

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

Helena, Montana
April 7, 2009

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

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

BILLS AND JOURNALS:

4/7/2009

Correctly printed: **SJR 38, SJR 39, SR 23, SR 34, SR 35, HB 130, HB 131, HB 132, HB 578, HB 653, HJR 30.**

Correctly engrossed: **SJR 28, HB 2, HB 478, HB 634.**

Correctly enrolled: **SB 57, SB 58, SB 95, SB 123, SB 133, SB 148, SB 151, SB 156, SB 164, SB 174, SB 202, SB 299, SB 371, SB 399.**

Delivered to the Governor for approval at 11:07 a.m., April 7, 2009: **SB 9, SB 68, SB 136, SB 192, SB 200, SB 228, SB 235, SB 261, SB 268, SB 275, SB 276, SB 290, SB 294, SB 311, SB 392, SB 447.**

Examined by the sponsor and found to be correct: **SB 62, SB 71, SB 76, SB 84, SB 124, SB 126, SB 127, SB 193, SB 222, SB 227, SB 297, SB 308, SB 360, SB 367, SB 375, SB 388, SB 400, SB 401, SB 405, SB 424, SB 441, SB 444, SB 463.**

Delivered to the Secretary of State at 3:06 p.m., April 6, 2009: **SJR 11, SJR 17, SJR 20, SJR 26.**

REPORTS OF STANDING COMMITTEES

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

4/7/2009

SJR 33, do pass. Report adopted.

SR 21, be adopted. Report adopted.

SR 22, be adopted. Report adopted.

HB 598, be amended as follows:

1. Page 1, line 13.

Strike: "employments exempted"

Insert: "exemptions -- elections -- notice"

2. Page 1, line 20.

Strike: "employments"

3. Page 4, line 8.

Following: "(z)"

Strike: "employment of"

Strike: "CONTRACT"

Following: "MUSICIAN"

Insert: "performing under a written contract"

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

HB 656, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Laible, Chairman):

4/6/2009

SJR 34, do pass. Report adopted.

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

HB 629, be concurred in. Report adopted.

FINANCE AND CLAIMS (Bales, Chairman):

4/7/2009

HB 8, be amended as follows:

1. Page 1, line 27.

Strike: "\$2,000,000"

Insert: "\$8,000,000"

2. Page 3, line 2.

Strike: "\$13,158,795"

Insert: "\$20,058,795"

Strike: "\$7,973,636"

Insert: "\$13,973,636"

3. Page 3, line 4.

Strike: "\$1,716,364"

Insert: "\$2,616,364"

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

HB 9, be amended as follows:

1. Page 1, line 23.

Strike: "\$839,400"

Insert: "\$885,400"

2. Page 4, line 29.

Following: line 28

Insert: "1471 Montana Repertory Theatre \$20,000

1476 North West History Museum-Central School \$20,000

---- Great Falls History Museum \$2,000"

3. Page 5, line 9.

Following: line 8

Insert: "1500 Old Trail Museum \$4,000"

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

NATURAL RESOURCES (Gebhardt, Chairman):

4/7/2009

SJR 36, do pass. Report adopted.

SR 11, be adopted. Report adopted.

SR 12, be adopted. Report adopted.

SR 13, be adopted. Report adopted.

SR 14, be not adopted. Report adopted.

HB 575, be concurred in. Report adopted.

HB 669, be amended as follows:

1. Page 1, line 19.

Following: "(3)"

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

Insert: "(a)"

2. Page 1, line 21.

Following: the first "account"

Strike: "and any interest that is generated from a loan repayment"

3. Page 1.

Following: line 22

Insert: "(b) Loan repayments and any interest generated from loan repayments may be used as revolving loans for the wood products industry or for primary sector businesses statewide and are not subject to the provisions of this section.

(4) In any biennium, up to 30% of the funds in the distressed wood products industry revolving loan account, not to exceed \$2.7 million, may be used as matching funds to secure additional federal money. Except as provided in subsection (3)(b), federal funds must be deposited in a federal special revenue account and used for loans in accordance with [sections 1 through 4]."

Renumber: subsequent subsections

4. Page 1, line 24.

Following: "industry;"

Insert: "or"

5. Page 1, line 26 through page 2, line 1.

Strike: "; and" on page 1, line 26 through "products." on page 2, line 1

Insert: "(b) Loans made pursuant to this subsection (5) must be made to individuals or small businesses that are part of the critical, primary wood processing infrastructure and have suffered economic hardships."

6. Page 2, line 6.

Strike: "marketing or advertising"

Insert: "working capital"

7. Page 2, line 15.

Strike: "shall"

Insert: "may"

8. Page 2, line 16.

Following: "including"

Insert: "demonstrated need,"

9. Page 2, line 19 through line 20.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

10. Page 2, line 23 through line 24.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

11. Page 2, line 26 through line 27.

Strike: "seek" on line 26 through "default" on line 27

Insert: "determine terms and conditions of loans, including recovery of funds in the event of default"

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

12. Page 3, line 3.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

13. Page 3.

Following: line 8

Insert: "(3) In accordance with 5-11-210, the department shall provide a status report of the distressed wood products industry loan account to the economic affairs interim committee provided for in 5-5-223."

14. Page 3, line 11.

Following: "account"

Insert: "and the related federal special revenue fund"

15. Page 4.

Following: line 22

Insert: "COORDINATION SECTION. Section 8. Coordination instruction. If [this act] and House Bill No. 645 are both passed and approved, then [section 25] of House Bill No. 645 relating to the distressed wood products industry recovery program is void and the appropriation for the distressed wood products industry recovery program provided for in House Bill No. 645 must be deposited in the distressed wood products industry revolving loan account provided for in [this act]."

Renumber: subsequent section

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

HB 674, be concurred in. Report adopted.

HB 678, be amended as follows:

1. Page 5, line 20.

Strike: "10"

Insert: "5"

2. Page 7, line 4.

Following: "(7)"

Strike: "The"

Insert: "(a) Except as provided in subsection (7)(b), the"

3. Page 7, line 8.

Strike: "OR" through "[SECTION 8]"

4. Page 7.

Following: line 8

Insert: "(b) If the applicant and the department mutually agree or the applicant submits documentation to the department showing that a public meeting will not be required pursuant to subsection (9), the department shall inform the applicant within 30 days of the notice of a complete application as to whether or not the application is acceptable pursuant to subsection (10)."

5. Page 7, line 18.

Following: "owners"

Insert: " or 10 property owners, whichever is greater,"

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

6. Page 8, line 21 through line 24.

Strike: ":" on line 21 through "(b)" on line 24

7. Page 9.

Following: line 21

Insert: "COORDINATION SECTION. **Section 11. Coordination instruction.** If Senate Bill No. 370 and [this act] are both passed and approved and both contain a section that amends 15-38-113, then the section amending 15-38-113 in [this act] is void."

Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If Senate Bill No. 370 and [this act] are both passed and approved and both contain a section that amends 82-4-405, then the section amending 82-4-405 in Senate Bill No. 370 is void."

Renumber: subsequent sections

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

PUBLIC HEALTH, WELFARE AND SAFETY (Brown, Chairman):
SJR 35, do pass. Report adopted.

4/7/2009

STATE ADMINISTRATION (Shockley, Chairman):
SR 33, be adopted. Preliminary report adopted.
SR 34, be adopted. Preliminary report adopted.

4/6/2009

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 73**
Report No. 1, April 6, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 73** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 73** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Hawks, Chairman
Hinkle
Zinke

For the House:

Pomnichowski, Chairman
Sonju
Vance

FREE CONFERENCE COMMITTEE
on **Senate Bill 108**
Report No. 1, April 7, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 108** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 108** (reference copy -- salmon) be amended as follows:

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

1. Title, page 1, lines 7 and 8.
Following: "PROCEEDINGS" on line 7
Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"
2. Title, page 1, lines 12 and 13.
Following: "PLANS" on line 12
Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"
3. Page 2, lines 18 and 19.
Following: "SERVICE" on line 18
Strike: "unless" on line 18 through "dishonorable" on line 19
4. Page 5, lines 11 and 12.
Following: "child" on line 11
Strike: "unless" on line 11 through "dishonorable" on line 12
5. Page 7, lines 25 and 26.
Following: "SERVICE" on line 25
Strike: "unless" on line 25 through "dishonorable" on line 26

For the Senate:

McGee, Chairman
Jent
Zinke

For the House:

Menahan, Chairman
Kerns
Kottel

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 228**
Report No. 1, April 7, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 228** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 228** (reference copy -- salmon) be amended as follows:

1. Title, line 9.
Strike: "45-8-328,"
2. Page 8, line 24 through page 9, line 10.
Strike: section 8 in its entirety
Renumber: subsequent sections
3. Page 10, line 8.
Strike: "10"
Insert: "9"

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

4. Page 10, line 9.

Strike: "10"

Insert: "9"

For the House:

Menahan
Kerns
Kottel

For the Senate:

McGee, Chairman
Shockley
Jent

FREE CONFERENCE COMMITTEE
on **House Bill 622**
Report No. 1, April 6, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 622** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 622** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "CHARITY"

Insert: "OR DEPOSITED TO A NEW CONSTITUENT SERVICES ACCOUNT"

2. Page 2, line 9.

Following: "2009"

Insert: ", or deposit the money by July 1, 2009, into a constituent services account established after May 14, 2007, and shall close the old account"

3. Page 2, line 11.

Strike: "DONATED pursuant"

Insert: "subject"

For the House:

Dickenson
Himmelberger
MacLaren
Sands

For the Senate:

R. Brown, Chairman
Brenden

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in:

4/6/2009

HB 190, introduced by Van Dyk

HB 218, introduced by Menahan

HB 409, introduced by Pomnichowski

HB 420, introduced by Reinhart

HB 443, introduced by Menahan

HB 546, introduced by Pomnichowski

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

HB 486 - 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 486:**
4/6/2009

Representative Ebinger
Representative MacLaren
Representative Reinhart (Vice Chair)
Representative Vance

HB 602 - 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 602:**
4/7/2009

Representative D. Brown
Representative Cohenour (Vice Chair)
Representative French
Representative Washburn

Senate bills concurred in and returned to the Senate: 4/6/2009

SB 22, introduced by Murphy
SB 226, introduced by Hawks
SB 280, introduced by Gebhardt
SB 292, introduced by Gebhardt
SB 353, introduced by Black
SB 361, introduced by Ripley
SB 426, introduced by Laslovich
SB 446, introduced by Story

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
4/6/2009

SB 231, introduced by Laible
SB 430, introduced by Hamlett

SB 305 - 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 **SB 305:**
4/6/2009

Representative Berry
Representative Ebinger
Representative Reinhart (Vice Chair)
Representative Stahl

SB 310 - 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 **SB 310:**
4/6/2009

Representative Ingraham
Representative Reichner
Representative Reinhart (Vice Chair)
Representative Sands

SB 348 - 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 **SB 348:**

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

4/7/2009

Representative Himmelberger
Representative Malek
Representative Mendenhall
Representative Wilmer (Vice Chair)

SB 404 - 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 **SB 404**:
4/6/2009

Representative Cohenour
Representative Hendrick
Representative Milburn
Representative Van Dyk (Vice Chair)

SB 108 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Free Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 108**:
4/6/2009

Representative Kerns
Representative Kottel
Representative Menahan (Vice Chair)
Representative Stoker

MOTIONS

SB 306 - Senator Peterson moved that the Senate appoint a Conference Committee on **SB 306**, and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Esp (Chair), Senator Barkus, and Senator Erickson.

SB 457 - Senator Peterson moved that the Senate appoint a Conference Committee on **SB 457**, and that the House of Representatives appoint a like committee. Motion carried. Motion carried. President Story appointed Senator Branae (Chair), Senator Esp, and Senator Black.

HB 486 - Senator Peterson moved that the Senate appoint a Conference Committee on **SB 486**, and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Gillan (Chair), Senator Esp, and Senator Tutvedt.

HB 602 - Senator Peterson moved that the Senate appoint a Conference Committee on **HB 602**, and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Shockley (Chair), Senator Brenden, and Senator Tropila.

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 653 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

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 30 concurred in as follows:

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

Nays: Balyeat, Brenden, Erickson, Esp, Hinkle, McGee, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 8, 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 18, as amended by the Governor, 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,

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

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

SB 32, 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 117, as amended by the Governor, passed 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, 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: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

SB 281, as amended by the House, passed as follows:

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

Nays: Balyeat, Gallus, Gebhardt, Kaufmann, Murphy, Steinbeisser, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286, as amended by the House, passed 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Balyeat, R. Brown, Gallus.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 349, 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, 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: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

SB 442, as amended by the House, passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, 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, Keane.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**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 Ripley in the chair.

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

SB 79 - Senator Juneau moved **SB 79** do pass. 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 427 - Senator Laslovich moved **House Amendments to SB 427 not 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, 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

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

Boy, Zinke, Mr. President.
Total 49

Nays: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 238 - Senator Zinke moved **HB 238** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 41

Nays: Brenden, Esp, Gallus, Keane, McGee, Murphy, Steinbeisser, Tutvedt, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 306 - Senator Brueggeman moved **HB 306** 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, 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: Hinkle, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 487 - Senator Tutvedt moved **HB 487** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee,

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.

Total 39

Nays: Branae, Cooney, Erickson, Esp, Juneau, Kaufmann, Keane, Moss, Schmidt, M. Tropila, Williams.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 562 - Senator T. Brown moved **HB 562** 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, 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: Gebhardt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 585 - Senator Barkus moved **HB 585** 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, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Erickson, Hawks, Juneau, Kaufmann, Larsen, McGee, Wanzenried.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 670 - Senator Gebhardt moved **HB 670** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss,

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

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 171 - Governor's Amendments - Senator R. Brown moved Governor's amendments to **HB 171** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Balyeat, Brenden, R. Brown, Esp, McGee, Shockley, Squires.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

MOTIONS

Senator J. Tropila moved to change his vote on **SB 349** from no to yes. Motion carried.

SB 427 - Senator Peterson moved that the Senate appoint a Free Conference Committee on **SB 427**, and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Laslovich (Chair), Senator McGee, and Senator Story.

**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 McGee in the chair.

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

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

HB 3 - Senator Bales moved **HB 3** be concurred in.

HB 3 - Senator Ripley moved **HB 3**, second reading copy, be amended as follows:

1. Page 1, line 22

Strike: "\$2,375,784"

Insert: "\$1,697,344"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Zinke, Mr. President.

Total 35

Nays: Branae, Cooney, Erickson, Hansen, Hawks, Juneau, Kaufmann, Moss, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 3 - Senator Bales moved **HB 3**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hawks, Jent, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 31

Nays: Balyeat, Branae, Cooney, Erickson, Gillan, Hamlett, Hansen, Hinkle, Jackson, Juneau, Kaufmann, Larsen, Moss, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 4 - Senator Lewis moved **HB 4** be concurred in.

HB 4 - Senator Lewis moved **HB 4**, second reading copy, be amended as follows:

1. Page 9, line 9 through line 10.

Strike: line 9 through line 10 in their entirety

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

Following: line 11

Insert: "Additional unemployment insurance administration and emergency unemployment compensation grant FY 2009 \$907,025 Federal"

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, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Hamlett, Juneau, J. Tropila, M. Tropila, Wanzenried.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 4 - Senator Lewis moved **HB 4**, as amended, be concurred in. Motion carried as follows:

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

Total 48

Nays: Balyeat, Essmann.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 6 - Senator Barkus moved **HB 6** be concurred in. Motion carried as follows:

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

Total 46

Nays: Balyeat, R. Brown, Hinkle, Juneau.

Total 4

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

Total 0

Excused: None.

Total 0

HB 7 - Senator Barkus moved **HB 7** be concurred in. Motion carried as follows:

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

Total 44

Nays: Balyeat, R. Brown, Hinkle, Jackson, Juneau, Tutvedt.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 123 - Senator Brueggeman moved **HB 123** do pass. Motion carried as follows:

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

Total 44

Nays: Balyeat, Gebhardt, Hinkle, Shockley, Steinbeisser, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 583 - Senator J. Peterson moved consideration of **SB H83** be passed for the day. Motion carried.

HB 664 - Senator T. Brown moved **HB 664** do pass.

HB 664 - Senator T. Brown moved **HB 664**, second reading copy, be amended as follows:

1. Page 1, line 17 through line 18.

Following: "adopts rules" on line 17

Insert: "related to milk pricing and transportation rates that are"

Following: "milk control bureau"

Strike: "within the" on line 17 through "livestock" on line 18

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

Amendment adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, 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, Williams, Zinke, Mr. President.
Total 46

Nays: Balyeat, R. Brown, Wanzenried, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 664 - Senator T. Brown moved **HB 664**, as amended, do pass. Motion **failed** as follows:

Yeas: Barrett, T. Brown, Brueggeman, Curtiss, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Jackson, Jent, Larsen, Lewis, McGee, Murphy, Ripley, Steinbeisser, Mr. President.
Total 18

Nays: Bales, Balyeat, Barkus, Black, Branae, Brenden, R. Brown, Cooney, Erickson, Esp, Essmann, Gillan, Hinkle, Juneau, Kaufmann, Keane, Laible, Laslovich, Moss, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 664 - Senator J. Peterson moved **HB 664** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brenden, R. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Hinkle, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 36

Nays: Barrett, Branae, T. Brown, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Larsen, Murphy, Ripley, Steinbeisser.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SENATE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 7, 2009

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

FIRST READING AND COMMITMENT OF BILLS

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

SR 36, introduced by Gillan, Kaufmann, Branae, Williams, Hamlett, Erickson, referred to Taxation.

SPECIAL ORDERS OF THE DAY

SR 32 - Senator Brueggeman moved that the nomination by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 32, and that the ayes and nays be spread upon the journal.

Director of the Department of Transportation--Jim Lynch, Kalispell

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

Nays: Brenden, T. Brown, Gebhardt, Murphy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 12:30 p.m., Wednesday, April 8, 2009. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate