

**SENATE JOURNAL
61ST LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 7, 2009

Senate Chambers
State Capitol

Senate convened at 10:51 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Laible, Perry, and Squires, excused. Quorum present.

Senator Perry present.

Senator Laible present.

BILLS AND JOURNALS:

3/7/2009

Correctly printed: **SB 216, SB 502, HB 74, HB 90, HB 100, HB 120, HB 125, HB 126, HB 168, HB 207, HB 208, HB 247, HB 368.**

Correctly engrossed: **SB 462, SB 488, HB 172.**

Delivered to the Governor for approval at 3:55 p.m., March 6, 2009: **SB 2, SB 29, SB 43, SB 125.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
HB 80, be amended as follows:

3/6/2009

1. Title, page 1, line 12.

Following: "DUTIES;"

Insert: "CREATING A TEMPORARY PRACTICE PERMIT IN ADDICTION COUNSELING;"

2. Page 3, line 30.

Strike: "Montana"

Following: "license"

Insert: "issued under Title 37, chapter 15"

3. Page 4, line 4.

Following: "~~whom~~"

Insert: "who is either an otolaryngologist or a person"

4. Page 9, line 28.

Following: "duties"

Insert: "in the performance of licensed professional duties"

5. Page 12, line 3.

Following: "duties"

Insert: "in the performance of licensed professional duties"

6. Page 28, line 15.

Strike: ", INTERN, OR RESIDENT"

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7. Page 28, line 28.

Following: "fees"

Insert: "--temporary practice permit"

8. Page 29, line 8.

Strike: "an internship"

Insert: "a program"

9. Page 29, line 12 through line 13.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

10. Page 29, line 14.

Strike: "An"

Insert: "Except as provided in subsections (5)(d) and (6), an"

11. Page 29, line 15.

Strike: "or internship and the examination"

12. Page 29, line 16.

Strike: "or internship"

13. Page 29.

Following: line 27

Insert: "(d) A student is not required to obtain a temporary practice permit.

(6) The provisions of subsection (5) do not apply until the department has adopted rules implementing this section. The rules must provide for a waiver of the provisions of subsection (5) for a person who is engaged in a supervised work experience prior to the adoption of the rules."

14. Page 40, line 8 through line 10.

Strike: section 52 in its entirety

Renumber: subsequent sections

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

HB 94, be concurred in. Report adopted.

HB 101, be concurred in. Report adopted.

HB 114, be concurred in. Report adopted.

JUDICIARY (Perry, Chairman):

3/6/2009

HB 288, be amended as follows:

1. Page 1, line 11.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 1, line 17 through line 20.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

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

HB 293, be concurred in. Report adopted.

HB 298, be concurred in. Report adopted.

HB 308, be amended as follows:

1. Page 5, line 10 through line 11.

Following: "may" on line 10

Strike: remainder of line 10 through "court," on line 11

2. Page 5, line 11.

Following: "permit"

Strike: "up to \$100 of the amount of the"

Insert: "a part or all of a"

3. Page 5, line 12 through line 13.

Following: "food" on line 12

Strike: remainder of line 12 through "individuals" on line 13

Insert: "to a food bank program"

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

LOCAL GOVERNMENT (Esp, Chairman):

3/6/2009

HB 245, be concurred in. Report adopted.

HB 426, be concurred in. Report adopted.

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

3/6/2009

HB 70, be concurred in. Report adopted.

HJR 29, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

3/6/2009

HB 23, be amended as follows:

1. Title, line 7.

Strike: "IMMEDIATE EFFECTIVE"

Insert: "APPLICABILITY"

2. Page 2, line 6.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to legislatures that convene after December 31, 2011."

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

HB 37, be concurred in. Report adopted.

HB 155, be concurred in. Report adopted.

HJR 22, be concurred in. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/6/2009

SB 18, introduced by Wanzenried
SB 23, introduced by Wanzenried
SB 42, introduced by Laslovich
SB 53, introduced by Lewis
SB 117, introduced by Wanzenried
SB 130, introduced by Hamlett
SB 152, introduced by Brueggeman

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/6/2009

SB 88, introduced by M. 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:

SB 216 passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Brueggeman, Erickson, Juneau, Kaufmann, Shockley.
Total 6

Paired: Squires, Aye; Shockley, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 74 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, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Erickson, Juneau, Kaufmann, Moss, Stewart-Peregoy, J. Tropila, Williams.
Total 7

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Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 90 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 45

Nays: Erickson, Esp, Tutvedt, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Squires.
Total 1

HB 100 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, 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: Squires.
Total 1

HB 126 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, 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: Squires.

Total 1

HB 207 concurred in as follows:

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

Total 38

Nays: Branae, Cooney, Erickson, Hawks, Jent, Juneau, Kaufmann, Moss, Squires, M. Tropila, Wanzenried, Williams.

Total 12

Paired: R. Brown, Aye; Squires, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 208 concurred in as follows:

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

Total 34

Nays: Branae, Cooney, Erickson, Gillan, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, M. Tropila, Wanzenried, Williams.

Total 16

Paired: R. Brown, Aye; Squires, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**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 Shockley in the chair.

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

HB 296 - Senator J. Tropila moved **HB 296** be concurred in. Motion carried as follows:

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

Total 45

Nays: Balyeat, Esp, Gebhardt, Mr. President.

Total 4

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

HB 76 - Senator Keane moved **HB 76** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, 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: Squires.

Total 1

HB 121 - Senator McGee moved **HB 121** be concurred in. Motion carried as follows:

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

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

Senator McGee assumed the chair.

HB 122 - Senator Shockley moved **HB 122** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, 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: Squires.

Total 1

Senator Shockley re-assumed the chair.

HB 138 - Senator Zinke moved **HB 138** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, 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: Squires.

Total 1

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HB 159 - Senator J. Tropila moved **HB 159** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, 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: Squires.

Total 1

HB 160 - Senator R. Brown moved **HB 160** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, 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: Squires.

Total 1

HB 171 - Senator R. Brown moved **HB 171** be concurred in. Motion carried as follows:

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

Total 48

Nays: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: Squires.

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Total 1

HB 205 - Senator Jent moved **HB 205** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, 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: Squires.

Total 1

HB 242 - Senator Perry moved **HB 242** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, 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: Squires.

Total 1

HB 287 - Senator Murphy moved **HB 287** 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, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Hinkle, Jackson, Moss.

Total 3

Absent or not voting: None.

Total 0

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Excused: Squires.
Total 1

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, March 9, 2009. Motion carried.

Senate adjourned at 11:44 a.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate