

**SENATE JOURNAL  
61ST LEGISLATURE  
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 20, 2009

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Wanzenried, excused. Quorum present.

**BILLS AND JOURNALS:**

4/20/2009

Correctly enrolled: **SB 18, SB 38, SB 48, SB 131, SB 176, SB 204, SB 260, SB 264, SB 271, SB 291, SB 300, SB 303, SB 305, SB 310, SB 369, SB 403, SB 404, SB 427, SB 457, SB 460, SB 465, SB 467, SB 489, SB 491, SB 508, SB 511, SR 33, SR 34, SR 35, SR 38.**

Correctly printed: **HB 97, HB 135, HB 194, HB 279, HJR 35, HJR 36.**

Delivered to the Governor for approval at 2:20 p.m., April 17, 2009: **SB 356, SB 451, SB 462, SB 464, SB 476.**

Examined by the sponsor and found to be correct: **SB 18, SB 38, SB 48, SB 131, SB 176, SB 204, SB 260, SB 264, SB 271, SB 291, SB 300, SB 303, SB 305, SB 310, SB 369, SB 404, SB 427, SB 457, SB 460, SB 465, SB 467, SB 491, SB 508, SB 511, SR 33, SR 34, SR 35, SR 38.**

Signed by the Speaker at 11:00 a.m., April 20, 2009: **SB 97, SB 249.**

Signed by the President at 3:00 p.m., April 17, 2009: **SB 97, SB 249.**

Signed by the Secretary of the Senate at 2:50 p.m., April 17, 2009: **SB 97, SB 249.**

**LEGISLATIVE ADMINISTRATION** (Curtiss, Chairman):

4/20/2009

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 17, 2009:

TITLE

NAME

Pages:

Chelsea Smith-West, White Sulphur Springs  
Joel Colbert, Missoula  
Jordan Larsen, Geraldine  
Lane Nordlund, Lewistown  
Matt Wier, Great Falls  
Caitlin Haaland, Melstone

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 20, 2009:

TITLE

NAME

Pages:

Janette Craig, Carter  
Josiah Moerkerke, Conrad  
Karissa Woienski, Belgrade  
Clare Stansberry, Lewistown  
Laci Kennedy, Townsend

Report Adopted.

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**REPORTS OF STANDING COMMITTEES**

**STATE ADMINISTRATION** (Shockley, Chairman):  
**SR 37**, be adopted. Report adopted.

4/20/2009

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 263**  
Report No. 1, April 20, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 263** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 263** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

**Following:** the first "the"

**Strike:** "MINIMUM"

2. Page 1, line 23 through line 24.

**Following:** "AS" on line 23

**Strike:** remainder of line 23 through "SUBSECTION" on line 24

**Insert:** "follows, except as provided in subsections"

3. Page 1, line 25.

**Following:** "(2)"

**Strike:** "."

**Insert:** "and (3):

(a) in every misdemeanor case, \$150; and

(b) in every felony case, \$500."

4. Page 2, line 1.

**Following:** "INCURRED"

**Insert:** "and, except as provided in subsection (3), the court shall require the defendant to pay the costs of counsel and other costs and expenses as reflected in the statement"

5. Page 2, line 16 through line 20.

**Strike:** subsection (5) in its entirety

For the Senate:

Shockley, Chair  
Jent  
Laible

For the House:

Getz, Vice Chair  
Menahan  
Nooney  
K. Peterson

SENATE JOURNAL  
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**MESSAGES FROM THE GOVERNOR**

April 18, 2009

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

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 533, **“AN ACT ADDING VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE AS A CRIME FOR WHICH A YOUTH 16 YEARS OF AGE OR OLDER MAY BE CHARGED AS AN ADULT IN DISTRICT COURT; AND AMENDING SECTION 41-5-206, MCA.”**

House Bill 533 adds the crime of vehicular homicide while under the influence to the list of crimes for which a youth 16 years of age or older can be charged as an adult. Unlike most of the crimes for which a youth may be charged as an adult, the crime of vehicular homicide involves the commission of a negligent not an intentional act. A youth who commits this crime has obviously made bad decisions, but is not, in all likelihood, a bad kid. When I consider the consequences of this bill, I do not believe that deterrence will be among them. I believe that the only real consequence is that the punishment will be more severe. More importantly, I am not convinced that trying this youth as an adult will produce better results in terms of rehabilitating the youth than treatment and punishment through the youth court.

I respectfully ask that you sustain my veto of House Bill 533 for the reasons stated above.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

April 19, 2009

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

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Bergren and President Story:

SENATE JOURNAL  
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Yesterday, April 18, 2009, I issued a veto of House Bill 533 and returned it to the House of Representatives with a letter stating the reasons for my veto. My veto statement asked that you sustain my veto for the reasons in the letter. I discovered today that the letter also unintentionally stated that I was returning the bill with amendments. I offered no amendments to the bill, and I am writing today to clarify yesterday's letter. Please also be advised that my attorney returned the bill to the Clerk of the House yesterday, and at the time of the return, both my attorney and the Clerk signed a written acknowledgment that the bill was delivered to the House with the reasons for my veto.

I am writing to clarify the written veto message. Thank you.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

April 17, 2009

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

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 85, "**AN ACT CREATING A GRANT PROGRAM FOR EMERGENCY MEDICAL SERVICE PROVIDERS; ESTABLISHING ELIGIBILITY REQUIREMENTS AND REVIEW CRITERIA; CREATING A GRANT REVIEW COMMITTEE; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES; PROVIDING A CONTINGENT APPROPRIATION; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.**"

My amendments to House Bill 85 accomplish two things. First, the bill establishes a small grant program to spend \$1 million each year of the biennium for emergency service providers. The bill contains a coordination section to provide funding either through House Bill 2 or through House Bill 85, itself. If funded through House Bill 2, the Department of Transportation can use either federal or state special revenue funds to pay for the grants. My first amendment would provide the same option if funding comes through House Bill 85. In other words, it provides flexibility to allow the Montana Department of Transportation to use federal money, to the extent it is available, for the grants, not only state money from the highway nonrestricted account.

My second amendment would eliminate the grant review committee established in the bill. It consists of 10 members and, according to the fiscal note, is anticipated to cost the program \$70,000 each year of the biennium. I would rather see that money go directly to the emergency medical service providers.

I have discussed my proposed amendment with the sponsor of the bill, Rep. Sands, who supports the amendment.

SENATE JOURNAL  
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Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to House Bill No. 85  
Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Greg Petesch  
April 17, 2009

1. Title, lines 6 and 7.

**Following:** "CRITERIA;" on line 6

**Strike:** remainder of line 6 through "COMMITTEE;" on line 7

2. Page 1, line 22.

**Strike:** "8"

**Insert:** "7"

3. Page 1, line 26.

**Strike:** "8"

**Insert:** "7"

4. Page 5, line 10.

**Strike:** ", using the review process provided for in [sections 4 and 5],"

5. Page 5, line 11.

**Following:** "basis"

**Insert:** "using the criteria contained in [section 4]"

6. Page 5, line 13.

**Strike:** "8"

**Insert:** "7"

7. Page 5, line 15 through page 6, line 3.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

8. Page 6, lines 5 and 6.

**Following:** "applications" on line 5

**Strike:** remainder of line 5 through "and" on line 6

9. Page 6, line 14 through line 16.

**Following:** "department" on line 14

**Strike:** remainder of line 14 through "award" on line 16

**Insert:** "denies an application for a grant, the applicant"

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10. Page 6, line 22.

**Strike:** "8"

**Insert:** "7"

11. Page 6, line 24.

**Strike:** subsection (a) in its entirety

**ReNUMBER:** subsequent subsections

12. Page 6, line 25.

**Strike:** "5"

**Insert:** "4"

13. Page 6, line 26.

**Strike:** "as recommended by the grant review committee"

14. Page 6, lines 27 and 28.

**Strike:** "as" on line 27 through "committee" on line 28

15. Page 9, line 5.

**Following:** "INSTRUCTION."

**Insert:** "(1)"

16. Page 9.

**Following:** line 9

**Insert:** "(2) The department of transportation is authorized to decrease the contingent appropriation from the highway nonrestricted account in subsection (1) and there is appropriated from the federal special revenue fund the amount of money appropriated in subsection (1) if federal funds are available for the purposes of [this act]."

17. Page 9, line 14.

**Strike:** "8"

**Insert:** "7"

18. Page 9, line 16.

**Strike:** "8"

**Insert:** "7"

19. Page 9, line 26.

**Strike:** "8"

**Insert:** "7"

April 18, 2009

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

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The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 536, "**AN ACT REVISING IGNITION INTERLOCK DEVICE REQUIREMENTS; AMENDING SECTIONS 61-8-442 AND 61-8-733, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.**"

I have proposed these amendments at the request of the Department of Justice. Changes made by the Senate to sections 1 and 2 of the bill (to §§ 61-8-442 and 61-8-733, MCA), resulted in an incompatibility between those criminal statutes and § 61-5-208, MCA, an administrative statute enforced by the Motor Vehicle Division governing drivers license suspensions and issuance of probationary drivers' licenses. The amendments cure the incompatibility. Additionally, the amendments sought by the Department of Justice ensure that Montana's laws are consistent with federal requirements, particularly those enacted by Congress in 2008 governing sanctions for repeat intoxicated drivers.

Finally, the amendments also reinstate the requirement contained in current law that a repeat offender is responsible for paying for the costs of leasing, installing, and maintaining the interlock device. It appears those current requirements were unintentionally eliminated when the Senate amended the bill.

Combined, I believe these amendments retain the intent of the Legislature to require interlock devices on any vehicle driven by a second or subsequent offender during any probationary drivers' license period.

I have discussed these amendments with the sponsor of the bill, Representative Malek, who supports the amendments.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to House Bill No. 536  
Reference Copy

Requested by the Governor  
For the House Committee of the Whole

Prepared by Susan Byorth Fox  
April 18, 2009

1. Title, line 6.  
**Following:** "SECTIONS"  
**Insert:** "61-5-208,"  
**Following:** "61-8-442"  
**Insert:** ", "  
**Strike:** "AN IMMEDIATE"

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2. Title, line 7.

**Strike:** "EFFECTIVE DATE AND"

3. Page 1, line 10.

**Insert:** "**Section 1.** Section 61-5-208, MCA, is amended to read:

**"61-5-208. Period of suspension or revocation -- limitation on issuance of probationary license -- notation on driver's license.** (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension, unless the person completes at least 45 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) Except as provided in subsection (3)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

(4) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.

(5) (a) A driver's license that is issued after a license revocation to a person described in subsection (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.

(b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the person may not operate a motor vehicle unless:

(i) operation is authorized by the person's probation officer; or

(ii) a motor vehicle operated by the person is equipped with an ignition interlock device.""

**Renumber:** subsequent sections

4. Page 1, line 19.

**Following:** "shall"

**Insert:** ":

(a) if recommending that a probationary license be issued to the person,"

5. Page 1, line 21.

**Following:** "PERIOD"

**Strike:** "OR"



**Insert:** "and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or  
(b)"

6. Page 2, line 12.

**Following:** "shall"

**Insert:** ":

(a) if recommending that a probationary license be issued to the person,"

7. Page 2, line 13.

**Following:** "PERIOD"

**Strike:** "OR"

**Insert:** "and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or  
(b)"

8. Page 2, line 30.

**Strike:** line 30 in its entirety

**Renumber:** subsequent sections

April 18, 2009

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

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 557, "**AN ACT DIRECTING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES FOR THE APPROVAL OF REGIONAL PUBLIC WATER SUPPLY SYSTEMS; AMENDING SECTION 75-6-103, MCA; AND PROVIDING AN APPLICABILITY DATE.**"

House Bill 557, sponsored by Representative Tony Belcourt, directs the Board of Environmental Review to adopt rules pertaining to the Department of Environmental Quality's review of regional water systems under the statutes governing public water supplies. The bill directs the Board to establish procedures that take into account the special needs of regional water systems that result from the length of time it takes to complete the construction of these systems.

In addition to the amendments dealing with those special needs, House Bill 557 directs the Board to set review periods for plans and specifications for regional water systems at 40 calendar days for the initial review and 10 working days for subsequent reviews. This differs from the review periods contained in the current rules adopted by the Board for all systems, which are 60 calendar days for the initial review and 60 calendar days for subsequent reviews. While the Department of Environmental Quality can comply with the 40-day period for initial reviews and still meet its deadlines for other systems, the 10-working day timeframe for subsequent reviews is one that the Department cannot assure me can be met. My amendment would give the Department 20 working days for subsequent reviews. This amendment will still provide an expedited review of regional water systems while ensuring that the Department of Environmental Quality can comply with its regulatory deadlines.

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I ask you to work with me and with Representative Belcourt in supporting the proposed amendment.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to House Bill No. 557  
Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Greg Petesch  
April 18, 2009

1. Page 1, line 26.

**Strike:** "10"

**Insert:** "20"

April 18, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 158, "**AN ACT INCREASING THE NUMBER OF DISTRICT COURT JUDGES; PROVIDING FOR ADDITIONAL JUDGES IN THE 1ST, 11TH, AND 13TH JUDICIAL DISTRICTS TO BE ELECTED AT THE NOVEMBER 2010 GENERAL ELECTION; AMENDING SECTION 3-5-102, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.**"

As passed by the Legislature, Senate Bill 158 adds three new district court judges – located in the first, eleventh, and thirteenth judicial districts – to be elected in November 2010 and begin their terms of office on January 3, 2011. While the need for additional judges is clear, so too, are the limits of our financial capacity during these financially challenging times. The amendments I propose would delay the effective date of this legislation by four years. They seek to achieve the balance of bringing a greater level of judicial services, but to do so when the state's economy has rebounded and our revenue picture has improved.

I ask for your support of my amendments to Senate Bill 158.

SENATE JOURNAL  
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Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to Senate Bill No. 158  
Reference Copy  
Revised

Requested by the Governor  
For the Senate Committee of the Whole

Prepared by Susan Byorth Fox  
April 18, 2009

1. Title, line 8.

**Strike:** "2010"

**Insert:** "2014"

2. Page 1, line 28.

**Strike:** "2010"

**Insert:** "2014"

**Strike:** "3, 2011"

**Insert:** "5, 2015"

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

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

4. Page 2, line 5.

**Strike:** "2010"

**Insert:** "2014"

April 18, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 171, "**AN ACT CREATING THE OFFENSE OF DAMAGE TO RENTAL PROPERTY; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE**

SENATE JOURNAL  
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**DATE AND AN APPLICABILITY DATE .”**

Senate Bill 171 creates the criminal offense of damage to rental property for damage exceeding \$500 over the damage deposit, if any, or if no deposit exists, exceeding \$500. Violation of the offense carries a fine of up to \$1000 and/or 6 months in jail. Additionally, a judge is required to order restitution, though the judge has discretion as to the amount.

My amendments do three things. First, under the bill presented to me, the acts of destroying, defacing, damaging, impairing, or removing a part of the rental property constitute conduct falling within the criminal offense created under the bill. My amendment eliminates the act of “removal” of a part of the property as something that falls within the definition of the criminal offense. “Removal” of property is a category more similar to theft, and I believe should be prosecuted as such.

Second, my amendment lowers the maximum fine that can be imposed under this criminal offense from \$1,000 to \$500. This amendment will have the effect of limiting jurisdiction of a prosecution of the offense to justice court and eliminating the concurrent jurisdiction that district courts have over offenses punishable by a fine exceeding \$500. *See* §3-10-303, MCA. I ask you to keep in mind that a prosecutor is still free to exercise his or her discretion to bring criminal mischief charges for the same conduct under § 45-6-101, MCA, violation of which carries a fine of up to \$1,000. Under the criminal mischief statute, if the pecuniary loss exceeds \$1,000, felony charges can be brought.

Third, my amendment removes the restitution provisions from the bill. Criminal procedures already contain provision for the imposition of restitution by judges, and those provisions are flexible and well-established. *See* §§ 46-18-201(5) and 46-18-241 to -249, MCA. I don’t believe it is necessary to enact specific restitution provisions for this newly created offense, which may differ from the general restitution provisions applicable to all crimes.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to Senate Bill No. 171  
Reference Copy

For the Senate Committee of the Whole

Prepared by Susan Byorth Fox  
April 18, 2009

1. Page 1, line 12.

**Following:** "damages"

**Insert:** "or"

**Following:** "impairs"

**Strike:** ", or removes"

2. Page 1, line 18.

**Strike:** "\$1,000"

**Insert:** "\$500"

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3. Page 1, lines 23 through 28.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

April 17, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 235, **“AN ACT EXPANDING THE EXEMPTION FROM LICENSING AS A PSYCHOLOGIST TO INCLUDE PSYCHOLOGICAL TESTING, EVALUATION, AND ASSESSMENT BY QUALIFIED MEMBERS OF OTHER PROFESSIONS; CLARIFYING THAT THE QUALIFIED MEMBERS OF OTHER PROFESSIONS INCLUDE LICENSED PROFESSIONAL COUNSELORS; AND AMENDING SECTIONS 37-17-104 AND 37-23-102, MCA.”**

SB 235, as passed by the legislature, expands the list of those who are authorized to do “work of a psychological nature” without being licensed by the Board of Psychologists. It includes professional counselors licensed under Title 37, chapter 23, MCA. Under the bill, professional counselors would be allowed to perform psychological testing, evaluation, and assessment as described in § 37-17-102(4)(b), MCA.

As written, the bill authorizes this practice if it is consistent with the training of the professional counselors. However, there is no direction as to who or what entity determines whether a professional counselor has received adequate training or what training is considered to be adequate. My amendment would require the Board of Social Work Examiners and Professional Counselors to promulgate rules that articulate the minimum standards of education and training required for their licensees to be authorized to conduct psychological testing. I believe that such standards are necessary and appropriate, and would ensure that consumers of mental health services receive the safe care they deserve and expect from a professional licensed by the State of Montana

I have discussed the amendment with the bill’s sponsor, Senator Murphy.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to Senate Bill No. 235  
Reference Copy

Requested by the Governor

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For the Senate Committee of the Whole

1. Page 2.

**Following:** line 8

**Insert:** "(3) The board of social work examiners and professional counselors shall adopt rules that qualify a licensee under Title 37, chapter 22 or 23, to perform psychological testing, evaluation, and assessment. The rules for licensed clinical social workers and professional counselors must be consistent with the guidelines of their respective national associations. Final rules must be adopted by October 1, 2010. A qualified licensee providing services under this exemption shall comply with the rules no later than 1 year from the date of adoption of the rules."

April 17, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 290, "**AN ACT REQUIRING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE TO REVIEW THE STATE ENERGY POLICY EACH INTERIM AND RECOMMEND CHANGES TO THE LEGISLATURE; AMENDING SECTIONS 90-4-1001 AND 90-4-1003, MCA; REPEALING SECTION 90-4-1002, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**"

SB 290 amends the statutory duties of the energy and telecommunications interim committee and establishes specific duties for the 2009-10 interim to be used in devising a revised state energy policy. My amendment adds to the list of issues to be studied by the committee and included in a revised policy the integration of wind energy, a key renewable resource for Montana's energy and economic future.

I have discussed my amendment with the sponsor of the bill, Senator Jackson, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to Senate Bill No. 290  
Reference Copy

Requested by Representative Duane Ankney

SENATE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 20, 2009

For the Senate Committee of the Whole

Prepared by Greg Petesch  
April 17, 2009

1. Page 2, line 19.

**Strike:** "AND"

2. Page 2, line 20.

**Following:** "costs"

**Insert:** "; and

(ix) integrating wind energy"

April 18, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 360, "**AN ACT GENERALLY REVISING THE MONTANA MAJOR FACILITY SITING ACT; CLARIFYING THE DEFINITION OF "FACILITY"; AMENDING SECTION 75-20-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.**"

Senate Bill 360 revises the Major Facility Siting Act primarily by exempting from the Act geothermal plants of 50 megawatts or less and certain upgrades of transmission lines outside existing right-of-way. My amendment addresses the latter subject.

The Major Facility Siting Act currently exempts new transmission lines of 10 miles or less and upgrades within existing easements or right-of-ways, regardless of length. Senate Bill 360 exempts from Siting Act review upgrades outside existing easements or right-of-ways so long as the new portion does not exceed 10 miles in length, or is not 10% of the existing transmission right-of-way, whichever is greater.

My amendment limits the upgrade exemption to only those upgrades of existing line requiring 10 miles or less of new right-of-way. As stated, the 10 mile exemption is the same as that given construction on new transmission lines under § 75-20-104(8)(a)(i), MCA. Thus, construction of new lines and upgrades of existing lines outside existing right-of-ways would be subject to the same permitting standards.

I ask for your support of this amendment.

Sincerely,

*STATE INTERNET/BBS COPY*

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BRIAN SCHWEITZER  
GOVERNOR

Amendments to Senate Bill No. 360  
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Greg Petesch  
April 18, 2009

1. Page 3, lines 3 and 4.

**Following:** "LENGTH" on line 3

**Strike:** remainder of line 3 through "GREATER" on line 4

April 18, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 371, "**AN ACT REVISING THE DEFINITION OF "EMPLOYEE" OR "WORKER" WITH RESPECT TO WORKERS' COMPENSATION LAWS; CLARIFYING INJURIES THAT MAY NOT BE CONSIDERED AS ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT; AMENDING SECTIONS 39-71-118 AND 39-71-407, MCA; AND PROVIDING AN EFFECTIVE DATE.**"

Senate Bill 371 defines certain injuries that do not arise out of and in the course and scope of employment for purposes of workers' compensation coverage. To my understanding, one of the major questions that arose during the deliberations over Senate Bill 371 was whether and to what extent the newly enacted definition changes coverage now available under current rulings by the Montana Supreme Court and generally recognized principles in workers' compensation law. I have reviewed the bill and discussed it with representatives from the Montana Department of Labor and Industry who specialize in this area. My amendments seek to clarify that the bill codifies current legal principles and standards in the area of workers' compensation law.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

Amendments to Senate Bill No. 158



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Reference Copy

For the Senate Committee of the Whole

Prepared by Susan Byorth Fox  
November 4, 2009 (7:55am)

1. Page 1, line 9 through line 14.

**Strike:** line 9 through line 14 in their entirety

**Insert:** "WHEREAS, the Montana Legislature finds it necessary to provide more certainty and seeks to codify a definition of injuries that do not arise out of and in the course and scope of employment and that is consistent with current rulings of the Montana Supreme Court and generally recognized principles in workers' compensation law."

April 18, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 396, "**AN ACT PROVIDING AN EXEMPTION FOR A REPLACEMENT APPROPRIATION FOR A WATER RIGHT FOR CERTAIN CHANGES IN POINTS OF DIVERSION; AND AMENDING SECTION 85-2-402, MCA.**"

Senate Bill 396, sponsored by Senator Robert Story, enables a water appropriator to change an existing point of diversion without prior approval of the Department of Natural Resources and Conservation ("DNRC"), under certain conditions. Present law requires that a change in a point of diversion be pre-approved by the DNRC. Senate Bill 396 alters present law to allow for an appropriator to change a point of diversion that has become inoperable or deteriorated without prior approval of the DNRC, provided that the new point of diversion does not change the amount of water diverted or impact the water rights of other appropriators. After a new diversion is in place, SB 396 would require that the appropriator file a notice of replacement point of diversion with the DNRC. DNRC, after an assessment of the notice and, if deemed necessary, an inspection of the diversion, would then issue an authorization for the change if the new diversion fulfills all requirements.

I am concerned that SB 396, as currently drafted, could result in adverse consequences for other appropriators if more water than intended is diverted. The bill as it stands now allows the appropriator to use water as soon as the new diversion point is completed, prior to review and approval by the DNRC. If more water than intended is diverted, other appropriators would be denied the use of that water until administrative review and hearing processes are completed.

My amendments preserve the ability of an appropriator to change a point of diversion without prior approval of the DNRC, but require that the appropriator refrain from using the replacement point of diversion until the notice of

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replacement is filed and authorization made by the Department. I have also included a time period of one year following an authorization of a replacement diversion point during which other appropriators may file an objection. This period gives potential objectors time to judge the impacts of the new diversion point on their water rights.

I ask you to join me in supporting my proposed amendments.

Sincerely,

BRIAN SCHWEITZER  
Governor

Amendments to Senate Bill No. 396  
Reference Copy

Requested by The Governor

For the Senate Committee of the Whole

Prepared by Greg Petesch  
April 18, 2009

1. Page 2, line 25.

**Following:** "(15)"

**Strike:** "and"

**Insert:** ", "

**Following:** "(16)"

**Insert:** ", and (18)"

2. Page 2, line 26.

**Following:** "without the"

**Insert:** "prior"

3. Page 9, line 27.

**Following:** "FORM"

**Strike:** "PROVIDED BY"

**Insert:** "available from"

**Following:** "THE DEPARTMENT."

**Insert:** "The replacement point of diversion may not be used until a notice of replacement is filed and authorization is made by the department."

4. Page 10, lines 12 through 15.

**Following:** "SHALL" on line 12

**Strike:** remainder of line 12 through "(B)" on line 15

5. Page 10, line 21.

**Strike:** "AN"

**Insert:** "Within 1 year following the authorization of the change from the department, an"

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The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 400, **“AN ACT LIMITING DISMISSALS IN JUSTICES' COURT; AMENDING SECTION 25-31-409, MCA; AND REPEALING SECTION 25-33-207, MCA.”**

Senate Bill 400 limits dismissals in justice court in two instances. In the first instance, a dismissal would be disallowed for nonservice of a summons or failure to proceed while a summons remains valid. The second concerns a dismissal for failure to file an undertaking when a matter is appealed from justice court.

My amendment addresses the second area involving undertakings. Appeals from justice court require the filing of an undertaking, which may not exceed twice the amount of the judgment or value of the property when the judgment is for the recovery of personal property. Claims brought in justice court may not exceed \$7,000 in value.

Current law contains two contradictory provisions concerning the dismissal of actions from justice court for failure to file an undertaking. Section 25-33-207, MCA, which is repealed under Senate Bill 400, allows a party to file the undertaking any time at or before the hearing on a motion to dismiss the appeal. Section 25-33-208, MCA, subjects the action to dismissal for failure of the party to file an undertaking within 10 days after filing a notice of appeal. My proposed amendment repeals the latter provision, not the former, as proposed in the bill. Under my amendment, a party could cure the failure to file an undertaking up to the time of the hearing on a motion to dismiss. I believe the mandatory remedy of dismissal of an action for failure to file an undertaking within 10 days is unfairly harsh.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 400  
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Greg Petesch  
April 18, 2009

1. Title, line 5.

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**Strike:** "25-33-207"

**Insert:** "25-33-208"

2. Page 1, line 17.

**Strike:** "25-33-207"

**Insert:** "25-33-208"

April 19, 2009

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 446, "**AN ACT REVISING HOSPITAL LAWS TO PROVIDE LICENSING REQUIREMENTS FOR SPECIALTY HOSPITALS; REQUIRING AN IMPACT STUDY BEFORE A SPECIALTY HOSPITAL IS LICENSED; REQUIRING PAYMENT NONDISCRIMINATION AND CHARITY CARE POLICIES FOR HOSPITALS; REQUIRING HOSPITALS TO ENSURE 24-HOUR EMERGENCY CARE; AMENDING SECTIONS 50-5-101 AND 50-5-245, MCA; AND PROVIDING AN EFFECTIVE DATE.**"

Senate Bill 446, sponsored by Senator Story, effectively lifts the moratorium on specialty hospitals in Montana and establishes application and licensure requirements for specialty hospitals. As you know, specialty hospitals are a subclass of hospitals exclusively engaged in the treatment of patients with a cardiac condition, an orthopedic condition, or cancer-related diseases. Unlike community hospitals, specialty hospitals serve a "niche" market, and there has been a fair amount of research and debate as to the overall impact specialty hospitals have on health care costs to Americans, one area of focus being that specialty hospitals do not serve indigent patients to the same extent as community hospitals.

Senate Bill 446 seeks to address these policy concerns by including prohibitions on hospital discrimination based on a patient's ability to pay. The bill also requires all hospitals, including specialty hospitals to have a charity care policy consistent with the tax status of the hospital.

My amendments alter the charity care policy requirements by requiring specialty hospitals to have a written charity care policy irrespective of the hospital's tax status. While I recognize that under the bill, a specialty hospital applying as a joint venture with a nonprofit hospital must have the same charity care policy as the nonprofit, my amendment will ensure that a charity care policy is in place for all specialty hospitals.

I ask for your support.

Sincerely,

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BRIAN SCHWEITZER  
GOVERNOR

Amendments to Senate Bill No. 446  
Reference Copy

By Request of the Governor  
For the Senate Committee of the Whole

Prepared by Susan Byorth Fox  
April 19, 2009

1. Page 8, line 28.

**Strike:** "A"

**Insert:** "Except as provided in subsection (3), a"

2. Page 9, line 5.

**Insert:** "(3) A specialty hospital must have in writing a charity care policy consistent with industry standards for nonprofit hospitals irrespective of the tax status of the specialty hospital."

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments to House bills** concurred in:

4/20/2009

**HB 4**, introduced by Jones  
**HB 6**, introduced by McNutt  
**HB 7**, introduced by McNutt  
**HB 8**, introduced by McNutt  
**HB 9**, introduced by Hollenbaugh  
**HB 11**, introduced by Sesso  
**HB 110**, introduced by Sesso  
**HB 128**, introduced by Sesso  
**HB 224**, introduced by Hiner  
**HB 258**, introduced by McChesney  
**HB 315**, introduced by Blewett  
**HB 583**, introduced by Fleming

**HB 331** - The House failed to concur in Senate amendments to HB 331 and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 331**:

4/18/2009

Representative Grinde (Vice Chair)  
Representative Hamilton  
Representative Klock  
Representative Morgan

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**Governor's amendments to Senate bill** concurred in and returned to the Senate: 4/20/2009

**SB 18**, introduced by Wanzenried

**Governor's amendments to House bills** concurred in on third reading and transmitted to the Senate for concurrence in the Governor's amendments:

4/18/2009

**HB 98**, introduced by Di. Barrett

**HB 332**, introduced by Getz

**SPECIAL ORDERS OF THE DAY**

Senator Peterson acknowledge the Legislative spouses and the spouses' gift of a table and lamp for the Senate ante room.

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

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

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

**HB 130** - Senator Laslovich moved **HB 130** 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 131** - Senator Shockley moved **HB 131** 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

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 132** - Senator Jent moved **HB 132** 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 194** - Senator Esp moved **HB 194** be concurred in. 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, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 46

Nays: Erickson, Kaufmann, J. Tropila, M. Tropila.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 279** - Senator Debby Barrett moved **HB 279** 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, 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 48

Nays: Balyeat, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 36** - Senator Barkus moved **HJR 36** be concurred in. Motion carried as follows:

Yeas: Balyeat, Barkus, Barrett, Black, Branae, R. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, 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.  
Total 41

Nays: Bales, Brenden, T. Brown, Esp, Gallus, Gebhardt, Hinkle, McGee, Mr. President.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 322 - House Amendments** - Senator Curtiss moved House amendments to **SB 322** be concurred in. Motion carried as follows:

Yeas: Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Williams, Zinke.  
Total 34

Nays: Bales, Balyeat, Barkus, Brenden, R. Brown, Esp, Hinkle, Laible, McGee, Perry, Peterson, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Mr. President.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 509 - House Amendments** - Senator Gebhardt moved House amendments to **SB 509** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Jackson, Keane, Laible, Larsen, Laslovich, Lewis,



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McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.

Total 36

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

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 301 - Governor's Amendments** - Senator Laslovich moved Governor's amendments to **SB 301** be concurred in. Motion carried as follows:

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, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 45

Nays: Balyeat, R. Brown, Esp, Murphy, Mr. President.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 486 - Conference Committee Report No. 1** - Senator Esp moved the Conference Committee report to **SB 486** be adopted. Motion carried as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, McGee, Moss, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 32

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Gallus, Gebhardt, Hinkle, Jackson, Lewis, Murphy, Perry, Ripley, Shockley, J. Tropila, Zinke.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator McGee assumed the chair.

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**HB 531 - Conference Committee Report No. 1** - Senator Brueggeman moved the Conference Committee report to **HB 531** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laible, Larsen, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.  
Total 36

Nays: Black, Branae, Cooney, Erickson, Gillan, Hansen, Hawks, Juneau, Kaufmann, Keane, Laslovich, Moss, Schmidt, Williams.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Brueggeman reassumed the chair.

**SB 348 - Free Conference Committee Report No. 1** - Senator Essmann moved the Free Conference Committee report to **SB 348** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Laible, Larsen, Lewis, Moss, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 39

Nays: R. Brown, Cooney, Erickson, Keane, Laslovich, McGee, Murphy, Schmidt, J. Tropila, M. Tropila, Wanzenried.  
Total 11

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 Brueggeman 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:

**HB 97** concurred in as follows:

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

Nays: Balyeat, Brenden, Curtiss, Hinkle, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 135** concurred in as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 35** concurred in as follows:

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

Nays: Erickson, Esp, Gallus, Gillan, Schmidt, Windy Boy, Zinke.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 55, 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 214, as amended by the House**, passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, 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, Erickson, Kaufmann, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 150, as amended by the Governor**, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, 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: Erickson, Gallus, Juneau, Kaufmann.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**SB 164, as amended by the Governor**, 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, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Steinbeisser.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 268, as amended by the Governor**, concurred in as follows:

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

Total 38

Nays: Balyeat, Barrett, Brenden, Curtiss, Esp, Gebhardt, Hansen, Hinkle, Keane, Ripley, Shockley, Tutvedt.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 399, as amended by the Governor**, 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.

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Total 0

Excused: None.

Total 0

**MOTIONS**

Senator Barkus moved to change his vote on **HB 135** from no to yes. Without objection, so ordered.

Senator Balyeat moved to change his vote on **SB 509** from no to yes. Without objection, so ordered.

Senator Shockley moved to change his vote on **SB 509** from no to yes. Without objection, so ordered.

Senator Peterson moved to appoint a Free Conference Committee for **HB 331**. Motion carried. President Story appointed Senators Gebhardt (Chair), Jackson, and J. Tropila.

**SPECIAL ORDERS OF THE DAY**

Senator Barkus introduced the Pages for the week of April 20-25, 2009.

Senator Peterson moved the Senate recess until 4:00 p.m. Motion carried.

Senate reconvened at 4:00 p.m.

Roll Call: All present except Senators Shockley and Stewart -Peregoy, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Bales, Chairman): 4/20/2009  
**HB 52**, be concurred in. Report adopted.  
**HB 108**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House joint resolutions** passed and transmitted to the Senate for concurrence: 4/20/2009

**HJR 32**, introduced by Ebinger  
**HJR 37**, introduced by Arntzen  
**HJR 39**, introduced by P. Noonan  
**HJR 42**, introduced by Reinhart

**Senate amendments to House bills** concurred in: 4/20/2009

**HB 152**, introduced by Hamilton  
**HB 459**, introduced by Grinde  
**HB 464**, introduced by O'Hara

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**HB 658** - The House failed to concur in Senate amendments to **HB 658**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 658**:

4/20/2009

Representative Jopek, Vice Chair  
Representative Dick Barrett  
Representative Blasdel  
Representative Lake

**Senate bills** concurred in and returned to the Senate:

4/20/2009

**SB 100**, introduced by Black  
**SB 425**, introduced by Bales

**Governor's amendments to House bills** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/20/2009

**HB 332**, introduced by Getz  
**HB 483**, introduced by Jones

**MOTIONS**

Senator McGee moved to suspend Rule 50-190, Third Reading, to allow **HB 130**, **HB 131**, and **HB 132** to be placed on Third Reading this day.

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: Gillan, Juneau, M. Tropila, Wanzenried.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Stewart-Peregoy.  
Total 1

Senator Peterson moved to appoint a conference committee on **HB 658**. Motion carried. President Story appointed Senators Essmann (Chair), Gebhardt and Gillan.

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

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

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

**SB 158 - Governor's Amendments** - Senator Barkus moved Governor's amendments to **SB 158** be **not** concurred in. Motion carried as follows:

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

Nays: Balyeat, Esp, Juneau, Schmidt, Squires, Wanzenried.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 235 - Governor's Amendments** - Senator Murphy moved Governor's amendments to **SB 235** 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 290 - Governor's Amendments** - Senator Jackson moved Governor's amendments to **SB 290** be concurred in. Motion carried as follows:

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

Nays: None.



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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 360 - Governor's Amendments** - Senator Keane moved Governor's amendments to **SB 360** be **not** 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, Hamlett, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.

Total 41

Nays: Cooney, Erickson, Hansen, Hawks, Juneau, Kaufmann, Larsen, M. Tropila, Wanzenried.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 396 - Governor's Amendments** - Senator Story moved Governor's amendments to **SB 396** be **not** concurred in. Motion carried as follows:

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

Total 44

Nays: Cooney, Hansen, Juneau, Stewart-Peregoy, Wanzenried, Williams.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 446 - Governor's Amendments** - Senator Story moved Governor's amendments to **SB 446** 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,

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Williams, Windy Boy, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 332 - Governor's Amendments** - Senator Ripley moved Governor's amendments to **HB 332** 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 Brueggeman 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:

**HB 130** 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

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 131** concurred in as follows:

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

**HB 132** concurred in as follows:

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

Nays: Ripley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Peterson moved to amend the Conference Committee appointment on **HB 658** from a regular Conference Committee to a Free Conference Committee. Motion carried.

Senator Peterson moved the Conference Committee on **HB 602** be dissolved and a new conference committee be appointed. Motion carried. President Story appointed Senators Shockley (Chair), J. Tropila, and Balyeat.

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Senator Curtiss moved to reconsider action on the Committee of the Whole Report of earlier this day.

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laible, Larsen, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 33

Nays: Branae, Cooney, Erickson, Gillan, Hansen, Hawks, Juneau, Kaufmann, Keane, Laslovich, Moss, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried, Williams.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Curtiss moved to reconsider the Second Reading action on House amendments to **SB 322**. Motion carried.

Senator Peterson moved to adopt the committee report. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 8:00 a.m., Tuesday, April 21, 2009. Motion carried.

Senate adjourned at 4:35 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate