

**SENATE JOURNAL
61ST LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 6, 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:

4/2/2009

Correctly printed: **SJR 30, SJR 31, SJR 32, SR 18, SR 32, SR 33, HB 238, HB 306, HB 449, HB 480, HB 487, HB 562, HB 585.**

Correctly engrossed: **HB 42, HB 333, HB 583, HB 664, HB 670.**

Correctly enrolled: **SB 62, SB 71, SB 84, SB 126, SB 127, SB 193, SB 222, SB 227, SB 297, SB 308, SB 360, SB 367, SB 388, SB 405, SB 424, SB 441, SB 444, SB 463.**

Examined by the sponsor and found to be correct: **SB 9, SB 68, SB 136, SB 192, SB 200, SB 228, SB 235, SB 261, SB 268, SB 275, SB 276, SB 290, SB 294, SB 311, SB 392, SB 447, SJR 11, SJR 17, SJR 20, SJR 26, SR 15, SR 16, SR 17, SR 24, SR 26, SR 27.**

Delivered to the Secretary of State at 10:30 a.m., April 6, 2009: **SR 15, SR 16, SR 17, SR 24, SR 26, SR 27.**

Signed by the Speaker at 1:30 p.m., April 6, 2009: **SB 9, SB 68, SB 136, SB 192, SB 200, SB 228, SB 235, SB 261, SB 268, SB 275, SB 276, SB 290, SB 294, SB 311, SB 392, SB 447, SJR 11, SJR 17, SJR 20, SJR 26.**

Signed by the President at 7:45 p.m., April 3, 2009: **SB 9, SB 68, SB 136, SB 192, SB 200, SB 228, SB 235, SB 261, SB 268, SB 275, SB 276, SB 290, SB 294, SB 311, SB 392, SB 447, SJR 11, SJR 17, SJR 20, SJR 26, SR 15, SR 16, SR 17, SR 24, SR 26, SR 27.**

Signed by the Secretary of the Senate at 4:45 p.m., April 3, 2009: **SB 9, SB 68, SB 136, SB 192, SB 200, SB 228, SB 235, SB 261, SB 268, SB 275, SB 276, SB 290, SB 294, SB 311, SB 392, SB 447, SJR 11, SJR 17, SJR 20, SJR 26, SR 15, SR 16, SR 17, SR 24, SR 26, SR 27.**

Delivered to the Secretary of State at 3:24 p.m., April 14, 2009: **SR 11, SR 12, SR 13, SR 21, SR 22, SR 23, SR 28.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Bales, Chairman):

4/6/2009

HB 2, be amended as follows:

1. Page A-1, line 5.

Strike: "7,026,904 7,339,860" [general fund FY 10 and FY 11]

Insert: "6,787,778 7,100,735" [general fund FY 10 and FY 11]

2. Page A-1.

Following: line 9

Insert: "a. Monitoring of Federal ARRA

97,713 53,592" [general fund FY 10 and FY 11]

3. Page A-1.

Following: line 14

Insert: "Legislative Services includes unspecified reductions in general fund money of \$239,126 in fiscal year 2010 and \$239,125 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

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4. Page A-1.

Following: line 16

Insert: "If Senate Bill No. 460 is passed and approved, Monitoring of Federal ARRA is void."

5. Page A-1, line 19.

Strike: "1,751,585 1,762,560" [state special fund FY 10 and FY 11]

Insert: "1,376,585 1,387,560" [state special fund FY 10 and FY 11]

6. Page A-3, line 18.

Strike: "446,523 444,027" [general fund FY 10 and FY 11]

Insert: "437,570 435,075" [general fund FY 10 and FY 11]

7. Page A-4.

Following: line 5

Insert: "Administration includes unspecified reductions in general fund money of \$8,953 in fiscal year 2010 and \$8,952 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

8. Page A-4.

Following: line 18

Insert: "c. Forms Analyst (Restricted/OTO) 47,551 40,551"[state special fund FY 10 and FY 11]

9. Page A-5.

Following: line 7

Insert: "The item for Forms Analyst is restricted to funding for personal services to comply with provisions of 33-1-501, specifically to ensure that the commissioner makes a determination on submitted forms prior to triggering the automatic approval provision contained in 33-1-501(2)(b)."

10. Page A-6, line 2.

Strike: "10,742,100 10,715,603" [general fund in FY 2010 and FY 2011]

Insert: "9,907,343 9,932,846" [general fund in FY 2010 and FY 2011]

11. Page A-6.

Strike: line 16 through line 17 in their entirety

12. Page A-7, line 12.

Strike: "523,533 525,751" [general fund in FY 2010 and FY 2011]

Strike: "2,081,957 2,082,372" [state special fund in FY 2010 and FY 2011]

Insert: "530,311 532,541" [general fund in FY 2010 and FY 2011]

Insert: "2,075,179 2,075,582" [state special fund in FY 2010 and FY 2011]

13. Page A-8, line 22.

Strike: "2,179,495 2,180,396" [general fund FY 10 and FY 11]

Insert: "2,125,074 2,125,975" [general fund FY 10 and FY 11]

14. Page A-9.

Following: line 10

Insert: "f. Biomedical Research Grant (Restricted/OTO) 2,500,000" [state special fund FY10]

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15. Page A-10.

Following: line 12

Insert: "Business Resources Division includes unspecified reductions in general fund money of \$54,421 in fiscal year 2010 and \$54,421 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

16. Page A-11, line 22.

Strike: "The appropriation" through "occur."

17. Page A-12, line 3.

Strike: "645,815 646,393" [general fund FY 10 and FY 11]

Insert: "529,240 529,818" [general fund FY 10 and FY 11]

18. Page A-13.

Following: line 12

Insert: "Centralized Services includes unspecified reductions in general fund money of \$116,575 in fiscal year 2010 and \$116,575 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

19. Page B-1, line 4.

Strike: "1,273,054" [state special fund FY 2011]

Insert: "1,275,963" [state special fund FY 2011]

Strike: "199,428,960 208,008,400" [federal special fund FY 10 and FY 11]

Insert: "199,038,960 207,258,400" [federal special fund FY 10 and FY 11]

20. Page B-1.

Strike: lines 11 through 16 in their entirety

Insert: "d. Food Banks (Restricted/OTO)
750,000 750,000" [federal special fund FY10 and FY11]

21. Page B-1.

Strike: lines 19 and 20

22. Page B-1, line 22.

Strike: "3,547,006 3,543,792" [general fund FY10 and FY11]

Insert: "3,696,357 3,697,624" [general fund FY10 and FY 11]

Strike: "476,567 480,940" [state special fund FY10 and FY11]

Insert: "327,216 327,108" [state special fund FY10 and FY11]

Strike: "7,497,513 7,486,331" [federal special fund FY10 and FY11]

Insert: "7,175,285 7,174,006" [federal special fund FY10 and
FY11]

23. Page B-2, line 16.

Strike: "7,864,357 7,870,058" [general fund FY10 and FY11]

Insert: "4,265,432 4,271,133" [general fund FY10 and FY11]

24. Page B-2.

Strike: lines 19 through 22 in their entirety

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25. Page B-3, line 2.

Strike: "53,027,732 53,976,081" [general fund FY 10 and FY 11]

Insert: "52,999,747 53,863,403" [general fund FY 10 and FY 11]

Strike: "89,720,618 90,542,325" [federal special fund FY 10 and FY 11]

Insert: "89,798,560 90,655,003" [federal special fund FY 10 and FY 11]

26. Page B-3.

Strike: lines 5 through 8

Renumber: subsequent subsection

27. Page B-3, following line 10.

Insert: "c. Transitions Coordination (Restricted/OTO)

50,004 50,019" [general fund FY10 and FY11]

28. Page B-3, line 12.

Strike: "6,850,684 9,302,738 " [state special fund FY10 and FY11]

Insert: "6,884,927 9,337,599" [state special fund FY10 and FY11]

Strike: "285,805,382 304,548,552" [federal special fund FY10 and FY11]

Insert: "285,921,988 304,665,158 " [federal special fund FY10 and FY11]

29. Page B-3.

Strike: line 14 in its entirety

Insert: "20,938,284 21,617,910" [state special fund FY10 and FY11]

"45,163,837 46,363,178" [federal special fund FY10 and FY11]

30. Page B-3, line 22.

Strike: "0 0" [general fund FY10 and FY11]

Insert: "3,512,036 6,873,265" [general fund FY10 and FY11]

Strike: "15,747,922 17,160,882" [state special fund FY10 and FY11]

Insert: "0 0" [state special fund FY10 and FY11]

Strike: "33,998,926 36,574,938" [federal special fund FY10 and FY11]

Insert: "11,959,488 22,971,569" [federal special fund FY10 and
FY11]

31. Page B-4.

Strike: lines 1 through line 4

Renumber: subsequent subsection

32. Page B-4, line 8.

Strike: "53,675,132 53,811,343" [general fund FY10 and FY11]

Insert: "53,677,632 53,813,843" [general fund FY10 and FY11]

Strike: "29,944,880" [state special fund FY10]

Insert: "29,945,880" [state special fund FY10]

33. Page B-4.

Strike: line 11 through line 14

Renumber: subsequent subsections

34. Page B-4, line 18.

Strike: "1,500,000 2,000,000" [general fund FY10 and FY11]

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Insert: "1,349,996 1,849,981" [general fund FY10 and FY11]
Insert: "150,004 150,019" [state special fund FY10 and FY11]

35. Page B-4, following line 18.

Insert: "d. Resource Facilitation Service -- TBI (Restricted/OTO)
100,000 100,000" [general fund FY10 and FY11]

36. Page B-5.

Strike: lines 1 through line 2
Renumber: subsequent subsection

37. Page B-5, following line 8.

Strike: line 9

Insert: "If House Bill No. 645 does not include an appropriation for a provider rate increase for the Department of Public Health and Human Services of at least \$4,650,830 in general fund money, \$19,829 in state special revenue, and \$8,343,733 in federal special revenue in fiscal year 2010 and .at least \$10,333,165 in general fund money, \$41,231 in state special revenue, and \$16,111,921 in federal special revenue in fiscal year 2011, the following amounts are appropriated to the following programs for the 2011 biennium only.

<u>Program</u>	<u>Fiscal Year 2010</u>	<u>Fiscal Year 2011</u>
Human and Community Services Division -- Provider Rate Increase (Restricted/OTO)		
General fund	149,827	303,399
Child and Family Services Division -- Provider Rate Increase (Restricted/OTO)		
General fund	135,947	325,063
	129,576	Federal special revenue 54,412
Disability Services Division -- Provider Rate Increase (Restricted/OTO)		
General fund	104,800	248,866
State special revenue	1,200	2,412
Federal special revenue	109,613	256,792
Disability Services Division -- Direct Care Worker Wage Increase (Restricted/OTO)		
General fund	419,201	995,462
State special revenue	4,800	9,648
Federal special revenue	438,451	1,027,167
Health Resources Division -- Provider Rate Increase (Restricted/OTO)		
General fund	706,823	1,451,571
State special revenue	5,029	10,332
Federal special revenue	1,484,475	2,985,659
Senior and Long-Term Care Division -- Provider Rate Increase (Restricted/OTO)		
General fund	256,005	609,053
Federal special revenue	293,106	687,738
Senior and Long-Term Care Division -- Direct Care Worker Wage Increase (Restricted/OTO)		
General fund	564,756	1,353,108
Federal special revenue	1,172,422	2,750,951

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Addictive and Mental Disorders Division -- Provider Rate Increase (Restricted/OTO)

General fund	313,700		644,079
State special revenue	4,955	10,284	
Federal special revenue	282,908		579,541

Provider Rate Increase may be used only to raise rates paid to providers. Funds in Direct Care Worker Wage Increase may be used only to raise direct care worker wages and related benefits through an increase in provider rates. Funds in Direct Care Worker Wage Increase may not be used to offset any other wage increase mandated by any other laws, contracts, or written agreements that will go into effect at the same time as or after implementation of the appropriation included in Direct Care Worker Wage Increase.

38. Page B-5, line 11.

Following: "by"

Strike: "\$162,322"

Insert: "\$13,200"

39. Page B-5, line 12.

Following: "and by"

Strike: "\$162,322"

Insert: "\$13,200"

40. Page B-5, line 12.

Following: "increased by"

Strike: "\$13,200"

Insert: "\$162,322"

41. Page B-5, line 13.

Following: "by"

Strike: "\$13,200"

Insert: "\$162,322"

42. Page B-5, line 18.

Following: "passage of"

Strike: "a bill"

Insert: "House Bill No. 676,"

43. Page B-6.

Following: line 1

Insert: "Technology Services Division includes a reduction in general fund money of \$3,598,925 each year of the biennium. The agency may allocate this reduction in funding among divisions when developing 2011 biennium operating plans."

44. Page B-6.

Strike: lines 5 through line 9

Insert: "If a bill is not passed and approved to remove the contraceptive prohibition under the children's health insurance program, then Health Resources Division is reduced by \$34,243 in state special revenue and \$116,606 in federal special revenue in fiscal year 2010 and by \$34,861 in state special revenue and \$116,606 in federal special revenue in fiscal year 2011."

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45. Page B-6, following line 12.

Insert: "Healthy Montana Kids includes funding for 24 FTE, with 12 of the FTE funded for the 2011 biennium only. Healthy Montana Kids may be allocated among programs to support functions related to administration of the healthy Montana kids program."

46. Page C-3, line 8.

Strike: "356,582 357,254" [general fund FY10 and FY11]

Insert: "252,326 252,997" [general fund FY10 and FY11]

47. Page C-4.

Following: line 6

Insert: "f. KRY PLP Funding (Restricted/Biennial/OTO) 600,000" [state special fund FY10]

48. Page C-4.

Following: line 17

Insert: "Central Management Program includes a reduction in general fund money of \$104,256 in fiscal year 2010 and \$104,257 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

49. Page C-4.

Following: line 20

Insert: "KRY PLP Funding is limited to paying remediation claims for liable parties that did not contribute to the environmental damage but are liable due to property ownership."

50. Page C-6.

Following: line 9

Insert: "b. Rail Transit Authority 50,000 50,000"
[state special revenue FY10 and FY11]

51. Page C-6.

Following: line 19

Insert: "If Senate Bill No. 291 is not passed and approved, Rail Transit Authority is void."

52. Page C-6, line 22.

Strike: "71,794 71,557" [general fund FY10 and FY11]

Insert: "49,554 49,647" [general fund FY10 and FY11]

Strike: "150,000 150,000" [federal special fund FY10 and FY11]

Insert: "300,000 300,000" [federal special fund FY10 and FY11]

53. Page C-7.

Following: line 2

Insert: "b. Livestock Loss Mitigation Funding (Restricted/Biennial/OTO) 150,000"
[general fund FY10]

54. Page C-7, line 4.

Strike: "441,457 448,192" [general fund FY10 and FY11]

Insert: "468,310 475,057" [general fund FY10 and FY11]

Strike: "1,315,221 1,567,694" [state special fund FY10 and FY11]

Insert: "1,288,368 1,540,829"
[state special fund FY10 and
FY11]

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55. Page C-8, line 6.

Strike: "250,000 250,000" [general fund FY10 and FY11]

Insert: "134,291 133,361" [general fund FY10 and FY11]

Strike: "169,447 455,274" [state special fund FY10 and FY11]

Insert: "0 0" [state special fund FY10 and FY11]

56. Page C-9.

Following: line 5

Insert: The Centralized Services Program includes a reduction in general fund money of \$22,240 in fiscal year 2010 and \$22,240 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

57. Page C-12, line 11.

Strike: "585,225 585,444" [general fund FY10 and FY11]

Insert: "564,182 564,401" [general fund FY10 and FY11]

58. Page C-12, line 13.

Strike: "300,000 300,000" [state special fund FY10 and FY11]

Insert: "250,000 250,000" [state special fund FY10 and FY11]

59. Page C-12.

Following: line 16

Insert: "Agricultural Development Division includes a reduction in general fund money of \$21,043 in fiscal year 2010 and \$21,043 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans.

If Senate Bill No. 291 is not passed and approved, the state special revenue appropriation for Growth Through Agriculture Grants is increased by \$50,000 in fiscal year 2010 and by \$50,000 in fiscal year 2011."

60. Page D-1, line 15.

Strike: "24,126,850 24,716,633" [general fund FY 2010 and FY 2011]

Insert: "23,415,402 24,005,185" [general fund FY 2010 and FY 2011]

61. Page D-2, line 1.

Following: "FOR"

Strike: remainder of line 1 through "\$8,925,317"

Insert: "District Court Operations is reduced by \$560,327"

62. Page D-2.

Following: line 2

Insert: "District Court Operations includes a reduction in general fund money of \$711,448 each year of the biennium. The branch may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

63. Page D-2, line 5.

Strike: "1,489,894 1,492,414" [general fund FY 2010 and FY 2011]

Insert: "1,458,529 1,465,949" [general fund FY 2010 and FY 2011]

Strike: "13,778 13,757" [state special fund FY 2010 and FY 2011]

Insert: "14,014 14,063" [state special fund FY 2010 and FY 2011]

Strike: "513,316 513,270" [federal special fund FY 2010 and FY 2011]

Insert: "520,172 522,156" [federal special fund FY 2010 and FY 2011]

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64. Page D-2.

Following: line 16

Insert: "Justice System Support Service includes a reduction in general fund money of \$47,915 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

65. Page D-2, line 21.

Strike: "5,425,392 5,496,083" [general fund FY 2010 and FY 2011]

Insert: "4,903,123 4,973,814" [general fund FY 2010 and FY 2011]

66. Page D-4.

Following: line 14

Insert: "Legal Services Division includes a reduction in general fund money of \$522,269 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

67. Page D-5, line 12.

Strike: "19,340,847 19,196,683" [general fund FY 2010 and FY 2011]

Insert: "18,688,030 18,635,797" [general fund FY 2010 and FY 2011]

Strike: "43,456 43,456" [state special fund FY 2010 and FY 2011]

Insert: "293,456 293,456 " [state special fund FY 2010 and FY 2011]

68. Page D-5, line 14.

Strike: "870,199" [general fund FY 2011]

Insert: "875,210" [general fund FY 2011]

69. Page D-5.

Following: line 17

Insert: "Office of State Public Defender includes a reduction in general fund money of \$402,817 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

70. Page D-5.

Following: line 17

Insert: "Office of State Public Defender includes a reduction of \$250,000 in general fund money and an increase of \$250,000 in state special revenue in fiscal year 2010 and a reduction of \$250,000 in general fund money and an increase of \$250,000 in state special revenue in fiscal year 2011 that is contingent upon passage and approval of Senate Bill No. 263. If Senate Bill No. 263 is not passed and approved, general fund money for fiscal year 2010 and fiscal year 2011 is increased by \$250,000 each year and state special revenue for fiscal year 2010 and fiscal year 2011 is reduced by \$250,000 each year."

71. Page D-6, line 6.

Strike: "58,397,980 61,799,854" [general fund FY 2010 and FY 2011]

Insert: "54,957,327 58,359,201" [general fund FY 2010 and FY 2011]

72. Page D-7.

Following: line 7

Insert: "Community Corrections includes a reduction in general fund money of \$3,440,653 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

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73. Page D-7, line 12.

Following: "increased"

Strike: remainder of line 12 through line 13

Insert: "by \$18,750 in fiscal year 2010 and \$18,750 in fiscal year 2011."

74. Page E-1, line 4.

Strike: "9,279,343 9,334,442" [general fund FY10 FY11]

Insert: "9,093,505 9,148,604" [general fund FY10 FY11]

Strike: "15,155,541 15,443,258" [federal special fund FY 10 and FY 11]

Insert: "16,787,287 21,188,076" [federal special fund FY 10 and FY 11]

75. Page E-1, line 8.

Strike: "134,529,444 137,354,444" [federal special fund FY10 FY11]

Insert: "138,029,444 142,354,444" [federal special fund FY10 FY11]

76. Page E-1, line 10.

Strike: "539,211,748 553,006,533" [general fund FY10 FY11]

Insert: "528,979,895 529,951,539" [general fund FY10 FY11]

77. Page E-2.

Strike: line 16 through 17

Insert: "OPI Administration includes a reduction in general fund money of \$185,838 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans.

BASE Aid reflects an increase in the basic entitlement and in the per-ANB entitlements of 1% in fiscal year 2010 and 1% in fiscal year 2011."

78. Page E-3, line 4.

Strike: "225,710 228,257" [general fund FY10 FY11]

Insert: "221,171 223,717" [general fund FY10 FY11]

79. Page E-3.

Following: line 7

Insert: "Administration includes a reduction in general fund money of \$4,540 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

80. Page E-3, line 18.

Strike: "3,634,563 3,623,135" [general fund FY10 FY11]

Insert: "3,515,682 3,504,253" [general fund FY10 FY11]

81. Page E-3.

Following: line 21

Insert: "Education includes a reduction in general fund money of \$118,881 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

82. Page E-4, line 2.

Strike: "468,351 466,129" [general fund FY10 FY11]

Insert: "458,925 456,702" [general fund FY10 FY11]

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83. Page E-4.

Following: line 9

Insert: "Promotion of the Arts includes a reduction in general fund money of \$9,427 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

84. Page E-4, line 12.

Strike: "2,552,383 2,766,567" [general fund FY10 FY11]

Insert: "2,496,928 2,711,111" [general fund FY10 FY11]

85. Page E-4.

Following: line 19

Insert: "Statewide Library Resources includes a reduction in general fund money of \$55,456 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

86. Page E-5, line 3.

Strike: "1,142,087 1,157,675" [general fund FY10 FY11]

Insert: "1,087,870 1,103,458" [general fund FY10 FY11]

87. Page E-5.

Following: line 18

Strike: line 19 through line 21

Insert: "Administration Program includes a reduction in general fund money of \$54,217 each year of the biennium. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

88. Page E-6, line 20.

Strike: "131,994,990 134,306,612" [general fund FY10 and FY11]

Insert: "128,382,795 130,694,418" [general fund FY10 and FY11]

89. Page E-7.

Following: line 4

Insert: "d. Extension Service -- Brucellosis Action Plan 285,157 571,913" [general fund FY10 and FY11]

ReNUMBER: subsequent subsections

90. Page E-8, line 13.

Following: "If"

Strike: "HB"

Insert: "House Bill No."

91. Page E-9.

Following: line 21

Insert: "OCHE--Appropriation Distribution Transfers includes a reduction in general fund money of \$3,612,195 in fiscal year 2010 and \$3,612,194 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

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

JUDICIARY (Perry, Chairman):

4/6/2009

HB 130, be concurred in. Report adopted.

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HB 131, be concurred in. Report adopted.

HB 132, be concurred in. Report adopted.

HB 634, be amended as follows:

1. Page 1, line 18.

Following: "chapter 21."

Insert: "A county may choose to not use the services."

2. Page 2, line 12.

Following: "section"

Insert: "or if a county chooses to not use the service"

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

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

4/3/2009

SR 23, be adopted. Report adopted.

HB 578, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

4/3/2009

SR 28, introduced resolution, be amended as follows:

1. Page 1, line 28.

Strike: line 28

And, as amended, be adopted. Report adopted.

LEGISLATIVE ADMINISTRATION (Curtiss, Chairman):

4/6/2009

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, April 3, 2009:

TITLE

NAME

Pages:

Reid Fleming, Fort Shaw
Taylor Floreen, Butte
Jennifer Lynch, Butte
Reva Stewart, Garryowen
Eric Sell, Harlowton
Bralyn Joubert, Columbia Falls

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 6, 2009:

TITLE

NAME

Pages:

Hannah Goodman, Helena
Kiah Marie Abbey, Billings
Robbyn L. Reukauf, Terry
Madison Wittich, Bozeman
Joe J. Newman, Butte
Brinna L. Boettger, Lewistown

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Report Adopted.

MESSAGES FROM THE GOVERNOR

April 3, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Story:

Please be informed that I have signed **Senate Bill 20** sponsored by Senator Jent, **Senate Bill 82** sponsored by Senator Steinbeisser, **Senate Bill 197** sponsored by Senator Laslovich, **Senate Bill 319** sponsored by Senator Keane, **Senate Bill 325** sponsored by Senator Perry, **Senate Bill 368** sponsored by Senator Erickson, and **Senate Bill 432** sponsored by Senator R. Brown on April 3, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 55, "**AN ACT REQUIRING THE YOUTH COURT TO IMPOSE RESTRICTIONS ON A DELINQUENT YOUTH'S RESIDENCY IF THE YOUTH HAS BEEN ADJUDICATED FOR A SEXUAL OFFENSE AND HAS BEEN DETERMINED TO BE A LEVEL 3 SEXUAL OFFENDER; REQUIRING NOTIFICATION TO SCHOOL DISTRICTS; AMENDING SECTION 41-5-1513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE**" for the following reasons.

My proposed amendment would amend another section of law, § 41-5-215, MCA, which currently requires the youth court to notify school districts of a youth's suspected drug use or criminal activity, so that the amendments in this bill concerning notice to schools coordinate with the current law.

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I have discussed my proposed amendment with the sponsor of the bill, Rep. Hawk, and with the Office of the Court Administrator, which both support the amendment.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 55

Amendments to House Bill No. 55
Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Greg Petesch
November 4, 2009 (7:52am)

1. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 41-5-215 AND"

Following: line 11

Insert: "**Section 1.** Section 41-5-215, MCA, is amended to read:

"41-5-215. Youth court and department records -- notification of school. (1) Formal youth court records, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court are public records and are open to public inspection until the records are sealed under 41-5-216.

(2) Social, medical, and psychological records, youth assessment materials, predispositional studies, and supervision records of probationers are open only to the following:

(a) the youth court and its professional staff;
(b) representatives of any agency providing supervision and having legal custody of a youth;
(c) any other person, by order of the court, having a legitimate interest in the case or in the work of the court;

(d) any court and its probation and other professional staff or the attorney for a convicted party who had been a party to proceedings in the youth court when considering the sentence to be imposed upon the party;

(e) the county attorney;

(f) the youth who is the subject of the report or record, after emancipation or reaching the age of majority;

(g) a member of a county interdisciplinary child information team formed under 52-2-211 who is not listed in this subsection (2);

(h) members of a local interagency staffing group provided for in 52-2-203;

(i) persons allowed access to the reports referred to under 45-5-624(7); and

(j) persons allowed access under 42-3-203.

(3) (a) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e) and subject to the provisions of subsection (3)(b) of this section, the youth court shall notify the school district that the youth presently attends or the school district that the youth has applied to attend of a youth's suspected drug use or criminal activity if after an investigation has been completed:

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- (i) the youth has admitted the allegation or a petition has been filed with the youth court; and
- (ii) a juvenile probation officer has reason to believe that a youth is currently involved with drug use or other criminal activity that has a bearing on the safety of children.
- (b) Notification under subsection (3)(a) may not be given for status offenses.
- (c) In addition to the notice requirements in subsection (3)(a), the youth court shall provide notice to the superintendent of a school district for a level 3 sexual offender as provided in 41-5-1513(3).
- ~~(c)~~(d) A school district may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education Act or the federal Americans With Disabilities Act of 1990.
- ~~(d)~~(e) The administrative officials of the school district may enforce school disciplinary procedures that existed at the time of the admission or adjudication. The information may not be further disclosed and may not be made part of the student's permanent records.
- (4) In all cases, a victim is entitled to all information concerning the identity and disposition of the youth, as provided in 41-5-1416.
- (5) The school district may disclose, without consent, personally identifiable information from an education record of a pupil to the youth court and law enforcement authorities pertaining to violations of the Montana Youth Court Act or criminal laws by the pupil. The youth court or law enforcement authorities receiving the information shall certify in writing to the school district that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent or guardian of the pupil.
- (6) Any part of records information secured from records listed in subsection (2), when presented to and used by the court in a proceeding under this chapter, must also be made available to the counsel for the parties to the proceedings."

{Internal References to 41-5-215:

41-5-216x 41-5-216x 41-5-216x 41-5-221x
42-3-203x 52-2-211x }"

Renumber: subsequent sections

MOTIONS

Senator Peterson moved that the Senate appoint a Conference Committee on **SB 305** and request that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Tutvedt (Chair), Senator Esp, and Senator Laslovich.

Senator Peterson moved that the Senate appoint a Conference Committee on **SB 310** and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Shockley (Chair), Senator Tutvedt, and Senator Laslovich.

Senator Peterson moved that the Senate appoint a Free Conference Committee on **SB 348** and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Essmann (Chair), Senator Williams, and Senator Black.

Senator Peterson moved that the Senate appoint a Conference Committee on **SB 404** and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator Brueggeman (Chair), Senator Barkus, and Senator Jent.

Senator Peterson moved that the Senate appoint a Conference Committee on **HB 228** and that the House of Representatives appoint a like committee. Motion carried. President Story appointed Senator McGee (Chair), Senator Shockley, and Senator Jent.

FIRST READING AND COMMITMENT OF BILLS

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

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SR 34, introduced by Shockley, referred to State Administration.

SR 35, introduced by Shockley, referred to State Administration.

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

SJR 38, introduced by Stewart-Peregoy, Sands, Henry, Windy Boy, Augare, Pease-Lopez, Ankney, referred to Public Health, Welfare and Safety.

**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 Jent in the chair.

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

HB 478 - Senator Jackson moved **HB 478** be concurred in.

HB 478 - Senator Jackson moved **HB 478**, second reading copy, be amended as follows:

1. Page 5.

Following: line 22

Insert: "COORDINATION SECTION. **Section 9. Coordination instruction.** If Senate Bill No. 38 is not passed and approved, then [this act] is void."

Renumber: subsequent section

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, 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 478 - Senator Jackson moved **HB 478**, 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,

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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 653 - Senator Erickson moved **HB 653** 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

HJR 30 - Senator Keane moved **HJR 30** be concurred in. Motion carried as follows:

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

Total 46

Nays: Brenden, Esp, McGee, Mr. President.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 8 - House Amendments - Senator Hansen moved House amendments to **SB 8** be concurred in. Motion carried as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 18 - Governor's Amendments - Senator Wanzenried moved Governor's amendments to **SB 18** 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

SB 32 - House Amendments - Senator Barkus moved House amendments to **SB 32** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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, 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: Barrett, Laslovich.
Total 2

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

SB 117 - Governor's Amendments - Senator Wanzenried moved Governor's amendments to **SB 117** 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

SB 281 - House Amendments - Senator Shockley moved House amendments to **SB 281** 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, Lewis, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 46

Nays: Laslovich, McGee, Murphy, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 - House Amendments - Senator T. Brown moved House amendments to **SB 286** 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

Nays: Balyeat.

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Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 349 - House Amendments - Senator Tutvedt moved House amendments to **SB 349** 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

SB 442 - House Amendments - Senator Laslovich moved House amendments to **SB 442** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hinkle, Jackson, Jent, Juneau, 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 43

Nays: Cooney, Erickson, Hamlett, Hawks, Kaufmann, Keane, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 457 - House Amendments - Senator Branae moved House amendments to **SB 457 not 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,

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 306 - House Amendments - Senator Esp moved House amendments to **SB 306 not 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

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

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:

SJR 30 passed 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, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Erickson, Esp, Keane.

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Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 31 passed 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, 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: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 32 passed as follows:

Yeas: Bales, Balyeat, 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, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 45

Nays: Barkus, Barrett, McGee, Steinbeisser, Zinke.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 449 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

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Nays: Balyeat, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 480 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, 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, Windy Boy.
Total 46

Nays: Erickson, Keane, Zinke, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 23, conference committee report, 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

SB 26, as amended by the House, passed as follows:

Yeas: Bales, 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,

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

Total 47

Nays: Balyeat, Barkus, Hinkle.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 96, as amended by the House, passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 104, as amended by the House, passed as follows:

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

Total 47

Nays: Essmann, Gallus, Larsen.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 113, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 158, as amended by the House, passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke.
Total 41

Nays: Balyeat, R. Brown, Esp, Essmann, Gebhardt, Laslovich, Squires, Windy Boy, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 171, as amended by the House, passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 41

Nays: R. Brown, Cooney, Erickson, Gallus, Kaufmann, Larsen, Moss, Shockley, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 247, as amended by the House, passed as follows:

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Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, 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, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, R. Brown, Esp, Keane, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330, as amended by the House, passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 43

Nays: Balyeat, Esp, Essmann, McGee, Shockley, Tutvedt, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 396, as amended by the House, passed as follows:

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

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 449, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 9, as amended by the House, adopted 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, 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: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SJR 15, as amended by the House, adopted 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, 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 45

Nays: Erickson, Esp, Kaufmann, Keane, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 18 - Senator Steinbeisser moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 18, and that the ayes and nays be spread upon the journal.

As members of the Board of Livestock--Janice French, Hobson; Brett DeBruycker, Dutton; Jeffery Lewis, Corvallis; John H. Lehfeldt, Lavina.

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 19 - Senator Wanzenried moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 19, and that the ayes and nays be spread upon the journal.

As Director of the Department of Environmental Quality--Richard Opper, Helena

Yeas: Bales, Balyeat, Barkus, Black, Branae, 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,

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

Total 47

Nays: Barrett, Brenden, Hinkle.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 20 - Senator Kauffman moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 20, and that the ayes and nays be spread upon the journal.

As Director of the Department of Natural Resources and Conservation--Mary Sexton, Helena

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

FIRST READING AND COMMITMENT OF BILLS

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

SJR 39, introduced by Brueggeman, Hinkle, Wanzenried, Gillan, Laslovich, Cooney, Brueggeman, referred to Highways and Transportation.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Tuesday, April 7, 2009. Motion carried.

Senate adjourned at 2:14 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate