

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

Helena, Montana
April 8, 2009

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Gallus, and Hansen, excused. Quorum present.

BILLS AND JOURNALS:

4/8/2009

Correctly printed: **SJR 33, SJR 34, SJR 35, SJR 36, SR 11, SR 12, SR 13, SR 14, SR 21, SR 22, SR 36, HB 6, HB 7, HB 123, HB 238, HB 306, HB 487, HB 562, HB 575, HB 585, HB 629, HB 656, HB 670, HB 674.**

Correctly engrossed: **HB 3, HB 4, HB 8, HB 9, HB 598, HB 669, HB 678.**

Correctly enrolled: **SB 22, SB 26, SB 96, SB 104, SB 113, SB 158, SB 171, SB 226, SB 247, SB 269, SB 280, SB 292, SB 330, SB 351, SB 353, SB 361, SB 396, SB 426, SB 446, SB 449, SJR 9, SJR 15, SR 18, SR 19, SR 20.**

Examined by the sponsor and found to be correct: **SB 57, SB 58, SB 95, SB 123, SB 133, SB 148, SB 151, SB 156, SB 164, SB 174, SB 202, SB 299, SB 371, SB 399.**

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, and sixty-eighth legislative days, find the same to be correct.

Senator Curtiss, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 4/8/2009
SR 29, be adopted. Report adopted.
HB 655, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Black, Chairman): 4/8/2009
SR 30, be adopted. Report adopted.
SR 31, be adopted. Report adopted.

FISH AND GAME (Barkus, Chairman): 4/8/2009
SR 25, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman): 4/8/2009
SJR 39, do pass. Report adopted.
HB 615, be amended as follows:

1. Page 3, line 10.

Following: "SYSTEM"

Insert: " at the time the system is accessed under subsection (1) of this section"

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2. Page 3, line 16.

Following: "account"

Strike: "of the enterprise fund type"

Insert: "in the state special revenue fund"

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

Senator Hansen present at this time.

Senator Gallus present at this time.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 48**
Report No. 1, April 7, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 48** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 48** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Essmann, Chairman
Gillan
Tutvedt

For the House:

Pomnichowski
Blasdel
Lake
Wiseman

FREE CONFERENCE COMMITTEE
on **Senate Bill 427**
Report No. 1, April 8, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 427** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 427** (reference copy -- salmon) be amended as follows:

+ 1. Title, page 1, line 7.

Strike: "PROVISIONS"

Insert: "A PROVISION"

Strike: "EVIDENCE AND"

2. Page 1, line 13.

Strike: "6"

Insert: "5"

3. Page 1, line 15.

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Strike: "6"
Insert: "5"

4. Page 1, line 18.
Strike: "6"
Insert: "5"

5. Page 2, line 14.
Strike: "6"
Insert: "5"

6. Page 2, line 28 through page 3, line 5.
Strike: section 5 in its entirety
Renumber: subsequent sections

7. Page 3, line 18.
Strike: "6"
Insert: "5"

8. Page 3, line 20.
Strike: "6"
Insert: "5"

For the Senate:

Laslovich, Chairman
McGee
Story

For the House:

A. Noonan
Belcourt
Milburn

MESSAGES FROM THE GOVERNOR

April 7, 2009

Senator Bob Story
President of the Senate
State Capitol
Helena, Montana 59601

Representative Bob Bergren, Speaker
Montana House of Representatives
Capitol Building
Helena, Montana 59601

Dear President Story and Speaker Bergren:

As a matter of clarification and correction, please note that HB 283 was signed on April 1, 2009. It was delivered to the Office of the Secretary of State.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 7, 2009

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

Representative Bob Bergren, Speaker
Montana House of Representatives
Capitol Building
Helena, Montana 59601

Dear Senator Story and Speaker Bergren:

Please be informed that I have signed **Senate Bill 74** sponsored by Senator Laible, **Senate Bill 111** sponsored by Senator Ripley, **Senate Bill 143** sponsored by Senator Laible, **Senate Bill 185** sponsored by Senator Balyeat, **Senate Bill 188** sponsored by Senator Balyeat, **Senate Bill 209** sponsored by Senator Laslovich, **Senate Bill 250** sponsored by Senator Wanzenried, **Senate Bill 273** sponsored by Senator Laslovich, **Senate Bill 340** sponsored by Senator Laslovich, **Senate Bill 341** sponsored by Senator Laslovich, and **Senate Bill 395** sponsored by Senator Gebhardt on April 6, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/7/2009

HB 34, introduced by Wilmer
HB 40, introduced by Cohenour
HB 374, introduced by Arntzen
HB 534, introduced by Campbell
HB 536, introduced by Malek
HB 574, introduced by Vincent

Senate amendments to House joint resolution concurred in: 4/7/2009

HJR 9, introduced by Furey

Senate bill concurred in and returned to the Senate: 4/7/2009

SB 86, introduced by J. Tropila

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/7/2009

SB 65, introduced by Hawks

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SB 306 - 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 **SB 306**:

4/7/2009

Representative Bennett
Representative Driscoll
Representative Hands (Vice Chair)
Representative Vance

SB 457 - 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 **SB 457**:

4/7/2009

Representative Berry
Representative Ebinger
Representative MacDonald (Vice Chair)
Representative Vance

SB 427 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 427**:

4/7/2009

Representative Belcourt
Representative Milburn
Representative A. Noonan (Vice Chair)
Representative Vincent

Governor's amendments to House bill concurred in and returned to the Senate:

4/7/2009

HB 322, introduced by Blewett

Conference Committee Report No.1 adopted:

4/7/2009

SB 79, introduced by Juneau

MOTIONS

Senator Peterson moved that the sponsor of **SR 14** be changed from Senator Gebhardt to Sen. Wanzenried. Motion carried.

Senator Gebhardt moved to take **HB 331** from Business, Labor, and Economic Affairs and be placed on second reading on Tuesday, April 13, 2008.

Yeas: Barkus, Barrett, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.
Total 30

Nays: Bales, Balyeat, Black, Brenden, R. Brown, Esp, Gillan, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 20

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

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:

HB 6 concurred in 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, 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 45

Nays: Balyeat, R. Brown, Hinkle, Juneau, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 7 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, R. Brown, Essmann, Hinkle, Juneau, Tutvedt.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 123 concurred in as follows:

Yeas: Bales, Barkus, 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, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Esp, Hinkle, Jackson, Shockley, Steinbeisser.

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Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 171, as amended by the Governor, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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, Zinke, Mr. President.

Total 44

Nays: Brenden, R. Brown, Curtiss, Hinkle, Larsen, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 238 concurred in as follows:

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

Total 40

Nays: Barkus, Brenden, Esp, Gallus, McGee, Murphy, Shockley, Steinbeisser, Tutvedt, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 306 concurred in as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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.

Total 44

Nays: Barkus, Erickson, Hinkle, Jackson, Steinbeisser, Mr. President.

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Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 478 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 487 concurred in as follows:

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

Total 40

Nays: Branae, Cooney, Erickson, Hawks, Juneau, Kaufmann, Keane, Moss, Schmidt, Windy Boy.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 562 concurred in as follows:

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

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Nays: Balyeat, Gebhardt, Hinkle, McGee.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 585 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, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Erickson, Hawks, Kaufmann, McGee, Steinbeisser.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 670 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

SB 79 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

**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 Laslovich in the chair.

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

HB 42 - Senator Balyeat moved **HB 42** 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 110 - Senator Jent moved **HB 110** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, 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, Zinke, Mr. President.
Total 46

Nays: Barkus, Brenden, R. Brown, Jackson.
Total 4

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 173 - Senator Hinkle moved **HB 173** be concurred in. Motion carried as follows:

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

Nays: Erickson, Essmann, Gallus, Lewis, Ripley, Zinke, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 634 - Senator Shockley moved **HB 634** be concurred in. Motion carried as follows:

Yeas: Balyeat, Barrett, Black, Branae, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, McGee, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 37

Nays: Bales, Barkus, Brenden, R. Brown, T. Brown, Esp, Gallus, Jackson, Lewis, Peterson, Ripley, Steinbeisser, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

SPECIAL ORDERS OF THE DAY

SR 11 - Senator Gebhardt moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 11, and that the ayes and nays be spread upon the journal.

Member of the Board of Environmental Review--Marvin Miller, Butte

Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Erickson, Hawks, Laible.
Total 3

SR 12 - Senator Gebhardt moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 12, and that the ayes and nays be spread upon the journal.

Member of the Board of Environmental Review--Joseph Whalen, Miles City

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

SR 13 - Senator Gebhardt moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 13, and that the ayes and nays be spread upon the journal.

Member of the Board of Environmental Review--Robin Shropshire, Helena

Motion carried as follows:

Yeas: Barkus, Branae, Brueggeman, Cooney, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 31

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Nays: Bales, Balyeat, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Essmann, Hinkle, Jackson, Laible, McGee, Murphy, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 14 - Senator Wanzenried moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 14, and that the ayes and nays be spread upon the journal.

Member of the Board of Environmental Review--William Rossbach, Helena

Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 21 - Senator J. Tropila moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 21, and that the ayes and nays be spread upon the journal.

Commissioner of Labor and Industry--Keith Kelly, Helena

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, 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, McGee.

Total 3

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 22 - Senator J. Tropila moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 22, and that the ayes and nays be spread upon the journal.

Director, Department of Commerce--Anthony J. Preite, Helena

Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, 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: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 23 - Senator R. Brown moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 23, and that the ayes and nays be spread upon the journal.

Director of the Department of Public Health and Human Services--Anna Whiting Sorrell, Helena

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

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Excused: None.
Total 0

SR 28 - Senator Shockley moved that the nomination transmitted by the Governor by concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 28, and that the ayes and nays be spread upon the journal.

(1) As members of the Hard Rock Mining Impact Board, in accordance with section 2-15-1822, MCA:
Edward M. Tinsley, Helena, Montana, for a term ending January 1, 2013.
Mary Ellen Cremer, Big Timber, Montana, for a term ending January 1, 2013.
Joe Michaletz, Helena, Montana, for a term ending January 1, 2013.

(2) As members of the Board of Horseracing, in accordance with section 2-15-3106, MCA:
Mike Tatsey, Valier, Montana, for a term ending January 20, 2012.
Carol Lambert, Broadus, Montana, for a term ending January 20, 2012.

(3) As members of the Board of Housing, in accordance with section 2-15-1814, MCA:
Audrey Black Eagle, Lodge Grass, Montana, for a term ending January 1, 2013.
J.P. Crowley, Helena, Montana, for a term ending January 1, 2013.
Jeff Rupp, Bozeman, Montana, for a term ending January 1, 2013.
Elizabeth Scanlin, Red Lodge, Montana, for a term ending January 1, 2013.

(4) As members of the Milk Control Board, in accordance with section 2-15-3105, MCA:
Gary A. Parker, Fort Shaw, Montana, for a term ending January 1, 2013.
James Prinkki, Roberts, Montana, for a term ending January 1, 2013.
Larry Van Dyke, Bozeman, Montana, for a term ending January 1, 2013.

(5) As a member of the Board of Nursing, in accordance with section 2-15-1734, MCA:
Connie Reichelt, Havre, Montana, for a term ending July 1, 2013.

(6) As members of the Board of Pardons and Parole, in accordance with section 2-15-2302, MCA:
Teresa McCann O'Connor, Billings, Montana, for a term ending January 1, 2013.
John Ward, Helena, Montana, for a term ending January 1, 2013.
Samuel Lemaich, Missoula, Montana, for a term ending January 1, 2013.

(7) As a member of the Board of Radiologic Technologists, in accordance with section 2-15-1738, MCA:
Kelli Bush, Butte, Montana, for a term ending July 1, 2012.

(8) As a member of the Board of Realty Regulation, in accordance with section 2-15-1757, MCA:
Lucinda Willis, Polson, Montana, for a term ending May 9, 2013.

(9) As members of the State Compensation Insurance Fund Board, in accordance with section 2-15-1019, MCA:
James Swanson, Glendive, Montana, for a term ending April 28, 2013.
Jane DeBruycker, Dutton, Montana, for a term ending April 28, 2013.
Ken Johnson, Missoula, Montana, for a term ending April 28, 2013.
Thomas R. Heisler, Great Falls, Montana, for a term ending April 28, 2013.

Motion carried as follows:

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

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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: Curtiss.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate at ease.

**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 Laslovich in the chair.

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

HB 8 - Senator Brueggeman moved **HB 8** be concurred in. Motion carried as follows:

Yeas: Bales, 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 48

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

HB 9 - Senator Barkus moved consideration of **HB 9** be placed further down the second reading board for the purpose of amendment. Motion carried.

HB 333 - Senator R. Brown moved **HB 333** 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, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley,

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

Senator Gallus present at this time.

HB 583 - Senator Steinbeisser moved **HB 583** 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, 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 46

Nays: Balyeat, Hinkle, Jackson, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 65 - House Amendments - Senator Hawks moved House amendments to **SB 65** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, 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 46

Nays: Balyeat, Brenden, R. Brown, Hinkle.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 231 - House Amendments - Senator Laible moved House amendments to **SB 231** be concurred in. Motion carried

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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 430 - House Amendments - Senator Hamlett moved House amendments to **SB 430** 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 9 - Senator Barkus moved consideration of **HB 9** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 73 - Conference Committee Report No. 1 - Senator Hawks moved the Conference Committee report to **SB 73** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, 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: R. Brown.

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Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 108 - Free Conference Committee Report No. 1 - Senator McGee moved the Free Conference Committee report to **SB 108** be adopted. 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 228 - Conference Committee Report No. 1 - Senator McGee moved the Conference Committee report to **HB 228** be adopted. Motion carried as follows:

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

Total 40

Nays: Erickson, Hansen, Juneau, Kaufmann, Moss, Schmidt, Stewart-Peregoy, J. Tropila, Williams, Windy Boy.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 622 - Free Conference Committee Report No. 1 - Senator R. Brown moved the Free Conference Committee report to **HB 622** be adopted. 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,

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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 322 - Governor's Amendments - Senator Shockley moved Governor's amendments to **HB 322** 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 12 - Senator Jent moved **HB 12** be concurred in. Motion carried as follows:

Yeas: Branae, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Shockley, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 27

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Perry, Peterson, Ripley, Steinbeisser, J. Tropila, Tutvedt, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 52 - Senator Perry moved **HB 52** 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

Senator Gallus assumed the chair.

HB 130 - Senator Laslovich moved **HB 130** be concurred in. Motion carried as follows:

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

Total 37

Nays: Bales, Barkus, Brenden, Esp, Essmann, Gebhardt, Jackson, Keane, Lewis, Peterson, Ripley, Zinke, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Esp excused at this time.

HB 131 - Senator Shockley moved **HB 131** be concurred in. Motion carried as follows:

Yeas: Balyeat, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, McGee, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 36

Nays: Bales, Barkus, Brenden, R. Brown, Essmann, Gebhardt, Jackson, Keane, Lewis, Peterson, Ripley, Steinbeisser, Mr. President.

Total 13

Absent or not voting: None.

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Total 0

Excused: Esp.

Total 1

Senator Esp present at this time.

Senator Laslovich reassumed the chair.

HB 132 - Senator Jent moved **HB 132** be concurred in. Motion carried as follows:

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

Total 42

Nays: Bales, R. Brown, Esp, Essmann, Jackson, Keane, Peterson, Mr. President.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 280 - Senator R. Brown moved **HB 280** 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 356 - Senator Tutvedt moved **HB 356** 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.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 9 - Senator Barkus moved consideration of **HB 9** be placed at the top of the second reading board. Motion carried.

HB 9 - Senator Brenden moved **HB 9** be concurred in.

HB 9 - Senator Barkus moved **HB 9**, second reading copy, be amended as follows:

1. Page 4, line 30.

Strike: "NORTH WEST"

Insert: "Northwest"

2. Page 5, line 18.

Following: "basis."

Insert: "(1)"

3. Page 5, line 22.

Following: line 21

Insert: "(2) If the interest earnings of the cultural trust in the 2011 biennium are over \$20,000 below the projected earnings of \$1.3 million, then the grants for the Helena Symphony Orchestra & Chorale, Montana Repertory Theatre, Northwest History Museum, Great Falls History Museum, and Old Trail Museum projects may be reduced to provide adequate funds for all other projects."

Amendment adopted as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 9 - Senator Brenden moved **HB 9**, as amended, be concurred in. Motion carried as follows:

Yeas: Barkus, Barrett, Black, Branae, Brenden, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 40

Nays: Bales, Balyeat, R. Brown, T. Brown, Esp, Essmann, McGee, Perry, Shockley, Mr. President.
Total 10

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 J. Peterson moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senator Bales moved to re-refer **HB 130** to Finance and Claims. Motion carried.

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

Senator Bales moved to re-refer **HB 132** to Finance and Claims. Motion carried.

Senator Bales moved to re-refer **HB 52** to Finance and Claims. Motion carried.

MOTIONS

Senator Hamlett moved to change his vote on **HB 6** from no to yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 8:30 a.m., Thursday, April 9, 2009. Motion carried.

Senate adjourned at 2:59 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate