

**SENATE JOURNAL
61ST LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
March 30, 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. Quorum present.

BILLS AND JOURNALS:

3/30/2009

Correctly printed: **SB 38, SB 489, SB 503, SB 511, SJR 30, SJR 34, SR 29, HB 19, HB 59, HB 71, HB 85, HB 95, HB 104, HB 147, HB 161, HB 177, HB 222, HB 301, HB 315, HB 328, HB 338, HB 343, HB 362, HB 378, HB 402, HB 403, HB 404, HB 409, HB 412, HB 483, HB 488, HB 509, HB 517, HB 542, HB 544, HB 546, HB 557, HB 563, HB 567, HB 588, HB 626, HB 659, HJR 1, HJR 4, HJR 14.**

Correctly engrossed: **SB 507, HB 420, HB 628, HB 630.**

Delivered to the Secretary of State at 9:47 a.m., March 30, 2009: **SR 10.**

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/28/2009

HB 279, introduced by Reinhart
HB 306, introduced by Morgan
HB 598, introduced by P. Noonan
HB 615, introduced by MacLaren
HB 653, introduced by Pomnichowski
HB 655, introduced by Belcourt

House joint resolution passed and transmitted to the Senate for concurrence:

3/28/2009

HJR 30, introduced by Himmelberger

Senate amendments to House bills concurred in:

3/28/2009

HB 133, introduced by Stoker
HB 150, introduced by D. Brown
HB 195, introduced by Hamilton
HB 197, introduced by Ebinger
HB 317, introduced by Furey
HB 354, introduced by Glaser
HB 365, introduced by Roberts
HB 397, introduced by Kottel
HB 407, introduced by MacDonald
HB 593, introduced by Villa

HB 622 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 622**:

Representative Dickenson, Vice Chair

3/28/2009

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Representative Sands
Representative MacLaren
Representative Himmelberger

LEGISLATIVE ADMINISTRATION (Curtiss, Chairman):

3/30/2009

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 3:00 p.m., Saturday, March 28, 2009:

<u>TITLE</u>	<u>NAME</u>
Pages:	Caitlin Caltabiano, Whitefish
	Shelby DeMars, Dillon
	Justin Schaaf, Glendive
	Clive Ogle, White Sulphur Springs
	Joshua Erger, Billings
	Alexandra "Alex" Bronk, Darby

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 30, 2009:

<u>TITLE</u>	<u>NAME</u>
Pages:	Reid Fleming, Fort Shaw
	Taylor Floreen, Butte
	Jennifer Lynch, Butte
	Reva Stewart, Garryowen
	Eric Sell, Harlowton
	Bralyn Joubert, Columbia Falls

Report Adopted.

MOTIONS

Senator Peterson moved that the Senate appoint a conference committee on **SB 73** and request that the House appoint a like committee. Motion carried. Senator Hawks (Chair), Senator Zinke, and Senator Hinkle appointed.

Senator Peterson moved that the Senate appoint a conference committee on **SB 108** and request that the House appoint a like committee. Motion carried. Senator McGee (Chair), Senator Zinke, and Senator Jent.

Senator Peterson moved that the Senate appoint a conference committee on **SB 622** and asked that the House appoint a like committee. Motion carried. Senator R. Brown (Chair), Senator Brenden, and Senator Windy Boy.

Senator Peterson moved the Senate recess until 1:30 p.m. for caucuses. Motion carried.

Senate in recess.

Senate reconvened at 1:32 p.m.

Roll Call. All members present. Quorum present.

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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 38 passed as follows:

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

Total 42

Nays: Branae, Cooney, Hawks, Jent, Juneau, Laslovich, Schmidt, Wanzenried.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 370 passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Balyeat, Cooney, Gallus, Hinkle, Squires, Wanzenried, Williams.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 489 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, 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, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Black, Erickson, Juneau, Kaufmann, Stewart-Peregoy.

Total 5

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 503 passed as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 511 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, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 48

Nays: McGee, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 19 concurred in 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 71 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, 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 45

Nays: Balyeat, Esp, Essmann, Hinkle, McGee.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 85 concurred in as follows:

Yeas: Bales, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Mr. President.
Total 42

Nays: Balyeat, Barkus, Curtiss, Hinkle, Laslovich, McGee, Tutvedt, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 95 concurred in 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 104 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, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Ripley, Steinbeisser.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 147 concurred in as follows:

Yeas: Barrett, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, Moss, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Bales, Balyeat, Barkus, Black, Brenden, R. Brown, Curtiss, Gallus, Gebhardt, Hinkle, Jackson, Keane, McGee, Murphy, Ripley, Tutvedt.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 177 concurred in 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 161 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, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Balyeat, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 222 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gillan, Hamlett, Hansen, Hawks, Jent, Kaufmann, 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 41

Nays: Balyeat, Gallus, Gebhardt, Hinkle, Jackson, Juneau, McGee, Shockley, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 301 concurred in 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, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Gallus, Steinbeisser.
Total 2

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 328 concurred in as follows:

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

Nays: Curtiss, Gallus, McGee, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 338 concurred in as follows:

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

Nays: Balyeat, Cooney, Erickson, Hinkle, Jackson, Kaufmann, Larsen, McGee, Moss, Shockley, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 343 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: M. Tropila.
Total 1

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 362 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 378 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, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Shockley, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 402 concurred in as follows:

Yeas: Barrett, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brenden, R. Brown, Curtiss, Essmann, McGee, Perry, Peterson, Ripley, Shockley, Steinbeisser, Mr. President.
Total 15

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 403 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 404 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 409 concurred in as follows:

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

HB 412 concurred in as follows:

Yeas: Bales, Balyeat, 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, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 47

Nays: Esp, Gallus, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 483 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 30

Nays: Branae, Cooney, Erickson, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 488 concurred in as follows:

Yeas: Bales, Barkus, Black, Branae, T. Brown, Brueggeman, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lewis, McGee, Moss, Perry, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke.
Total 34

Nays: Balyeat, Barrett, Brenden, R. Brown, Cooney, Curtiss, Esp, Gallus, Hinkle, Larsen, Murphy, Peterson,

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Ripley, Shockley, Wanzenried, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 509 concurred in 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.
Total 48

Nays: Gallus, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 517 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 542 concurred in as follows:

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

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Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 544 concurred in 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, 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: Cooney, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 546 concurred in as follows:

Yeas: Balyeat, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Mr. President.
Total 37

Nays: Bales, Barkus, Brenden, R. Brown, Esp, Gebhardt, Hinkle, McGee, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 557 concurred in as follows:

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

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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.
Total 47

Nays: Barkus, Esp, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 563 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, 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: Esp, Gebhardt, Jackson, Zinke.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 567 concurred in 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

HB 588 concurred in as follows:

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

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 626 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 1 concurred in as follows:

Yeas: Balyeat, Barrett, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 37

Nays: Bales, Barkus, Black, Brenden, Esp, Hinkle, Jackson, Jent, McGee, Shockley, Steinbeisser, Tutvedt, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HJR 4 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hawks, Jent, Juneau, Kaufmann, Larsen, Moss, Schmidt, Stewart-Peregoy, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 14 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, M. Tropila, Tutvedt, Mr. President.
Total 28

Nays: Black, Branae, Cooney, Erickson, Esp, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

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

HB 190 - Senator J. Peterson moved consideration of **HB 190** be placed as item 6 on the second reading agenda. Motion carried.

HB 531 - Senator J. Peterson moved consideration of **HB 531** be passed for the day. Motion carried.

SB 490 - Senator R. Brown moved **SB 490** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Essmann, Gallus,

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Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Zinke, Mr. President.

Total 32

Nays: Branae, Cooney, Erickson, Esp, Gillan, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, Wanzenried, Williams, Windy Boy.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator McGee assumed the chair.

SB 508 - Senator Brueggeman moved **SB 508** do pass. Motion carried as follows:

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

Total 41

Nays: Balyeat, R. Brown, Hinkle, Juneau, Kaufmann, Murphy, Shockley, Stewart-Peregoy, Windy Boy.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Cooney excused at this time.

HB 375 - Senator Wanzenried moved **HB 375** be concurred in. Motion **failed** as follows:

Yeas: Branae, Brueggeman, Curtiss, Erickson, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Cooney.

Total 1

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HB 375 - Senator J. Peterson moved **HB 375** be indefinitely postponed. Motion carried as follows:

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

Total 28

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

Total 21

Absent or not voting: None.

Total 0

Excused: Cooney.

Total 1

HB 443 - Senator Shockley moved **HB 443** be concurred in. Motion carried as follows:

Yeas: Barkus, Black, Branae, Brueggeman, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Moss, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 31

Nays: Bales, Balyeat, Barrett, Brenden, R. Brown, T. Brown, Curtiss, Esp, Gebhardt, Jackson, Lewis, McGee, Murphy, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: Cooney.

Total 1

HB 190 - Senator Shockley moved **HB 190** be concurred in.

HB 190 - Senator Barkus moved **HB 190**, second reading copy, be amended as follows:

1. Page 3, line 29.

Strike: "or"

Insert: "(v) a wooden rail fence that provides for passage; or"

Renumber: subsequent subsections

2. Page 4, line 1.

Strike: "IT MAY" through "WATER."

Insert: "One access feature, as described in subsection (2)(a), on each side of the stream is sufficient."

Amendment adopted as follows:

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

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

Nays: Erickson, Kaufmann, Laslovich, Wanzenried, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Cooney.
Total 1

HB 190 - Senator Shockley moved **HB 190**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, 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 47

Nays: Balyeat, Hinkle.
Total 2

Absent or not voting: None.
Total 0

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

MOTIONS

Senator Black moved to change his vote on **HB 402** from yes to no. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 279, introduced by Reinhart, Boland, A. Noonan, P. Noonan, Vincent, Fleming, Phillips, Malek, McAlpin, MacDonald, Ebinger, Sands, Calf Boss Ribs, French, Grinde, Dick Barrett, McClafferty, Hamilton, Becker, Menahan, Campbell, referred to Finance and Claims.

HB 306, introduced by Morgan, referred to Highways and Transportation.

HB 598, introduced by P. Noonan, Jopek, McClafferty, Sands, French, Hamilton, A. Noonan, Wilmer, Sesso, Dickenson, Phillips, Wiseman, Hiner, referred to Business, Labor, and Economic Affairs.

HB 615, introduced by MacLaren, referred to Business, Labor, and Economic Affairs.

HB 653, introduced by Pomnichowski, Erickson, referred to Taxation.

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HB 655, introduced by Belcourt, Hamlett, Zinke, Jopek, D. Brown, Kasten, Branae, Ripley, Steinbeisser, Getz, Roundstone, Mehlhoff, McClafferty, Ankney, Fleming, Vincent, Wagner, Boland, Cohenour, Bennett, Larsen, referred to Agriculture, Livestock and Irrigation.

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

HJR 30, introduced by Himmelberger (by request of House State Administration Standing Committee), referred to Natural Resources.

SPECIAL ORDERS OF THE DAY

Senator R. Brown introduced the Pages for the week of March 30 - April 4, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Senator Perry moved to re-refer **HB 130** from Local Government to Judiciary.

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, Curtiss, Gallus, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Laible, Larsen, McGee, Moss, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 33

Nays: R. Brown, T. Brown, Brueggeman, Erickson, Esp, Essmann, Gebhardt, Jackson, Laslovich, Lewis, Murphy, Ripley, Tutvedt, Mr. President.

Total 14

Absent or not voting: Gillan, Keane.

Total 2

Excused: Cooney.

Total 1

Senator Perry moved to re-refer **HB 131** to Finance and Claims to Judiciary. Motion carried.

Peterson moved the Senate recess until 5:15 p.m. Motion carried.

Senate in recess.

Senate reconvened at 5:15 p.m.

Roll Call. All members present, except Senator Jent, Senator Laslovich, and Senator Tutvedt. Quorum present.

Senator Tutvedt present at this time.

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REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Bales, Chairman):

3/30/2009

HB 3, be amended as follows:

1. Page 1, line 19.

Strike: "\$3,000,000"

Insert: "\$3,633,432"

2. Page 2, line 3.

Strike: "\$36,000 GENERAL FUND"

Following: line 3

Insert: "Legal Fees \$36,000 General Fund
Legal Judgment \$225,000 General Fund"

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

HB 4, be amended as follows:

1. Page 2, following line 16.

Insert: "Office of Consumer Protection

Solomon arbitration settlement FY 2009 \$6,000 State Special

All remaining fiscal year 2009 state special budget amendment authority for the solomon arbitration settlement is authorized to continue into federal fiscal year 2009."

2. Page 2, following line 19.

Insert: "Division of Criminal Investigations

Internet crimes against children task force FY 2009 \$8,000 Federal"

3. Page 2, following line 22.

Insert: "Motor Vehicle Division

Commercial driver's license information system modernization program FY 2009 \$479,546 Federal

All remaining fiscal year 2009 federal budget amendment authority for the commercial driver's license information system modernization program is authorized to continue into state fiscal year 2011.

Montana Arts Council

Promotion of the Arts

Montana current partnership agreement FY 2009 \$155,057 Federal

All remaining fiscal year 2009 federal budget amendment authority for the Montana current partnership agreement is authorized to continue into state fiscal year 2010."

4. Page 2, following line 28.

Insert: "Research Center

Museum and library services grant FY 2009 \$2,987 Federal

All remaining fiscal year 2009 federal budget amendment authority for the museum and library services grant is authorized to continue into state fiscal year 2010."

5. Page 3, following line 9.

Insert: "Westslope cutthroat trout restoration FY 2009 \$25,068 Federal"

6. Page 3, line 17.

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Following: "FOR"

Insert: "the westslope cutthroat trout restoration grant,"

7. Page 3, line 18.

Following: "RENOVATION GRANT"

Insert: ", "

8. Page 5, following line 3.

Insert: "Environmental Quality Protection Fund

Burlington Northern Santa Fe Livingston cleanup site FY 2009 \$500,000 State Special

All remaining fiscal year 2009 federal budget amendment authority for the Libby/Troy asbestos project is authorized to continue into state fiscal year 2010."

9. Page 6, following line 1.

Insert: "Oil and Gas Conservation Division

Underground injection control class II grant FY 2009 \$41,880 Federal

All remaining fiscal year 2009 federal budget amendment authority for the underground injection control class II grant is authorized to continue into federal fiscal year 2009."

10. Page 6, line 3.

Following: "for"

Insert: "the Willow Creek dam breach analysis reports, the cooperative technical partners grant,"

11. Page 6, following line 8.

Insert: "Bureau of land management prescribed burning activities FY 2009 \$1,584 Federal

Hazardous fuel reduction work on adjacent nonfederal lands FY 2009 \$2,000,000 Federal"

12. Page 6, line 9.

Following: "for"

Insert: "bureau of land management prescribed burning activities, federal forest service"

13. Page 7, following line 10.

Strike: line 11 through line 13 in their entirety

Insert: "All remaining fiscal year 2009 federal budget amendment authority for postsecondary education programs to assist and encourage incarcerated individuals to acquire education and job skills and for related services is authorized to continue into federal fiscal year 2010."

14. Page 8, following line 3.

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

15. Page 8, following line 5.

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the additional unemployment insurance administration and emergency unemployment compensation grant is authorized to continue into federal fiscal year 2011."

16. Page 8, following line 10.

Insert: "2008 predisaster mitigation competitive grant FY 2009 \$335,637 Federal"

17. Page 8, following line 29.

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Insert: "Quality Assurance Division

All remaining fiscal year 2009 federal budget amendment authority for the medicaid transform grant is authorized to continue into state fiscal year 2010.

Addictive and Mental Disorders Division

Submission of substance abuse client data for treatment admissions and discharges grant FY 2009 \$150,000
Federal

All remaining fiscal year 2009 federal budget amendment authority for the submission of substance abuse client data for treatment admissions and discharges grant is authorized to continue into state fiscal year 2010."

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

HB 6, be amended as follows:

1. Page 8, line 14.

Strike: "\$2.2"

Insert: "\$2.1"

2. Page 9, line 20.

Following: line 19

Insert: "NEW SECTION. Section 6. Coordination instruction. If the total transfers for the renewable resource grants and loans water projects in section 51-F, item 5, of House Bill No. 645 is reduced below a total of \$4,148,796, then the appropriation of \$8,654,593 from the natural resources projects state special revenue account for grants to political subdivisions and local governments in [section 1 of this act] is reduced by a like amount."

Renumber: subsequent sections

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

HB 7, be amended as follows:

1. Page 3, line 30.

Following: "WITHDRAWN"

Insert: "and \$70,000 is granted to the Clark Fork River Basin Task Force for the water management plan project"

2. Page 4, line 28.

Following: line 27

Insert: "NEW SECTION. Section 6. Coordination instruction. If the total transfers for the reclamation and development grants and loans reclamation projects in section 51-F, item 6, of House Bill No. 645 is reduced below a total of \$1,794,266, then the appropriation of \$6,227,122 from the natural resources projects state special revenue account for reclamation and development grants in [section 1 of this act] is reduced by a like amount."

Renumber: subsequent sections

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

JUDICIARY (Perry, Chairman):

3/30/2009

HB 228, be amended as follows:

1. Title, line 8.

Following: "SECTIONS"

Strike: "45-8-315, 45-8-316,"

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Insert: "45-3-103, 45-8-321, 45-8-328,"

2. Title, line 9.

Following: the first "MCA;"

Strike: "AND REPEALING SECTION 45-8-317, MCA"

Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 10.

Following: line 9

Insert: "WHEREAS, the Legislature declares that:

(1) the right of Montanans to defend their lives and liberties, as provided in Article II, section 3, of the Montana Constitution, and their right to keep or bear arms in defense of their homes, persons, and property, as provided in Article II, section 12, of the Montana Constitution, are fundamental and may not be called into question;

(2) the use of firearms for self-defense is recognized within the right reserved to the individual people of Montana in Article II, section 12, of the Montana Constitution;

(3) self-defense is a natural right under section 1-2-104, MCA, and is included in sections 49-1-101 and 49-1-103, MCA;

(4) the lawful use of firearms for self-defense is not a crime or an offense against the people of the state;

(5) in a criminal case in which self-defense is asserted, the burden of proof is as provided in [section 10];

(6) in self-defense, the use of justifiable force discourages violent crime and prevents victimization; and

(7) the purpose of [sections 1 through 3] is to clarify and secure the ability of the people to protect themselves."

4. Page 1, line 13 through line 25.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 1, line 29.

Following: "prior to"

Strike: "acting in self-defense."

Insert: "using force. The provisions of this section apply to a person offering evidence of justifiable use of force under 45-3-102, 45-3-103, or 45-3-104."

6. Page 2, line 1 through line 16.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 2. Openly carrying weapon -- display -- exemption. (1) Any person who is not otherwise prohibited from doing so by federal or state law may openly carry a weapon and may communicate to another person the fact that the person has a weapon.

(2) If a person reasonably believes that the person or another person is threatened with bodily harm, the person may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon.

(3) This section does not limit the authority of the board of regents or other postsecondary institutions to regulate the carrying of weapons, as defined in 45-8-361(5)(b), on their campuses."

Renumber: subsequent sections

7. Page 2, line 18.

Following: "involving"

Strike: "self-defense"

Following: "claim"

Insert: "of justifiable use of force"

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8. Page 2, line 19.

Following: "appears to have"

Strike: "been"

9. Page 2, line 20.

Strike: "been in self-defense"

Insert: "involved justifiable use of force"

10. Page 2, lines 20 through 21.

Following: "testimony" on line 20

Strike: remainder of line 20 through "support" on line 21

Insert: "concerning"

11. Page 2, line 21.

Following: "and"

Insert: "that might support"

Following: "alleged"

Strike: "self-defense"

Insert: "justifiable use of force"

12. Page 2, line 22.

Insert: "Section 4. Section 45-3-103, MCA, is amended to read:

"45-3-103. Use of force in defense of occupied structure. (1) A person is justified in the use of force or threat to use force against another when and to the extent that ~~he~~ the person reasonably believes that ~~such conduct~~ the use of force is necessary to prevent or terminate ~~such~~ the other's unlawful entry into or attack upon an occupied structure. ~~However, he~~

(2) A person justified in the use of force pursuant to subsection (1) is justified in the use of force likely to cause death or serious bodily harm only if:

(1)(a) ~~the entry is made or attempted in violent, riotous, or tumultuous manner and he~~ the person reasonably believes that ~~such~~ the force is necessary to prevent an assault upon ~~or offer of personal violence to him~~ the person or another then in the occupied structure; or

(2)(b) ~~he~~ the person reasonably believes that ~~such~~ the force is necessary to prevent the commission of a forcible felony in the occupied structure."

13. Page 4, line 23 through page 5, line 10.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent sections

14. Page 5, line 12.

Following: line 11

Insert: "Section 7. Section 45-8-321, MCA, is amended to read:

"45-8-321. Permit to carry concealed weapon. (1) A county sheriff shall, within 60 days after the filing of an application, issue a permit to carry a concealed weapon to the applicant. The permit is valid for 4 years from the date of issuance. An applicant must be a United States citizen who is 18 years of age or older and who holds a valid Montana driver's license or other form of identification issued by the state that has a picture of the person identified. An applicant must have been a resident of the state for at least 6 months. Except as provided in subsection (2), this privilege may not be denied an applicant unless the applicant:

(a) is ineligible under Montana or federal law to own, possess, or receive a firearm;

(b) has been charged and is awaiting judgment in any state of a state or federal crime that is punishable by incarceration for 1 year or more;

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- (c) subject to the provisions of subsection (6), has been convicted in any state or federal court of:
- (i) a crime punishable by more than 1 year of incarceration ~~or~~; or
 - (ii) regardless of the sentence that may be imposed, a crime that includes as an element of the crime an act, attempted act, or threat of intentional homicide, ~~violence, bodily~~ or serious bodily harm, unlawful restraint, sexual abuse, or sexual intercourse or contact without consent;
- (d) has been convicted under 45-8-327 or 45-8-328, unless the applicant has been pardoned or 5 years have elapsed since the date of the conviction;
- (e) has a warrant of any state or the federal government out for the applicant's arrest;
- (f) has been adjudicated in a criminal or civil proceeding in any state or federal court to be an unlawful user of an intoxicating substance and is under a court order of imprisonment or other incarceration, probation, suspended or deferred imposition of sentence, treatment or education, or other conditions of release or is otherwise under state supervision;
- (g) has been adjudicated in a criminal or civil proceeding in any state or federal court to be mentally ill, mentally defective, or mentally disabled and is still subject to a disposition order of that court; or
- (h) was dishonorably discharged from the United States armed forces.
- (2) The sheriff may deny an applicant a permit to carry a concealed weapon if the sheriff has reasonable cause to believe that the applicant is mentally ill, mentally defective, or mentally disabled or otherwise may be a threat to the peace and good order of the community to the extent that the applicant should not be allowed to carry a concealed weapon. At the time an application is denied, the sheriff shall, unless the applicant is the subject of an active criminal investigation, give the applicant a written statement of the reasonable cause upon which the denial is based.
- (3) An applicant for a permit under this section must, as a condition to issuance of the permit, be required by the sheriff to demonstrate familiarity with a firearm by:
- (a) completion of a hunter education or safety course approved or conducted by the department of fish, wildlife, and parks or a similar agency of another state;
 - (b) completion of a firearms safety or training course approved or conducted by the department of fish, wildlife, and parks, a similar agency of another state, a national firearms association, a law enforcement agency, an institution of higher education, or an organization that uses instructors certified by a national firearms association;
 - (c) completion of a law enforcement firearms safety or training course offered to or required of public or private law enforcement personnel and conducted or approved by a law enforcement agency;
 - (d) possession of a license from another state to carry a firearm, concealed or otherwise, that is granted by that state upon completion of a course described in subsections (3)(a) through (3)(c); or
 - (e) evidence that the applicant, during military service, was found to be qualified to operate firearms, including handguns.
- (4) A photocopy of a certificate of completion of a course described in subsection (3), an affidavit from the entity or instructor that conducted the course attesting to completion of the course, or a copy of any other document that attests to completion of the course and can be verified through contact with the entity or instructor that conducted the course creates a presumption that the applicant has completed a course described in subsection (3).
- (5) If the sheriff and applicant agree, the requirement in subsection (3) of demonstrating familiarity with a firearm may be satisfied by the applicant's passing, to the satisfaction of the sheriff or of any person or entity to which the sheriff delegates authority to give the test, a physical test in which the applicant demonstrates the applicant's familiarity with a firearm.
- (6) A person, except a person referred to in subsection (1)(c)(ii), who has been convicted of a felony and whose rights have been restored pursuant to Article II, section 28, of the Montana constitution is entitled to issuance of a concealed weapons permit if otherwise eligible."

Insert: "Section 8. Section 45-8-328, MCA, is amended to read:

"45-8-328. Carrying concealed weapon in prohibited place -- penalty. (1) A person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

- (a) portions of a building used for state or local government offices and related areas in the building that have been restricted;
- (b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal

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business hours. It is not an offense under this section to carry a concealed weapon while:

- (i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or
- (ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person is inside the enclosure used for the institution's financial services or is using the institution's financial services.
- (c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises;
- (d) a health care facility as defined in 50-5-101.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both."

Renumber: subsequent sections

15. Page 5, line 16 through line 17.

Following: "person." on line 16

Strike: remainder of line 16 through "45-3-106." on line 17

16. Page 5, line 20.

Following: line 19

Insert: "NEW SECTION. Section 10. Justifiable use of force -- burden of proof. In a criminal trial, when the defendant has offered evidence of justifiable use of force, the state has the burden of proving beyond a reasonable doubt that the defendant's actions were not justified."

Renumber: subsequent sections

17. Page 5, line 21.

Strike: section 10 in its entirety

Renumber: subsequent sections

18. Page 5, line 23.

Strike: "4"

Insert: "3"

19. Page 5, line 25.

Strike: "4"

Insert: "3"

20. Page 5, line 30.

Strike: "1"

Insert: "24"

Strike: "4"

Insert: "1"

21. Page 6, line 1.

Strike: "1"

Insert: "24"

Strike: "4"

Insert: "1"

22. Page 6, line 4.

Following: line 3

Insert: "(4) [Section 10] is intended to be codified as an integral part of Title 46, chapter 16, part 1, and the

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provisions of Title 46, chapter 16, part 1, apply to [section 10]."

23. Page 6, line 5.

Following: line 4

Insert: "NEW SECTION. **Section 12. Effective date.** [This act] is effective on passage and approval."

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

HB 534, be amended as follows:

1. Page 1, line 29.

Following: "FELONY"

Insert: "or, in the case of a youth, an offense that would be a felony if committed by an adult"

2. Page 3, line 11 through page 4, line 3.

Strike: section 4 in its entirety

Insert: "NEW SECTION. **Section 4. Exceptions to custodial recording requirements.** A judge shall admit statements or evidence of statements that do not conform to [section 3] if, at hearing, the state proves by a preponderance of the evidence that:

(1) the statements have been made voluntarily and are reliable; or

(2) one or more of the following circumstances existed at the time of the custodial interrogation:

(a) the questions put forth by law enforcement personnel and the person's responsive statements were part of the routine processing or booking of the person;

(b) before or during a custodial interrogation, the person unambiguously declared that the person would respond to the law enforcement officer's questions only if the person's statements were not electronically recorded;

(c) the failure to electronically record an interrogation in its entirety was the result of unforeseeable equipment failure and obtaining replacement equipment was not practicable;

(d) exigent circumstances prevented the making of an electronic recording of the custodial interrogation;

(e) the person's statements were surreptitiously recorded by or under the direction of law enforcement personnel;

(f) the person's statement was made during a custodial interrogation that was conducted in another state by peace officers of that state in compliance with the laws of that state; or

(g) the person's statement was made spontaneously and not in response to a question."

Renumber: subsequent sections

3. Page 4, line 5 through line 11.

Following: "INSTRUCTION."

Strike: "If" through "]" on line 11

Insert: "If the defendant objects to the introduction of evidence under [section 3] and the court finds by a preponderance of the evidence that the statements are admissible, the judge shall, upon motion of the defendant, provide the jury with a cautionary instruction."

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

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 30, introduced by Black, referred to Energy and Telecommunications.

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SR 31, introduced by Black, referred to Energy and Telecommunications.

SR 32, introduced by Brueggeman, referred to Highways and Transportation.

Senator Laslovich 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 Brueggeman in the chair.

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

HB 584 - Senator Hawks moved **HB 584** be concurred in.

HB 584 - Senator Gebhardt moved **HB 584**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Strike: "LEGISLATURE"

Insert: "ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE"

2. Page 1, line 30.

Strike: "5"

Insert: "6"

3. Page 2, line 30 through page 3, line 1.

Strike: "62nd" on page 2, line 30 through "5-11-210" on page 3, line 1

Insert: "energy and telecommunications interim committee provided for in 5-5-230. The report must be provided to the committee before September 1, 2010."

4. Page 5.

Following: line 11

Insert: "NEW SECTION. **Section 6. Best management practices -- nonregulatory in nature.** Nothing in [sections 1 through 6] may be construed to:

(1) establish a wind siting permit process based on proposed best management practices;

(2) establish regulations based on proposed best management practices; or

(3) allow the department to regulate new wind generation facilities."

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, 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: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Jent present at this time.

HB 584 - Senator Hawks moved **HB 584**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Perry, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Hansen, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 584 - Senator J. Peterson moved **HB 584** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Mr. President.
Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 628 - Senator Laslovich moved **HB 628** be concurred in.

HB 628 - Senator McGee moved **HB 628**, second reading copy, be amended as follows:

1. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS"

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Following: "45-1-205"

Insert: "AND 61-5-405"

2. Page 3, line 5.

Following: line 4

Insert: "**Section 2.** Section 61-5-405, MCA, is amended to read:

"61-5-405. Offenses furnishing ground for suspension or revocation of license -- return to licensing jurisdiction of abstracts of court records and reports of conviction. (1) Items enumerated in Article IV(1), subsections (a), (b), (c), and (d) of 61-5-401 refer specifically to 45-5-103, 45-5-104, 61-8-401, the definition of felony as provided in 45-2-101, and 61-7-103, respectively.

(2) In addition to convictions mentioned in subsection (1), the department, for the purpose of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported as it would if the conduct had occurred in this state for:

(a) convictions of perjury or the making of a false affidavit relating to the ownership or operation of a motor vehicle (61-5-303); ~~and~~

(b) three convictions of reckless driving committed within a period of 12 months (61-8-301); or

(c) convictions of careless driving resulting in death or reckless driving resulting in death.

(3) Court abstracts or reports of conviction received by the department that name an individual licensed in another jurisdiction must be forwarded to the jurisdiction of licensure. The department may not take action against the driver's license or driving privilege of the individual as may be required elsewhere in this title."

Amendment adopted as follows:

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

Total 46

Nays: Juneau, Kaufmann, Murphy, Stewart-Peregoy.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 628 - Senator Laslovich moved **HB 628**, as amended, 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, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Stewart-Peregoy.

Total 1

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HJR 33 - Senator Story moved **HJR 33** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gebhardt, 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 44

Nays: Balyeat, R. Brown, Esp, Essmann, Hinkle, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 98 - Senator Erickson moved **HB 98** be concurred in. Motion carried as follows:

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

Total 44

Nays: Balyeat, Barkus, Esp, Hinkle, Jackson, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 116 - Senator Zinke moved **HB 116** be concurred in. Motion carried 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, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 46

Nays: Balyeat, Esp, Keane, Windy Boy.

Total 4

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 263 - Senator Essmann moved **HB 263** 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 264 - Senator Essmann moved **HB 264** 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 357 - Senator Jackson moved **HB 357** 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 451 - Senator Jackson moved **HB 451** 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, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Balyeat, Hinkle, Ripley, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 495 - Senator Essmann moved **HB 495** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, 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: Esp, Gebhardt, Hinkle, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 513 - Senator Zinke moved **HB 513** be concurred in. Motion carried as follows:

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

Total 49

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Nays: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 529 - Senator Black moved **HB 529** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Tutvedt, Mr. President.
Total 31

Nays: Cooney, Erickson, Gallus, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 572 - Senator Gillan moved **HB 572** be concurred in. Motion carried as follows:

Yeas: Black, Branae, R. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 33

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Shockley, Tutvedt, Mr. President.
Total 17

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.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Gebhardt, Chairman):
HB 40, be amended as follows:

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1. Title, page 1, line 11.

Strike: the first "AND"

2. Title, page 1, line 12.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 11.

Following: line 29

Insert: "NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2009."

Insert: "NEW SECTION. **Section 9. Applicability.** [This act] applies to applications received by the department after [the effective date of this act]."

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

HB 52, be concurred in. Report adopted.

MOTIONS

Senator Gallus moved to change his vote on HB 362 from no to yes. Without objection, so ordered.

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Tuesday, March 31, 2009. Motion carried.

Senate adjourned at 6:18 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate