

**SENATE JOURNAL
61ST LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 5, 2009

Senate Chambers
State Capitol

Children from Rocky Mountain Preschool in Helena recited the Preamble to the Constitution and the ABCs both forward and backward.

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

Roll Call. All members present, except Senators Jent, Squires, and Windy Boy, excused. Quorum present.

BILLS AND JOURNALS:

3/5/2009

Correctly printed: **SB 216, SB 291, HB 74, HB 90, HB 100, HB 121, HB 122, HB 205, HB 207, HB 208, HB 242, HB 296.**

Correctly engrossed: **SB 327, HB 287.**

Correctly enrolled: **SB 2, SB 29, SB 43, SB 125.**

Examined by the sponsor and found to be correct: **SB 2, SB 29, SB 43, SB 125.**

REPORTS OF STANDING COMMITTEES

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

3/5/2009

HB 76, be concurred in. Report adopted.
HB 138, be concurred in. Report adopted.
HB 159, be concurred in. Report adopted.
HB 160, be concurred in. Report adopted.
HB 171, be concurred in. Report adopted.

LOCAL GOVERNMENT (Esp, Chairman):

3/4/2009

HB 61, be concurred in. Report adopted.
HB 181, be concurred in. Report adopted.
HB 273, be concurred in. Report adopted.

NATURAL RESOURCES (Gebhardt, Chairman):

3/4/2009

HB 44, be concurred in. Report adopted.
HB 140, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Brown, Chairman):

3/5/2009

HB 151, be concurred in. Report adopted.
HJR 17, be concurred in. Report adopted.

TAXATION (Essmann, Chairman):

3/5/2009

SB 377, be amended as follows:

1. Page 7, line 2 through line 3.

Strike: "is exempt" on line 2 through "alien" on line 3

Insert: "meets the requirements for good faith compliance contained in 8 U.S.C. 1324a(b)(6)"

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2. Page 9, line 22 through line 23.

Strike: "is exempt" on line 22 through "aliens" on line 23

Insert: "meets the requirements for good faith compliance contained in 8 U.S.C. 1324a(b)(6)"

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

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/4/2009

SB 2, introduced by Cooney

SB 29, introduced by Wanzenried

SB 43, introduced by Kaufmann

SB 125, introduced by Shockley

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

HJR 8, introduced by Kasten

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

3/4/2009

SB 48, introduced by Essmann

MOTIONS

Majority Leader Peterson moved to reconsider the Committee of the Whole Report from March 4, 2009.

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

Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 20

Absent or not voting: None.

Total 0

Excused: Jent, Squires, Windy Boy.

Total 3

Majority Leader Peterson moved to reconsider the vote to indefinitely postpone **SB 379** on March 4, 2009.

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

Total 27

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Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 20

Absent or not voting: None.

Total 0

Excused: Jent, Squires, Windy Boy.

Total 3

Majority Leader Peterson moved to reconsider the vote on second reading for **SB 379**.

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

Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 20

Absent or not voting: None.

Total 0

Excused: Jent, Squires, Windy Boy.

Total 3

Majority Leader Peterson moved to re-refer **SB 379** to Senate Judiciary.

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

Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 20

Absent or not voting: None.

Total 0

Excused: Jent, Squires, Windy Boy.

Total 3

Majority Leader Peterson moved to adopt the Committee report from March 4, 2009.

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

Total 27

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Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: Jent, Squires, Windy Boy.
Total 3

On behalf of the Committee on Committees, Senator Esp moved that the following Senators be appointed to EQC: Senator Shockley, Senator Ripley, Senator Tutvedt, Senator Wanzenried, Senator Keane, and M. Tropila. Motion carried.

On behalf of the Committee on Committees, Senator Esp moved that the following Senators be appointed to the Capitol Complex Advisory Council: Senator Lewis and Senator Moss. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SR 8, introduced by Shockley (by request of Senate State Administration Standing Committee), referred to State Administration.

**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 Hamlett in the chair.

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

SB 425 - Senator Bales moved **SB 425** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, T. Brown, Curtiss, Essmann, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Zinke.
Total 28

Nays: Branae, R. Brown, Brueggeman, Cooney, Erickson, Esp, Gallus, Gillan, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Wanzenried, Williams, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Jent, Squires, Windy Boy.
Total 3

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SB 497 - Senator Shockley moved **SB 497** do pass. Motion carried as follows:

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

Total 29

Nays: Branae, Cooney, Erickson, Gallus, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 18

Absent or not voting: None.

Total 0

Excused: Jent, Squires, Windy Boy.

Total 3

SJR 28 - Senator J. Peterson moved **SJR 28** do pass. 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, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 46

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: Jent, Squires, Windy Boy.

Total 3

SJR 29 - Senator Moss moved **SJR 29** do pass. Motion carried as follows:

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

Total 43

Nays: Brenden, Esp, Gebhardt, Jackson.

Total 4

Absent or not voting: None.

Total 0

Excused: Jent, Squires, Windy Boy.

Total 3

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

UNFINISHED BUSINESS

Senator Brenden directed the Senators to a list of legislators to be remembered in a memorial service to be held April 5, 2009, and asked that he be provided with any additional names of people to be remembered.

SPECIAL ORDERS OF THE DAY

Majority Leader Peterson stated the Governor's prayer breakfast would be held on Saturday at 8:30 a.m at Carroll College.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate