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, Hinkle, Jackson, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: Hawks, Jent, Keane, McGee, Perry.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Barkus thanked the Pages for their work during the week of March 23-28, 2009.

SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 27, 2009

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 8:00 a.m., Saturday, March 28, 2009. Motion carried.

Senate adjourned at 3:02 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate