

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

Helena, Montana
March 9, 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 Senators Gillan, Larsen, and Squires, excused. Quorum present.

Senator Gillan present.

SPECIAL ORDERS OF THE DAY

Lori Young, a singer/songwriter from Havre, performed two songs.

BILLS AND JOURNALS:

3/9/2009

Correctly printed: **HB 37, HB 70, HB 76, HB 94, HB 101, HB 114, HB 121, HB 122, HB 138, HB 155, HB 159, HB 160, HB 171, HB 205, HB 242, HB 245, HB 287, HB 293, HB 296, HB 298, HB 426, HJR 22, HJR 29.**

Correctly engrossed: **HB 23, HB 80, HB 288, HB 308.**

Correctly enrolled: **SB 18, SB 23, SB 35, SB 42, SB 53, SB 78, SB 90, SB 98, SB 117, SB 130, SB 140, SB 152, SB 215.**

Signed by the President at 10:10 a.m., March 9, 2009: **SB 24, SB 116, SB 181, SJR 13.**

Signed by the Secretary of the Senate at 10:00 a.m., March 7, 2009: **SB 24, SB 116, SB 181, SJR 13.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Laible, Chairman):

3/6/2009

HB 38, be concurred in. Report adopted.

HB 46, be concurred in. Report adopted.

HB 57, be concurred in. Report adopted.

HJR 6, be concurred in. Report adopted.

JUDICIARY (Perry, Chairman):

3/9/2009

HB 149, be concurred in. Report adopted.

LOCAL GOVERNMENT (Esp, Chairman):

3/9/2009

HB 244, be amended as follows:

1. Page 1, line 13.

Strike: "15"

Insert: "30 consecutive"

2. Page 1, line 17.

Strike: "15"

Insert: "30 consecutive"

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

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LEGISLATIVE ADMINISTRATION (Curtiss, Chairman):

3/9/2009

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 1:00 p.m., Saturday, March 7, 2009:

<u>TITLE</u>	<u>NAME</u>
Pages:	Nathaniel Wagner, Kalispell
	Ann Koenig, Kalispell
	Mary Kaercher, Havre
	Taylor Albright, Kalispell
	Sierra Chambers, Clancy
	Karlyanne Ryan, Plains
	Charlene Healy, Dodson

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 9, 2009:

<u>TITLE</u>	<u>NAME</u>
Pages:	Lisa Laslovich, Anaconda
	McCall Flynn, Anaconda
	Marion Min, Ryegate
	Sarah Kirchner, Kalispell
	Nicole Veltkamp, Stevensville
	Ronald "Tres" Storey III, Yellowtail
	Taylor Simkins, Missoula

Report Adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/7/2009

SB 35, introduced by Jent
SB 78, introduced by Brenden
SB 90, introduced by Jackson
SB 98, introduced by Keane
SB 140, introduced by Perry
SB 215, introduced by Steinbeisser

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

3/7/2009

SB 40, introduced by Juneau

**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 T. Brown in the chair.

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

SB 462 - Senator Steinbeisser moved **SB 462** 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, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 61 - Senator Gallus moved **HB 61** 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, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lewis, Moss, 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, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 120 - Senator Keane moved **HB 120** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: Larsen, Squires.

Total 2

HB 125 - Senator Keane moved **HB 125** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen, Squires.

Total 2

HB 140 - Senator Gebhardt moved consideration of **HB 140** be passed for the day. Without objection, motion carried.

HB 168 - Senator Hansen moved **HB 168** 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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Balyeat, Shockley.

Total 2

Absent or not voting: None.

Total 0

Excused: Larsen, Squires.

Total 2

HB 172 - Senator Schmidt moved **HB 172** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB - Senator McGee assumed the chair.

HB 181 - Senator T. Brown moved **HB 181** 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, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 368 - Senator T. Brown moved **HB 368** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, 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 47

Nays: Cooney.
Total 1

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

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

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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:

SB 488 failed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brueggeman, Curtiss, Essmann, Gebhardt, Hamlett, Hinkle, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Windy Boy, Zinke, Mr. President.

Total 25

Nays: Black, Branae, Brenden, R. Brown, T. Brown, Cooney, Erickson, Esp, Gallus, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Larsen, Moss, Peterson, Schmidt, Squires, M. Tropila, Tutvedt, Wanzenried, Williams.

Total 25

Paired: Essmann, Perry, Aye; Larsen, Squires, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 76 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, 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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen, Squires.

Total 2

HB 121 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, 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

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 122 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, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 138 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, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 159 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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr.

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President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 160 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, 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 47

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 171 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, 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 43

Nays: Black, Erickson, Esp, Essmann, Kaufmann.
Total 5

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

HB 205 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, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley,

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

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen, Squires.

Total 2

HB 242 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, 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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Larsen, Squires.

Total 2

HB 287 concurred in 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, 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 45

Nays: Balyeat, Hinkle, Jackson.

Total 3

Absent or not voting: None.

Total 0

Excused: Larsen, Squires.

Total 2

HB 296 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp,

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Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Brenden, Gebhardt, Steinbeisser.
Total 4

Absent or not voting: None.
Total 0

Excused: Larsen, Squires.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Barkus introduced the pages for the week of March 9-14, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Tuesday, March 10, 2009. Motion carried.

Senate adjourned at 2:01 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate