

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

Helena, Montana
April 3, 2009

Senate Chambers
State Capitol

Senate convened at 2:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

Senator Jent present at this time.

BILLS AND JOURNALS:

4/3/2009

Correctly printed: **SJR 37, SR 19, SR 20, HB 269, HB 280, HB 318, HB 373, HB 380, HB 384, HB 416, HB 475, HB 630, HB 635, HB 653, HJR 15, HJR 30.**

Correctly engrossed: **HB 173.**

Correctly enrolled: **SB 76, SB 124, SB 136, SB 192, SB 275, SB 276, SB 311, SB 375, SB 392, SB 400, SB 401, SJR 11, SJR 20, SJR 26, SR 15, SR 16, SR 17, HJR 24, HJR 26, HJR 27.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman):

4/3/2009

SR 18, be adopted. Report adopted.

HB 583, be amended as follows:

1. Title, page 1, line 5.

Strike: "SIX"

Insert: "FOUR"

2. Title, page 1, line 7.

Following: "~~PROVIDING A FUND TRANSFER;~~"

Insert: "PROVIDING A FUND TRANSFER;"

3. Page 2, line 2.

Strike: "six"

Insert: "four"

4. Page 2.

Following: line 18

Insert: "NEW SECTION. Section 2. Fund transfer. There is transferred \$250,000 from the research and commercialization state special revenue account established in 90-3-1002 to the state general fund in each year of the biennium, to be spent in accordance with 90-3-1003(4)."

Renumber: subsequent sections

5. Page 2, line 21 through line 22.

Strike: "AMOUNT ALLOCATED" on line 21 through "CHAPTER 9," on line 22

Insert: "general fund"

6. Page 2, line 25.

Strike: "Six"

Insert: "Four"

Strike: "\$360,000" in two places

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Insert: "\$240,000" in two places

7. Page 2, line 27.

Strike: "\$370,000" in two places

Insert: "\$250,000" in two places

8. Page 2.

Following: line 30

Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If [this act] is passed and approved and House Bill No. 123 fails, then the fund transfer provided for in [section 2 of this act] for fiscal year 2011 is void."

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

HB 664, be amended as follows:

1. Page 2, line 22.

Strike: "\$20,000"

Insert: "\$5,000"

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

ENERGY AND TELECOMMUNICATIONS (Black, Chairman):

4/2/2009

HB 333, be amended as follows:

1. Title, page 1, line 6.

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Title, page 1, line 9.

Strike: "AND A TERMINATION DATE"

3. Page 1, line 20 through line 21.

Strike: "during" on line 20 through "biennium," on line 22

4. Page 1, line 21.

Strike: "shall"

Insert: "may"

5. Page 2, line 15 through line 19.

Strike: subsection (6) in its entirety

Insert: "(6) Prior to September 1 of each even-numbered year, the bureau shall update the energy and telecommunications interim committee on research conducted pursuant to this section and funding received pursuant to [section 2]."

6. Page 2, line 21 through line 28.

Strike: section 2 in its entirety

Insert: "NEW SECTION. **Section 2. Authority to accept gifts, grants, contributions, and reimbursements.** The Montana bureau of mines and geology may accept gifts, grants, contributions pursuant to [section 1(3)], and reimbursements to be used for the purposes of [section 1]."

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

7. Page 3, line 11.

Strike: section 5 in its entirety

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

FISH AND GAME (Barkus, Chairman):
HB 42, be amended as follows:

4/3/2009

1. Title, page 1, line 9.

Following: "ACCOUNT;"

Insert: "PROVIDING A STATUTORY APPROPRIATION;"

Following: "SECTIONS"

Insert: "17-7-502,"

Following: "87-1-201"

Insert: ", "

2. Title, page 1, line 10.

Strike: "AN"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

3. Page 1, line 13.

Following: line 12

Insert: "**Section 1.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; [section 3]; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments parenthetical termination material from MCA."

Renumber: subsequent sections

4. Page 3, line 14.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Following: "ACCOUNT"

Insert: "are statutorily appropriated, as provided in 17-7-502, to the department and"

5. Page 3, line 15.

Following: "PROVISIONS"

Insert: "of"

6. Page 3, line 16.

Following: line 15

Insert: "NEW SECTION. **Section 4. Forest management account.** (1) There is a special revenue account called the forest management account to the credit of the department of fish, wildlife, and parks.

(2) The forest management account consists of money deposited into the account from forest management projects undertaken pursuant to 87-1-201(9)(a)(iv) and from any other source. Any interest earned by the account must be deposited into the account.

(3) Except as otherwise directed by state or federal law, funds from the forest management account must be used by the department to implement forest management projects that may result pursuant to the provisions of 87-1-201(9)(a)(iv)."

7. Page 5, line 18.

Strike: "[SECTION 2] IS"

Insert: "[Sections 3 and 4] are"

8. Page 5, line 19.

Strike: "[SECTION 2]"

Insert: "[sections 3 and 4]"

9. Page 5, line 21.

Strike: "DATE"

Insert: "dates"

Following: "DATE."

Insert: "(1)"

Strike: "[THIS ACT]"

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

Following: "2009."

Insert: "(2) [Section 4] is effective July 1, 2013."

10. Page 5, line 22.

Following: line 21

Insert: "NEW SECTION. **Section 8. Termination.** [Section 3] terminates June 30, 2013."

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

HB 585, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman):

4/2/2009

SR 32, be adopted. Report adopted.

HB 238, be concurred in. Report adopted.

HB 306, be concurred in. Report adopted.

TAXATION (Essmann, Chairman):

4/3/2009

HB 487, be concurred in. Report adopted.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

HB 562, be concurred in. Report adopted.

HB 670, be amended as follows:

1. Page 1, line 21.

Following: "reduce"

Insert: "by 95%"

2. Page 1, line 22.

Strike: "other than land,"

Following: "of that property"

Insert: ", other than land, that is"

3. Page 1, line 23.

Strike: "by 95%"

4. Page 2, line 28 through line 29.

Following: "provide that" on line 28

Insert: "commercial"

Strike: "other than land" on lines 28 and 29

Insert: "improvements"

Strike: "improvements," on line 29

Following: "of that property"

Insert: ", other than land,"

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

MESSAGES FROM THE GOVERNOR

April 3, 2009

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

Dear Senator Story:

Please be informed that I have signed **Senate Bill 141** sponsored by Senator J. Tropila, **Senate Bill 173** sponsored by Senator Murphy, **Senate Bill 208** sponsored by Senator Lewis, **Senate Bill 409** sponsored by Senator Brueggeman, on April 2, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

April 2, 2009

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

Dear President Story:

Attached is a list of appointments requiring confirmation by the Montana State Senate. We have supplied the following information for appointees:

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

County Printing Board -- 2-15-1026, Montana Code Annotated

The board consists of five members as follows: two members of the printing industry; two county commissioners; and one member of the general public. (NOTE: The interim appointments of Mr. Killoy, Mr. Oraw, Commissioner Roose and Mr. Wester were confirmed by the Senate in SR 2. These appointments are now for the 2009-2011 term.)

Dan Killoy, PO Box 1216, Miles City MT 59301 (Member)
Contact Phone(s): 406-234-0450, 406-853-0012
Appointment date: 4/1/2009; Term ends: April 1, 2011
Qualification: printing industry representative

Killoy is the publisher of the Miles City Star. He has served as president of the Butte Chamber of Commerce, president of the Miles Community College Booster Club, and vice president of the Montana Newspaper Association.

Calvin J. Oraw, 637 11th St SE, Sidney MT 59270 (Member)
Contact Phone(s): 406-482-1322
Appointment date: 4/1/2009; Term ends: April 1, 2011
Qualification: public representative

Oraw is the pastor of the Zion Lutheran Church. He has served on the Sidney city council and city-county planning board, and has a bachelor's degree in agriculture business from Montana State University.

Marianne Roose, PO Box 2012, Eureka MT 59917 (Member)
Contact Phone(s): 406-297-3139, 406-882-4544
Appointment date: 4/1/2009; Term ends: April 1, 2011
Qualification: County Commissioner

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Roose was appointed county commissioner in 1997, and has been elected three times since then. Prior to becoming commissioner, Roose was the Lincoln County north annex office manager and justice court clerk.

Milton Wester, 1540 W 9th St, Laurel MT 59044 (Member)

Contact Phone(s): 406-628-4412, 406-628-7049

Appointment date: 4/1/2009; Term ends: April 1, 2011

Qualification: printing industry representative

Wester is the publisher of Outlook Publishing, Inc. He attended then-Eastern Montana College where he studied English and History. He's also been active in the Montana Newspaper Association.

Laura Obert, PO Box 196, Townsend MT 59644 (Member)

Contact Phone(s): 406-980-2050, 406-266-4816

Appointment date: 4/1/2009; Term ends: April 1, 2011

Qualification: County Commissioner

Obert was elected to the county commission in 2008. She has served as secretary of the Broadwater County Development Corporation and has participated in Soroptimist International and Rotary International.

Board of Funeral Service -- 2-15-1743, Montana Code Annotated

The board consists of six members who serve staggered 5-year terms. Three are licensed morticians, one member is a public representative not engaged in the practice of mortuary science or funeral directing, one member is a licensed crematory operator or crematory technician or a mortician who is engaged in a crematory operation and one is a representative of a cemetery company.

R.J. Brown, 203 Nelson Dr, Lewistown MT 59457 (Member)

Contact Phone(s): 406-538-8711, 406-535-5122

Appointment date: 7/1/2009; Term ends: July 1, 2014

Qualification: mortician

Brown is a licensed mortician and owns Cloyd Funeral Home. He also serves as county coroner for Fergus and Petroleum Counties. Brown graduated from the San Francisco College of Mortuary Science, and is active in state and national professional organizations and other community groups..

Board of Hearing Aid Dispensers -- 2-15-1740, Montana Code Annotated

The board consists of seven members who serve 3-year terms: one who holds or is eligible for certification from the American board of otolaryngology; two hearing aid dispensers who have been licensed for at least 5 years, who possess national certification in audiology and have a master's level college degree; two licensed dispensers who do not hold a master's degree in audiology but have been licensed dispensers/fitters for at least 5 years; two public members, each of whom is not in the hearing health field and one of whom regularly uses a hearing aid because the person has a demonstrated hearing impairment. A member may not be reappointed within 1 year after the expiration of the member's second consecutive full term.

Lee Frantz Oines, 524 Benton Ave, Missoula MT 59801 (Member)

Contact Phone(s): 406-549-1951, 406-542-3625

Appointment date: 4/1/2009; Term ends: July 1, 2011

Qualification: dispenser with master's degree and national certification

Oines is an audiologist with Rocky Mountain Hearing & Balance. She received her master's in audiology from the University of Colorado. She's a member of the Montana Speech-Language-Hearing Association and the American Academy of Audiology.

Jim Lieberg, 430 Butler, Helena MT 59602 (Member)

Contact Phone(s): 406-461-5200

Appointment date: 4/1/2009; Term ends: July 1, 2011

Qualification: public representative with hearing aid

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Lieberg is manager of Lehrkind's Coca-Cola. He has a sociology degree from New York Regents College, and is active in the Lion's Club. Lieberg also served as a Lieutenant Colonel in the Montana National Guard.

Mervin Michel, PO Box 3705, Great Falls MT 59403 (Member)

Contact Phone(s): 406-727-7269

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

Qualification: hearing aid dispenser (no masters)

Michel has been a licensed hearing aid dispenser for over 30 years and is employed by the Hearing Aid Institute. He earned his board certification in 1980, and also served on state boards and councils in the state of Washington.

Brian Bolenbaugh, 1511 S Russell St, Missoula MT 59801 (Member)

Contact Phone(s): 406-543-5690

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

Qualification: hearing aid dispenser (no masters)

Bolenbaugh is a hearing aid dispenser and franchisee with the Miracle-Ear Centers. He's a member of the Montana Hearing Society and other professional organizations.. He was originally licensed in Montana in 1980, has been board certified 1997, and has also dispensed hearing aids in California, Oklahoma and Colorado.

Board of Investments -- 2-15-1808, Montana Code Annotated

The board is designated as a quasi-judicial board and consists of nine members. The members are: one member from the Public Employees' Retirement Board, one member from the Teachers' Retirement Board and seven members who will provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representative of: the financial community; small business; agriculture; and labor.

Elouise Cobell, PO Box 3029, Browning MT 59417 (Member)

Contact Phone(s): 406-338-2992

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: agriculture community representative

Cobell and her husband operate a working ranch, producing cattle and crops. Her expertise includes service as co-chair of Native American Bank, N.A., chairperson for the Blackfeet National Bank, board member for First Interstate Bank, and past service (13 years) as treasurer for the Blackfeet Indian Nation in Montana.

Teresa Olcott Cohea, 213 Spencer ST, Helena MT 59601 (Member)

Contact Phone(s): 406-442-9600, 406-442-5289

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: financial community representative

Cohea is a Financial consultant with DA Davidson & Co. She served in various budget, financial and administrative positions with the state of Montana, including legislative fiscal analyst (1990-1993) and chief of staff to Governor Ted Schwinden. Cohea serves on the Prickly Pear Land Trust and on the board of the Holter Museum.

Jack Prothero, 619 3rd Ave SW, Great Falls MT 59404 (Member)

Contact Phone(s): 406-761-3683

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: small business community representative

Prothero is a retired banker and receive an MBA in finance from the University of Washington. He is involved with NeighborWorks Great Falls and NeighborWorks Montana, which provide homeowner opportunities and services to Montanans. Prothero also served on the board of the University of Montana Business School.

James Turcotte, 1376 Beaverhead Road, Helena MT 59602 (Member)

Contact Phone(s): 406-442-5012, 406-442-0113

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: TRS representative

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Turcott is a financial consultant with Raymond James Financial Services. He is a securities broker and registered investment advisor, and has a bachelor's degree in accounting from Montana State University-Billings. Turcotte has also served on the Helena Regional Airport Board.

Patrick McKittrick, 636 Carol Dr, Great Falls MT 59405 (Member)

Contact Phone(s): 406-727-4241, 406-761-5730

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: PERS Representative

McKittrick received his BA in political science from Carroll College and his JD from the University of Montana. He served in the Montana House of Representatives from 1971-1977 (Speaker, 1975-77). McKittrick served as chairman of the Montana Economic Development Board, and was a board member for the Montana Committee for the Humanities, Campaign for Human Development and the Burton K. Wheeler Foundation among other organizations.

Livestock Loss Reduction and Mitigation Board -- 2-15-3110, Montana Code Annotated

The board consists of seven members who serve staggered, 4-year terms: three members from a list of names recommended by the board of livestock; three members from a list of names recommended by the fish, wildlife, and parks commission; and one member of the general public. Each board member must have knowledge of or have experience in at least one of the following: the raising of livestock in Montana; livestock marketing, valuations, sales, or breeding associations; the interaction of wolves with livestock and livestock mortality caused by wolves; wildlife conservation; administration; and fundraising. The board is designated as a quasi-judicial board, except that an attorney member is not required. (NOTE: The interim appointments of Mr. Radtke, Ms. Wankel and Mr. Cross were confirmed by the Senate in SR 2. These appointments are now for the 2009-2013 term.)

Brad Radtke, 426 Cow Creek Rd, Drummond MT 59832 (Member)

Contact Phone(s): 406-288-3502

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: Fish, Wildlife and Parks Commission

Radtke is a 4th generation rancher. He has a bachelor's degree in renewable resource management from Montana State University. Radtke is on the Granite County Conservation District board and helped create a local watershed group.

Whitney Wankel, 511 Dove Ct, Bozeman MT 59718 (Member)

Contact Phone(s): 406-951-0538

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: public member

Wankel, a senior at Montana State University, is the chairperson of the Young Cattlemen's Committee of the Montana Cattlemen's Association and is parliamentarian for the national Women Involved in Farm Economics. She has worked as a teaching assistant, ranch hand, marketing intern and information media specialist intern during her school career.

James Cross, 618 Leisure Dr, Kalispell MT 59901 (Member)

Contact Phone(s): 406-755-4914

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: Fish, Wildlife and Parks Commission

Cross has long experience on the former Governor's Wolf Management Advisory Council. A retired Fish, Wildlife and Parks Department employee; he's also a certified wildlife biologist.

Michael Leahy, 109 S 8th Ave, Bozeman MT 59715 (Member)

Contact Phone(s): 406-586-3970

Appointment date: 4/1/2009; Term ends: January 1, 2013

Qualification: Fish, Wildlife and Parks Commission

Leahy is the Rocky Mountain Region director for the Defenders of Wildlife, and works on livestock loss compensation and deterrence programs throughout the region and the Great Plains. He has a JD from Georgetown and a BS from Cornell University.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

John Herman, PO Box 7, Hot Springs MT 59845 (Member)

Contact Phone(s): 406-849-5752

Appointment date: 4/1/2009; Term ends: January 1, 2011

Qualification: Board of Livestock

Herman is a 5th generation rancher, located on the northwestern edge of the Flathead Reservation. He's been involved with the Montana Cattlemen's Association, fundraising for local schools, and food donations of ranch beef to the Hot Springs Senior Citizens Center and the Tribal Nutrition Center.

Board of Pharmacy -- 2-15-1733, Montana Code Annotated

The board consists of six members who serve staggered 5-year terms (maximum of two consecutive full terms). Members are: three licensed pharmacists (with 5 consecutive years experience immediately prior to appointment and continued active engagement in pharmacy while on the board), one member a registered pharmacy technician (with 5 consecutive years experience immediately prior to appointment and continued active engagement as a pharmacy technician while on the board), and two members from the general public who are residents of Montana and have never been actively directly related to the practice of pharmacy, been a member of the pharmacy profession or a spouse of a member of the pharmacy profession, or have material financial interest in providing pharmacy services. Licensed pharmacists must have degrees from the University of Montana-Missoula or an accredited pharmacy degree program approved by the board.

Michael Bertagnolli, 2 Tartan Rd, Three Forks MT 59752 (Member)

Contact Phone(s): 406-522-1759, 406-285-6880

Appointment date: 7/1/2009; Term ends: July 1, 2014

Qualification: licensed pharmacist

Bertagnolli studied pre-pharmacy at Carroll College, received his pharmacy degree from the University of Montana and an MBA in health care administration from Regis University in Denver. He is currently director of pharmacy for Bozeman Deaconess Hospital, and has also had retail and VA pharmacy experience. He was Montana Pharmacist of the Year in 2005.

Board of Plumbers -- 2-15-1765, Montana Code Annotated

The board consists of nine members who serve staggered 4-year terms. The members are: two master plumbers and two journeyman plumbers, 18 years of age or older, who have been residents of this state for more than 1 year, and who have been duly licensed master or journeyman plumbers at least 5 out of the last 8 years immediately preceding their appointment; one registered professional engineer qualified in mechanical engineering; three representatives of the public who are not engaged in the business of installing or selling plumbing equipment; and one representative of the Department of Environmental Quality, who must have experience in the regulation of drinking water systems.

Donna L. Paulson, 308 27th St N, Great Falls MT 59401 (Member)

Contact Phone(s): 406-761-1581, 406-452-9117

Appointment date: 5/4/2009; Term ends: May 4, 2013

Qualification: public representative

Paulson is the controller for B & B Heating & Air Conditioning. Previously, she worked for her family's contracting business (Nelson Plumbing and Heating).

Board of Public Accountants -- 2-15-1756, Montana Code Annotated

The seven-member board serves staggered 5-year terms and consists of: four certified public accountants, one licensed public accountant and two public members. The CPAs must be actively engaged in the profession, and have been certified for 5 years prior to appointment. These members cannot be from the same county. The LPA also must have had a valid license for 5 years prior to appointment and public members cannot be engaged in public accounting. (NOTE: HB 80, signed into law April 1, allows for reappointment of members.)

Rick Reisig, 21 10th St S, Great Falls MT 59401 (Member)

Contact Phone(s): 406-727-0888

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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Qualification: Certified Public Accountant

Reisig is a CPA and a shareholder in Hamilton Misfeldt & Company, which he joined in 1982. He has a bachelor's degree in accounting from Montana State University, and is a member of the American Institute of CPAs and past president of the Montana Society of CPAs.

Public Employees Retirement Board -- 2-15-1009, Montana Code Annotated

The board has seven members who serve five-year terms. Three members must be public employees who are active members of a public employee retirement system, one retired public employee who is a member of a public employee retirement system, two public members and one member with experience in investment management or financial planning.

Terrence M. Smith, 528 Peace Pipe Dr, Bozeman MT 59715 (Member)

Contact Phone(s): 406-995-2660; 406-556-4683

Appointment date: 4/1/2009; Term ends: April 1, 2014

Qualification: public employee/defined contribution plan

Smith is the financial officer of the Big Sky County Water & Sewer District 363. He graduated with honors from the University of Colorado with a degree in business administration.

Patrick McKittrick, PO Box 1184, Great Falls MT 59403 (Member)

Contact Phone(s): 406-727-4041, 406-761-5730

Appointment date: 4/1/2009; Term ends: April 1, 2014

Qualification: experience in investment management

McKittrick received his BA in political science from Carroll College and his JD from the University of Montana. He served in the Montana House of Representatives from 1971-1977 (Speaker, 1975-77). McKittrick served as chairman of the Montana Economic Development Board, and was a board member for the Montana Committee for the Humanities, Campaign for Human Development and the Burton K. Wheeler Foundation among other organizations.

Board of Sanitarians -- 2-15-1751, Montana Code Annotated

The board consists of five members who are residents of Montana and who serve staggered 3-year terms. Three of the members are registered sanitarians with a minimum of 3 years of experience practicing as a sanitarian in the state of Montana; two members are from the public but not sanitarians and shall represent the interests of the public at large.

Rodney Fink, PO Box 111, Columbus MT 59019 (Member)

Contact Phone(s): 406-321-0794

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

Qualification: sanitarian

Fink graduated from Montana State University-Billings with a degree in biology and math. He's a registered sanitarian and works as a contract sanitarian.

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 418, "**AN ACT AUTHORIZING INVESTOR-OWNED EQUINE SLAUGHTER OR PROCESSING FACILITIES; PROHIBITING A COURT FROM GRANTING AN INJUNCTION TO STOP OR DELAY THE CONSTRUCTION OF AN EQUINE SLAUGHTER OR PROCESSING FACILITY BASED ON LEGAL CHALLENGES OR APPEALS OF A PERMIT, LICENSE, CERTIFICATE, OR OTHER APPROVAL ISSUED IN CONJUNCTION WITH ENVIRONMENTAL LAWS; SETTING BONDING REQUIREMENTS; AND AMENDING SECTIONS 75-1 -201,75-2-104.75-5-614.75-5- 621, 75-5-641, 81-9-1 11, 81 -9-1 12, 81-9-1 15,81-9-116, 81-9-201, 81-9-229, AND 81 -9-230, MCA.**"

I begin by saying that my proposed amendments do not prevent the licensing and operation of a horse slaughter facility in Montana. My amendments retain those aspects of HB 41 8 that clarify existing law to ensure that a horse slaughter facility, if licensed to operate in Montana, conforms to Montana's current laws pertaining to all livestock slaughter facilities. My amendments are focused on eliminating what I believe is the unnecessary and potentially harmful special treatment that would be granted to one particular industry under this bill.

Before addressing my specific amendments, I want you to know that, like you, I believe horse owners must be responsible for the health and care of their animals. Like you, I believe it is unacceptable that any horse would be left starving or to die due to neglect. I also believe owners should have access to a legal method to put their horses down as necessary and appropriate -- due to age, infirmity, or other legitimate circumstances. While I understand the value in licensing horse slaughter facilities, it is equally important that any facility approved to operate in Montana comply with this state's health and environmental laws. Therefore, a person applying to license a horse slaughter facility who wishes to do so in accordance with Montana law has nothing to fear from the amendments I propose.

Specifically, my amendments address the limitations imposed upon a person seeking to bring a legal challenge to a license approving a horse slaughter facility. Those limitations are found in sections 1 and 2 of HB 41 8, which my proposed amendments would strike. I believe sections 1 and 2 of the bill are unnecessary, cast too wide a net, and suffer from potential constitutional infirmities.

Section 1 of HB 418 would prohibit a court from enjoining the construction of a horse slaughter facility based on a challenge to a permit or license approving the facility under Montana's environmental laws. An injunction is a remedy in equity available to litigants to preserve the status quo where a remedy in law would be inadequate. The remedy of injunction is not freely granted. It is my opinion that current statutory standards for the issuance of injunctions already provide sufficient safeguards to ensure the remedy of injunction will only be available to a party under limited and justified circumstances. For example, § 27-1 9-201, MCA, authorizes a court to grant a preliminary injunction only if it appears the applicant will be successful on the merits, a great or irreparable injury would occur if the activity were allowed to continue, when it appears the adverse party is doing or threatening to do an act in violation of the applicant's rights, or for other similarly justified equitable reasons. In other words, I believe that the legal standards currently in existence sufficiently safeguard the rights of all parties, and, conversely, that the restriction upon a court's power to enjoin construction of a facility unnecessarily tips this balance.

Section 1 of HB 418 additionally would impose liability for "all financial losses" incurred by the facility as a result of an injunction halting operations of the facility if the person bringing the challenge is ultimately unsuccessful. As a practical matter, and I assume the bill was so designed, this penalty provision would have the effect of chilling any efforts to enjoin the operation of a constructed horse slaughter facility by a person challenging the adequacy of the permit, notwithstanding the real harm that might be caused by the continuing operation of the facility. I am unaware of any equivalent provision in Montana law, and I believe its inclusion in this bill unfairly tips the balance by discouraging a challenger from seeking what would otherwise be a legitimate injunction for the benefit and protection of public health and safety. Again, I believe the current, established legal standards relating to the issuance of ir~junctions- including ,the current standards pertaining to an award of costs and damages to persons

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

wrongfully enjoined - are sufficiently stringent and properly balance the competing rights of litigants. I do not believe special rules are necessary or appropriate for this particular industry.

Turning to section 2 of HB 418, I am concerned that this mandatory surety bond requirement, established in the bill at the high rate of 20% of the cost to build or operate the facility, and imposed upon any person who challenges a license granted to operate a horse slaughter facility, would effectively deny citizens access to the courts in Montana, in contravention of Article II, section 16 of the Montana Constitution. I am unaware of any other provision in Montana law requiring the posting of a surety bond as a condition to bringing a challenge to the issuance of a permit under Montana's environmental laws.

I also question the language found in subsection (4) of section 2, which authorizes an award of attorney fees and costs on grounds that the challenge was "without merit." I believe the meaning of that expression is unclear and would, itself, lead to litigation. Current law already provides courts with well-settled authority to sanction parties or their attorneys who file pleadings in court for improper purposes. As with my other concerns, I see no reason to impose new, special, and undefined standards in this bill, applicable to this one industry, where current law adequately provides for sanctions in proper circumstances.

In addition to the above amendments, I also propose an amendment to section 12 of the bill. As written, the bill requires "investor-owned" horse slaughter facilities to be licensed pursuant to Montana's licensing laws. My amendment would require all horse slaughter facilities, whether "investor-owned" or otherwise, to be licensed. The remainder of my amendments are necessary to coordinate with the amendments to strike sections 1 and 2 of the bill.

I recognize that HB 418 has stirred the emotions of many. As a current and long-time horse owner, myself, I understand those feelings. However, I have endeavored to make my decisions on the bill based on what I believe is the correct approach from both a policy and a legal perspective. I respectfully ask that you support my proposed amendments to HB 418.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 418

Amendments to House Bill No. 418
Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Greg Petesch
November 4, 2009 (7:52am)

1. Title, line 8.

Strike: "INVESTOR-OWNED"

2. Title, lines 9 through 12.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Following: "FACILITIES;" on line 9

Strike: remainder of line 9 through "REQUIREMENTS;" on line 12

3. Title, line 13.

Strike: "75-1-201, 75-2-104, 75-5-614, 75-5-621, 75-5-641,"

4. Page 1, line 18 through page 9, line 15.

Strike: sections 1 through 7 in their entirety

Renumber: subsequent sections

5. Page 11, line 21.

Strike: "Investor-owned equine"

Insert: "Equine"

6. Page 12, line 21 through line 23.

Strike: section 15 in its entirety

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/2/2009

SB 62, introduced by Laible
SB 71, introduced by Erickson
SB 76, introduced by Black
SB 84, introduced by Gillan
SB 124, introduced by Squires
SB 126, introduced by Murphy
SB 127, introduced by Gillan
SB 136, introduced by Gebhardt
SB 151, introduced by Brueggeman
SB 156, introduced by Cooney
SB 192, introduced by Zinke
SB 193, introduced by McGee
SB 222, introduced by Hansen
SB 227, introduced by R. Brown
SB 275, introduced by Squires
SB 276, introduced by Squires
SB 297, introduced by Larsen
SB 308, introduced by Keane
SB 311, introduced by Gallus
SB 360, introduced by Keane
SB 367, introduced by Hamlett
SB 375, introduced by J. Peterson
SB 388, introduced by Gillan
SB 392, introduced by Brueggeman
SB 400, introduced by Laslovich
SB 401, introduced by Laslovich
SB 405, introduced by Moss
SB 424, introduced by Barkus
SB 441, introduced by Laslovich
SB 444, introduced by Laslovich
SB 463, introduced by Wanzenried

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Senate joint resolutions concurred in and returned to the Senate: 4/2/2009

SJR 11, introduced by Brueggeman
SJR 20, introduced by Story
SJR 26, introduced by Juneau

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/2/2009

SB 32, introduced by Barkus
SB 281, introduced by Shockley
SB 286, introduced by T. Brown
SB 306, introduced by Esp
SB 349, introduced by Tutvedt

Senate amendments to House bills concurred in: 4/3/2009

HB 19, introduced by Ingraham
HB 85, introduced by Sands
HB 95, introduced by Hawk
HB 147, introduced by MacLaren
HB 177, introduced by Kottel
HB 222, introduced by Cohenour
HB 328, introduced by MacLaren
HB 338, introduced by Ankney
HB 343, introduced by A. Noonan
HB 362, introduced by Henry
HB 412, introduced by Wiseman
HB 488, introduced by Jones
HB 517, introduced by Hollenbaugh
HB 544, introduced by Vincent
HB 557, introduced by Belcourt
HB 563, introduced by Kottel
HB 567, introduced by Sonju
HB 588, introduced by Ankney
HB 591, introduced by Pease-Lopez

Senate amendments to House joint resolutions concurred in: 4/3/2009

HJR 4, introduced by Vincent
HJR 14, introduced by Warburton

HB 228 - 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 228**: 4/3/2009

Representative Kottel, Vice Chair
Representative Berry
Representative Kerns
Representative Menahan

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

MOTIONS

Senator Peterson moved the Conference Committee on **SB 108** be dissolved, and that President Story be authorized to appoint a Free Conference Committee on **SB 108**. President Story appointed Senator McGee (Chair), Senator Zinke, and Senator Jent.

**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 Barkus in the chair.

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

SJR 30 - Senator Zinke moved **SJR 30** be adopted. 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

SJR 31 - Senator Windy Boy moved **SJR 31** be adopted. Motion carried 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

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

SJR 32 - Senator Windy Boy moved **SJR 32** be adopted. Motion carried as follows:

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

Total 47

Nays: McGee, Zinke, Mr. President.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 449 - Senator Gallus moved **HB 449** be concurred in. 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, 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: Balyeat, Hinkle.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 480 - Senator Jent moved **HB 480** 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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Excused: None.
Total 0

HB 23 - Conference Committee Report No. 1 - Senator Curtiss moved the Conference Committee report to **HB 23** be adopted. 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

SB 26 - House Amendments - Senator Murphy moved House amendments to **SB 26** 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

SB 96 - House Amendments - Senator Jent moved House amendments to **SB 96** 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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 104 - House Amendments - Senator Esp moved House amendments to **SB 104** 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

SB 113 - House Amendments - Senator Keane moved House amendments to **SB 113** be concurred in. Motion carried 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

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator McGee assumed the chair.

SB 158 - House Amendments - Senator Barkus moved House amendments to **SB 158** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

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 171 - House Amendments - Senator Barkus moved House amendments to **SB 171** 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

Senator Barkus reassumed the chair.

SB 247 - House Amendments - Senator Black moved House amendments to **SB 247** 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.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Total 0

Excused: None.

Total 0

SB 269 - House Amendments - Senator R. Brown moved House amendments to **SB 269** 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

SB 330 - House Amendments - Senator Moss moved House amendments to **SB 330** be concurred in. Motion carried as follows:

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

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 396 - House Amendments - Senator Story moved House amendments to **SB 396** 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.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 449 - House Amendments - Senator Keane moved House amendments to **SB 449** 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

SJR 9 - House Amendments - Senator Wanzenried moved House amendments to **SJR 9** 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

SJR 15 - House Amendments - Senator Tutvedt moved House amendments to **SJR 15** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

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 305 - House Amendments - Senator Tutvedt moved House amendments to **SB 305 not be concurred in.**
Motion carried 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, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.
Total 46

Nays: Erickson, Kaufmann, Squires, Zinke.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 310 - House Amendments - Senator Shockley moved House amendments to **SB 310 not 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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Excused: None.
Total 0

SB 348 - House Amendments - Senator Essmann moved House amendments to **SB 348 not be concurred in**.
Motion carried 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, Jent, Juneau, Kaufmann, Laible, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Erickson, Jackson, Keane, Laslovich, M. Tropila.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 404 - House Amendments - Senator Brueggeman moved House amendments to **SB 404 not 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

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Barkus 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 269 concurred in as follows:

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

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 318 concurred in as follows:

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

Total 30

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Ripley, Shockley, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 373 concurred in as follows:

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

Total 45

Nays: Barkus, Esp, Ripley, Steinbeisser, Tutvedt.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

HB 380 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 45

Nays: Balyeat, R. Brown, Gallus, Larsen, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 384 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 416 concurred in as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Barkus, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Total 0

HB 475 concurred in as follows:

Yeas: Bales, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 35

Nays: Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Essmann, Gallus, Gebhardt, Hinkle, Keane, McGee, Ripley, Steinbeisser, Zinke.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 630 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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 44

Nays: Balyeat, Black, Esp, Hinkle, Jackson, McGee.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 635 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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Excused: None.
Total 0

HJR 15 concurred in as follows:

Yeas: Bales, Barkus, Branae, Brenden, T. Brown, Brueggeman, Cooney, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Larsen, Laslovich, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, Wanzenried, Williams, Windy Boy.
Total 27

Nays: Balyeat, Barrett, Black, R. Brown, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Hinkle, Jackson, Jent, Keane, Laible, Lewis, McGee, Ripley, Steinbeisser, M. Tropila, Tutvedt, Zinke, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 57, 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 58, 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, 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: McGee.
Total 1

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Total 0

Excused: None.

Total 0

SB 95, as amended by the House, passed as follows:

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

Total 46

Nays: Bales, Esp, Gebhardt, Steinbeisser.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 123, 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 133, as amended by the House, passed as follows:

Yeas: Black, 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, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 37

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, Curtiss, Esp, Gebhardt, Hinkle, McGee, Perry, Ripley, Tutvedt.

Total 13

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 148, 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 164, 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 174, 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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 202, as amended by the House, passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, 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, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Erickson, Esp, Kaufmann.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299, as amended by the House, passed as follows:

Yeas: Barrett, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 40

Nays: Bales, Balyeat, Barkus, Black, Brenden, Esp, Gebhardt, Laslovich, McGee, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 351, as amended by the House, passed as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, 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.

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

Total 46

Nays: Barkus, Brenden, Hansen, Hinkle.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 371, as amended by the House, passed as follows:

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

Total 39

Nays: Cooney, Jent, Juneau, Kaufmann, Keane, Moss, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Williams.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 399, 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

SENATE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 3, 2009

FIRST READING AND COMMITMENT OF BILLS

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

SR 33, introduced by Shockley, referred to State Administration.

MOTIONS

Senator Peterson moved to dissolve the Free Conference Committee on **SB 48** and appoint a regular conference committee. Motion carried. President Story appointed Senator Essmann (Chair), Senator Gillan, and Senator Tutvedt.

Senator R. Brown thanked the Pages for their work during the week of March 30 - April 3, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, April 6, 2009. Motion carried.

Senate adjourned at 3:19 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate