

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

Helena, Montana  
April 17, 2009

Senate Chambers  
State Capitol

Senate convened at 11:00 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Black, Branae, T. Brown, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Kaufmann, Schmidt, J. Tropila, Tutvedt, and Windy Boy, excused. Quorum present.

**BILLS AND JOURNALS:**

4/17/2009

Correctly printed: **SR 33, SR 35, SR 38, HB 97, HB 135, HB 154, HB 655, HB 656, HB 657, HB 662, HJR 31, HJR 35.**

Correctly engrossed: **HB 130, HB 131, HB 658, SR 34.**

Correctly engrossed: **HB 132.**

Correctly enrolled: **SB 97, SB 249, SB 439.**

Signed by the President at 2:15 p.m., April 16, 2009: **SR 25, SR 29, SR 30, SR 31.**

Signed by the Secretary of the Senate at 1:30 p.m., April 16, 2009: **SR 25, SR 29, SR 30, SR 31.**

Signed by the Speaker at 10:00 a.m., April 17, 2009: **SB 356, SB 451, SB 462, SB 464, SB 476.**

Signed by the President at 6:00 p.m., April 15, 2009: **SB 451, SB 462, SB 476.**

Signed by the Secretary of the Senate at 4:20 p.m., April 15, 2009: **SB 451, SB 462, SB 476.**

Signed by the President at 2:15 p.m., April 16, 2009: **SB 356, SB 464, SR 25, SR 29, SR 30, SR 31.**

Signed by the Secretary of the Senate at 1:30 p.m., April 15, 2009: **SB 356, SB 464, SR 25, SR 29, SR 30, SR 31.**

Delivered to the Secretary of State at 4:22 p.m., April 16, 2009: **SR 25, SR 29, SR 30, SR 31.**

Examined by the sponsor and found to be correct: **SB 97, SB 249, SB 439.**

**REPORTS OF STANDING COMMITTEES**

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

4/17/2009

**HB 194**, be concurred in. Report adopted.

**HB 279**, be concurred in. Report adopted.

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

4/17/2009

**HB 132**, be amended as follows:

1. Title, page 1, line 8 through line 9.

**Strike:** "REVISING PAYMENT" on line 8 through "FUNDING RESPONSIBILITIES;" on line 9

2. Page 1, line 10 through line 11.

**Strike:** "REQUIRING THE" on line 10 through "RULEMAKING;" on line 11

3. Title, page 1, line 12.

**Strike:** "IMPLEMENTATION AND"

4. Title, page 1, line 13.

**Strike:** "53-21-113,"

**Strike:** "53-21-132,"

5. Title, page 1, line 14.

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**Following:** "~~AN~~"

**Insert:** "AN"

**Strike:** "DATES"

**Insert:** "DATE"

6. Page 1, line 16 through page 2, line 8.

**Strike:** line 16 on page 1 through line 8 on page 2 in its entirety

7. Page 4, line 23 through page 5, line 2.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

8. Page 5, line 15.

**Strike:** "7 through 10"

**Insert:** "5 and 6"

9. Page 5, line 30.

**Strike:** "7 through 10"

**Insert:** "5 and 6"

10. Page 6, line 13.

**Strike:** "7 through 10"

**Insert:** "5 and 6"

11. Page 6, line 30 through page 7, line 27.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

12. Page 8, line 3.

**Strike:** "8"

**Insert:** "6"

13. Page 8, line 6.

**Strike:** "8"

**Insert:** "6"

14. Page 9, line 24.

**Strike:** "refer the respondent to the department for"

**Insert:** ", with the concurrence of the county attorney, recommend to the court an"

15. Page 10, line 16 through line 17.

**Following:** "[sections" on line 16

**Strike:** "7" on line 16 through "10" on line 17

**Insert:** "5 and 6"

16. Page 10, line 27 through page 11, line 16.

**Strike:** section 9 through section 10 in their entirety

**Renumber:** subsequent sections

17. Page 12, line 9 through line 13.

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**Strike:** "**Implementation -- report**" on line 9

**Insert:** "**Report**"

**Strike:** "(1) Contracting under" on line 9 through "(2)" on line 13

18. Page 12, line 14.

**Strike:** "implementation status" through "[section 9]"

**Insert:** "use of the short-term inpatient treatment process established in [sections 5 and 6]"

19. Page 12, line 16.

**Strike:** "7 through 10"

**Insert:** "5 and 6"

20. Page 12, line 18.

**Strike:** "7 through 10"

**Insert:** "5 and 6"

21. Page 12, line 20 through line 22.

**Strike:** section 14 in its entirety

22. Page 12, line 24 through line 25.

**Strike:** "DATES"

**Insert:** "date"

**Strike:** "(1) EXCEPT AS" on line 24 through "(2), [THIS" on line 25

**Insert:** "[This"

23. Page 12, line 26.

**Strike:** line 26

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

**MESSAGES FROM THE OTHER HOUSE**

**HB 2** - The House failed to concur in Senate amendments to **HB 2**, authorized the Speaker to appoint the following Free Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 2**:

4/16/2009

Representative Sesso, Chair

Representative Hawk

Representative Hiner

Representative Jones

**Senate bills** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/16/2009

**SB 55**, introduced by Steinbeisser

**SB 214**, introduced by Steinbeisser

**SB 322**, introduced by Curtiss

**Senate bills** concurred in and returned to the Senate:

4/16/2009

**SB 97**, introduced by Wanzenried

**SB 249**, introduced by Curtiss

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**SB 439**, introduced by Story

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

4/16/2009

**HB 42**, introduced by Vincent

**HB 173**, introduced by Hendrick

**HB 333**, introduced by P. Noonan

**HB 478**, introduced by Grinde

**Governor's amendments to House bills** concurred in:

4/17/2009

**HB 150**, introduced by D. Brown

**HB 301**, introduced by Kottel

Senator J. Tropila present at this time.

Senator Windy Boy present at this time.

Senator Schmidt present at this time

Senator Hamlett at this time.

Senator Branae at this time.

Senator Essmann at this time.

Senator Black at this time.

Senator Gillan at this time.

Senator Erickson at this time.

Senator T. Brown present at this time.

Senator Tutvedt present at this time.

Senator Kauffman present at this time.

**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.

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

**HB 97** - Senator Lewis moved **HB 97** be concurred in. Motion carried as follows:

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

Total 45

Nays: Balyeat, Brenden, Hinkle, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: Gebhardt.

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Total 1

**HB 135** - Senator Windy Boy moved **HB 135** 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, 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: Hinkle.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Gebhardt.  
Total 1

**HJR 35** - Senator Shockley moved **HJR 35** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Essmann, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 42

Nays: Erickson, Esp, Gallus, Gillan, Kaufmann, Schmidt, Zinke.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Gebhardt.  
Total 1

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 McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senator Gebhardt present at this time.

**SPECIAL ORDERS OF THE DAY**

**SR 33** - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolutions No.33, and that the ayes and nays be spread upon the journal.

**As a member of the Montana Arts Council, in accordance with section 22-2-102, MCA:**  
Mark Kuipers, Missoula, Montana, for a term ending February 1, 2010.

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**As a member of the Board of Barbers and Cosmetologists, in accordance with section 2-15-1747, MCA:**  
Thayne Orton, Florence, Montana, for a term ending October 1, 2012.

**As a member of the Board of Crime Control, in accordance with section 2-15-2006, MCA:**  
Angela Russell, Lodge Grass, Montana, for a term ending January 1, 2011.

**As members of the Montana Historical Society Board of Trustees, in accordance with section 22-3-104, MCA:**  
Lee Rostad, Martinsdale, Montana, for a term ending July 1, 2014.  
Jim Utterback, Helena, Montana, for a term ending July 1, 2014.  
Jim Court, Billings, Montana, for a term ending July 1, 2014.  
Steve Carney, Scobey, Montana, for a term ending July 1, 2012.

**As a member of the Board of Nursing Home Administrators, in accordance with section 2-15-1735, MCA:**  
Loren Hines, Butte, Montana, for a term ending May 28, 2014.

**As members of the Board of Physical Therapy Examiners, in accordance with section 2-15-1748, MCA:**  
Kim Miller, Virginia City, Montana, for a term ending July 1, 2012.  
Patti Jo Lane, Great Falls, Montana, for a term ending July 1, 2012.

**As a member of the Board of Private Security, in accordance with section 2-15-1781, MCA:**  
Daniel Taylor, Glasgow, Montana, for a term ending August 1, 2009.

**As members of the Board of Professional Engineers and Professional Land Surveyors, in accordance with section 2-15-1763, MCA:**  
John Neil, Great Falls, Montana, for a term ending July 1, 2013.  
Tom Heinecke, Kalispell, Montana, for a term ending July 1, 2013.

**As members of the Board of Real Estate Appraisers, in accordance with section 2-15-1758, MCA:**  
Kathleen Susan Gallaher, Bozeman, Montana, for a term ending May 1, 2012.  
Darwin Ernst, Hamilton, Montana, for a term ending May 1, 2012.

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

**SR 34** - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 34, and that the yeas and nays be spread upon the journal.

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**As members of the County Printing Board, in accordance with section 2-15-1026, MCA:**

Dan Killoy, Miles City, Montana, appointed to a term ending April 1, 2011.  
Calvin J. Oraw, Sidney, Montana, appointed to a term ending April 1, 2011.  
Marianne Roose, Eureka, Montana, appointed to a term ending April 1, 2011.  
Milton Wester, Laurel, Montana, appointed to a term ending April 1, 2011.  
Laura Obert, Townsend, Montana, appointed to a term ending April 1, 2011.

**Appointed as a member to the Board of Funeral Service, in accordance with section 2-15-1743, MCA:**

R.J. Brown, Lewistown, Montana, appointed to a term ending July 1, 2014.

**Appointed as members to the Board of Hearing Aid Dispensers, in accordance with section 2-15-1740, MCA:**

Lee Frantz Oines, Missoula, Montana, appointed to a term ending July 1, 2011.  
Jim Lieberg, Helena, Montana, appointed to a term ending July 1, 2011.  
Mervin Michel, Great Falls, Montana, appointed to a term ending July 1, 2012.  
Brian Bolenbaugh, Missoula, Montana, appointed to a term ending July 1, 2012.

**Appointed as members to the Livestock Loss Reduction and Mitigation Board, in accordance with section 2-15-3110, MCA:**

Brad Radtke, Drummond, Montana, appointed to a term ending January 1, 2013.  
Whitney Wankel, Bozeman, Montana, appointed to a term ending January 1, 2013.  
James Cross, Kalispell, Montana, appointed to a term ending January 1, 2013.  
Michael Leahy, Bozeman, Montana, appointed to a term ending January 1, 2013.  
John Herman, Hot Springs, Montana, appointed to a term ending January 1, 2011.

**Appointed as a member to the Board of Pharmacy, in accordance with section 2-15-1733, MCA:**

Michael Bertagnolli, Three Forks, Montana, appointed to a term ending July 1, 2014.

**Appointed as a member to the Board of Plumbers, in accordance with section 2-15-1765, MCA:**

Donna L. Paulson, Great Falls, Montana, appointed to a term ending May 4, 2013.

**Appointed as a member to the Board of Public Accountants, in accordance with section 2-15-1756, MCA:**

Rick Reisig, Great Falls, Montana, appointed to a term ending July 1, 2013.

**Appointed as members to the Public Employees Retirement Board, in accordance with section 2-15-1009, MCA:**

Terrence M. Smith, Bozeman, Montana, appointed to a term ending April 1, 2014.  
Patrick McKittrick, Great Falls, Montana, appointed to a term ending April 1, 2014.

**Appointed as a member to the Board of Sanitarians, in accordance with section 2-15-1751, MCA:**

Rodney Fink, Columbus, Montana, appointed to a term ending July 1, 2012.

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.

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Total 0

Excused: None.

Total 0

**SR 35** - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 35, and that the ayes and nays be spread upon the journal.

**As a member of the Board of Milk Control, in accordance with section 2-15-3105, MCA:**

Jerrold A. Weissman, Great Falls, Montana, for a term ending January 1, 2011.

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

**SR 38** - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 38, and that the ayes and nays be spread upon the journal.

**Member of the Board of Education:**

John Edwards, Billings

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0



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**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 636** concurred in as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 27

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 655** 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, 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, Esp, Hinkle, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 656** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, 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, Zinke, Mr. President.  
Total 46

Nays: Curtiss, Jackson, McGee, Windy Boy.  
Total 4

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 657** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, 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, Mr. President.

Total 46

Nays: Erickson, Gallus, Jackson, Zinke.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 658** concurred in as follows:

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

Total 30

Nays: Brueggeman, Cooney, Erickson, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Zinke.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 662** concurred in as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 30

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Essmann, Hinkle, Jackson, Keane, McGee, Peterson, Ripley, Shockley, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 20

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 669** concurred in as follows:

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

Total 43

Nays: Balyeat, Essmann, Hinkle, Kaufmann, McGee, Shockley, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 678** concurred in as follows:

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

Total 39

Nays: Branae, Brenden, Cooney, Hawks, Juneau, Kaufmann, Moss, Ripley, Steinbeisser, J. Tropila, Williams.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 31 failed** as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SB 131, as amended by the House, passed as follows:**

Yeas: Branae, T. Brown, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 34

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Curtiss, Hinkle, Jackson, McGee, Peterson, Ripley, Tutvedt, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 176, 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

**SB 260, as amended by the House, passed as follows:**

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, 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 46

Nays: Erickson, Hamlett, Kaufmann, McGee.

Total 4

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 271, as amended by the House, passed as follows:**

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

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 369, 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 403, as amended by the House, passed as follows:**

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Juneau, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.  
Total 39

Nays: Balyeat, Brueggeman, Cooney, Erickson, Hawks, Jent, Kaufmann, Larsen, Moss, J. Tropila, Williams.  
Total 11

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 460, 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 465, 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 467, 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

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 489, as amended by the House, passed as follows:**

Yeas: Bales, Balyeat, Barkus, Barrett, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, 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 47

Nays: Black, Gallus, Kaufmann.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 491, as amended by the House, passed as follows:**

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, 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.  
Total 45

Nays: Balyeat, Esp, Gallus, Shockley, Mr. President.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 508, as amended by the House, passed 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, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.  
Total 40

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Nays: Balyeat, R. Brown, Hinkle, Jackson, Juneau, Keane, Peterson, Shockley, Stewart-Peregoy, Windy Boy.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 35** passed as follows:

Yeas: Bales, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams.  
Total 36

Nays: Balyeat, Barkus, Brenden, Esp, Gallus, Hinkle, Jackson, Laible, McGee, Ripley, Steinbeisser, Windy Boy, Zinke, Mr. President.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 55, as amended by the Governor**, concurred in as follows:

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

Nays: Erickson, Juneau, Kaufmann.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 48** Conference Committee report adopted 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 Boy, Zinke, Mr. President.



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Total 49

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 305** Conference Committee report adopted 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: Erickson, Kaufmann.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 310** Conference Committee report adopted as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 404** Conference Committee report adopted 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, Squires, Steinbeisser,

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Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 48

Nays: Erickson, Kaufmann.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 427** Free Conference Committee report adopted 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, 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, Hinkle, Jackson.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 457** Conference Committee report adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 44

Nays: Balyeat, Esp, McGee, Ripley, Steinbeisser, Tutvedt.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Peterson moved to change his vote on **HB 662** from yes to no. Without objection, so ordered.

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Senator Peterson moved that a Free Conference Committee be appointed for **HB 2**, and request that the House of Representatives be requested to appoint a like committee. Motion carried. President Story appointed, Senators Bales (Chair), Lewis, and Schmidt.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 348**

Report No. 1, April 17, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 348** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.

**Following:** "budget session"

**Insert:** "of not more than 45 days"

2. Page 1, line 26.

**Strike:** "to increase or decrease an appropriation or"

**Insert:** "that appropriates money or a bill"

3. Page 1, line 29 through line 30.

**Strike:** "primarily" on line 29 through "reconciliation" on line 30

**Insert:** "a general session"

4. Page 2, line 11 through line 14.

**Strike:** line 11 through line 14 in their entirety

**Insert:** " FOR splitting the current 90-day legislative session into two annual sessions with one budget session and one general session.

AGAINST splitting the current 90-day legislative session into two annual sessions with one budget session and one general session."

For the Senate:

Essmann, Chair  
Bales  
Black  
Williams

For the House:

Wilmer, Vice Chair  
Himmelberger  
Malek  
Mendenhall

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 486**  
Report No. 1, April 17, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 486** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **House Bill 486** (reference copy -- salmon) be amended as follows:

1. Title, lines 9 and 10.

**Strike:** "PROVIDING" on line 9 through "REGULATIONS;" on line 10

**Following:** "COMPLIANCE WITH" on line 10

**Insert:** "CERTAIN"

2. Title, lines 15 and 16.

**Strike:** "PROVIDING" on line 15 through "NOT BE" on line 16

**Insert:** "ESTABLISHING WHEN A PARK DEDICATION MAY BE"

3. Title, line 17.

**Strike:** "76-2-113,"

4. Title, line 20.

**Following:** "DATE"

**Insert:** "AND APPLICABILITY DATES"

5. Page 8, line 6 through line 22.

**Strike:** sections 6 and 7 in their entirety

**Renumber:** subsequent sections

6. Page 11, line 3.

**Following:** "PLACES"

**Insert:** ", including but not limited to public buildings and adjacent to public rights-of-way,"

7. Page 12, line 14.

**Strike:** "(3)(c)"

**Insert:** "(3)"

8. Page 13, line 14.

**Strike:** "The"

**Insert:** "For the purposes of enforcing subsections (1)(a) through (1)(c), the"

9. Page 25, line 21.

**Following:** "(e)"

**Insert:** "except as provided in subsection (8),"

10. Page 27, line 1 through line 3.

**Strike:** subsection (8) in its entirety

**Insert:** "(8) (a) A local governing body may, at its discretion, require a park dedication for:

(i) a subsequent minor subdivision as described in 76-3-

609(3); or

(ii) a first minor subdivision from a tract of record as described in 76-3-609(2) if:

(A) the subdivision plat indicates development of condominiums or other multifamily housing;

(B) zoning regulations permit condominiums or other multifamily housing; or

(C) any of the lots are located within the boundaries of a municipality.

(b) A local governing body that chooses to require a park dedication shall specify in regulations the circumstances under which a park dedication will be required."

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11. Page 28, line 9 through line 11.

**Strike:** section 26 in its entirety

**Renumber:** subsequent sections

12. Page 28, line 15.

**Following:** "APPLICABILITY."

**Insert:** "(1)"

**Strike:** "15, 22, AND 24"

**Insert:** "13, 20, and 22"

13. Page 28, line 17.

**Strike:** "15"

**Insert:** "13"

14. Page 28.

**Following:** line 17

**Insert:** "(2) [Section 2] applies upon adoption of a new growth policy or upon revision of an existing growth policy.

(3) [Section 21] applies upon revision of subdivision regulations or on December 31, 2010, whichever occurs first."

For the Senate:

Gillan, Chairman

Esp

Tutvedt

For the House:

Ebinger

MacLaren

Vance

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 531**  
Report No. 1, April 17, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 531** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 531** (reference copy -- salmon) be amended as follows:

1. Page 2, line 10 through line 13.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

For the House:

Kottel, Vice Chair

Nooney

Sonju

For the Senate:

Brueggeman, Chairman

Hinkle

Windy Boy

**SPECIAL ORDERS OF THE DAY**

Senator R. Brown thanked the Pages for their work during the week of April 14-17, 2009.

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Senator Peterson moved that the Senate be in recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 1:00 p.m.

Roll Call: All members present, except Senators Gillan, Jackson, Larsen, Schmidt, M. Tropila, and Williams.  
Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman): 4/17/2009  
**HJR 36**, be concurred in. Report adopted.

Senator Williams present at this time.

Senator Schmidt present at this time.

**MESSAGES FROM THE OTHER HOUSE**

**HB 676** - The House failed to concur in Senate amendments to **HB 676**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 676**:  
4/17/2009

Representative Sesso, Chair  
Representative Hawk  
Representative Jones  
Representative Villa

**HB 645** - The House failed to concur in Senate amendments to **HB 645**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 645**:  
4/23/2009

Representative Sesso, Chair  
Representative Hiner  
Representative McNutt  
Representative Morgan

**HB 5** - The House failed to concur in Senate amendments to **HB 5**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 5**:  
4/17/2009

Representative Hollenbaugh, Chair  
Representative Ankney  
Representative Getz  
Representative Kasten

**HB 3** - The House failed to concur in Senate amendments to **HB 3**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 3**:  
4/17/2009

Representative Hollenbaugh, Chair  
Representative Ankney  
Representative Jones  
Representative Mehlhoff

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**Free** Conference Committee Report No.1 adopted: 4/17/2009

**SB 457**, introduced by Branae

**SB 507** - 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 **SB 507**:

4/17/2009

Representative Cohenour, Vice Chair  
Representative Debby Barrett  
Representative Lake  
Representative Stahl

**SB 418** - 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 418**:

4/17/2009

Representative Cohenour, Vice Chair  
Representative Ankney  
Representative Di. Barrett  
Representative Lake  
Representative Taylor

**SB 263** - 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 263**:

4/17/2009

Representative Getz, Vice Chair  
Representative Menahan  
Representative Nooney  
Representative K. Peterson

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/17/2009

**SB 509**, introduced by Gebhardt

**Senate bills** concurred in and returned to the Senate:

4/17/2009

**SB 38**, introduced by Curtiss  
**SB 204**, introduced by Moss  
**SB 264**, introduced by Brueggeman  
**SB 291**, introduced by Black  
**SB 300**, introduced by Steinbeisser  
**SB 303**, introduced by Wanzenried  
**SB 511**, introduced by M. Tropila

**MOTIONS**

Senator Peterson moved that the Senate recess until 1:25 p.m. for the purpose of caucuses. Motion carried.

Senate in recess.

Senate reconvened at 1:26 p.m.

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**MOTIONS**

Senator Peterson moved that a Conference Committee be appointed for **SB 119**. President Story appointed Senator Esp (Chair), Senator Lewis, and Senator Schmidt.

Senator Peterson moved to suspend the Rules and accept **SJR 25** and **SB 498** in anticipation of House action.

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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

Senator Peterson moved to reconsider action on Third Reading on **HB 674** and that the bill remain on Third Reading.

Yeas: Bales, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, 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, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Balyeat, Brenden.

Total 2

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**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 Brueggeman in the chair.

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

**SB 55 - House Amendments** - Senator Steinbeisser moved House amendments to **SB 55** be concurred in. Motion carried as follows:



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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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**SB 214 - House Amendments** - Senator Steinbeisser moved House amendments to **SB 214** 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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

**SB 164 - Governor's Amendments** - Senator Debby Barrett moved Governor's amendments to **SB 164** 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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Larsen.  
Total 1

**SB 268 - Governor's Amendments** - Senator R. Brown moved Governor's amendments to **SB 268** 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, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: Balyeat, Hansen, Ripley, Steinbeisser.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Larsen.  
Total 1

**SB 399 - Governor's Amendments** - Senator Laslovich moved Governor's amendments to **SB 399** 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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Larsen.  
Total 1

**HB 150 - Governor's Amendments** - Senator Perry moved Governor's amendments to **SB 150** 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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

Senator Larsen present at this time.

**SB 602 - Conference Committee Report No. 1** - Senator Shockley moved the Conference Committee report to **SB 602** be adopted.

**SB 602 - Conference Committee Report No. 1** - Senator J. Tropila made a **substitute motion** that the Conference Committee report to **SB 602** be **not** adopted. Motion carried as follows:

Yeas: Barkus, Branae, Brenden, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Moss, Perry, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 28

Nays: Bales, Balyeat, Barrett, Black, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, Peterson, Shockley, Tutvedt, Zinke, Mr. President.

Total 22

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 Brueggeman moved the Committee of the Whole report be adopted. Report adopted unanimously.

### MOTIONS

Senator Peterson moved to appoint a Free Conference Committee on **HB 645**. Motion carried. President Story appointed Senator Esp (Chair), Senator Peterson, and Senator Keane.

Senator Peterson moved to appoint a Free Conference Committee on **HB 676**. Motion carried. President Story appointed Senator Bales (Chair), Senator Lewis, and Senator Schmidt.

Senator Peterson moved to appoint a Free Conference Committee on **HB 5**. Motion carried. President Story appointed Senator Barkus (Chair), Senator Barrett, and Senator Williams.

Senator Peterson moved to appoint a Free Conference Committee on **HB 3**. Motion carried. President Story appointed Senator Ripley, Peterson, Windy Boy.

Senator Shockley move to segregate **HB 602** from the Committee of Whole Report.

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Senator Shockley withdrew his motion.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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

Senate adjourned at 2:13 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate