

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

Helena, Montana
January 14, 2009

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

Correctly printed: **SB 7, SB 11, SB 23, SB 24, SB 43, SB 48, SB 140, SB 204, SB 205, SB 206, SB 207, SB 208, SB 209, SB 210, SB 211, SB 212, SB 213, SB 214, SB 215, SB 216, SB 217, SB 218, SJR 1, SR 1.**

Correctly engrossed: **SB 5, SB 22, SB 35, SB 47, SB 54, SB 72, SB 74, SB 133.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 1/15/2009
SB 55, introduced bill, be amended as follows:

We, your committee on Agriculture, Livestock and Irrigation recommend that Senate Bill 55 (first reading copy -- white) do pass as amended.

1. Title, page 1, line 11.

Following: "80-15-302, MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 20.

Following: line 15

Insert: "NEW SECTION. Section 18. Effective date. [This act] is effective July 1, 2009."

And, as amended, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Black, Chairman): 1/15/2009
SB 33, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman): 1/15/2009
SB 88, do pass. Report adopted.

JUDICIARY (Perry, Chairman): 1/15/2009
SB 103, do pass. Report adopted.
SB 108, introduced bill, be amended as follows:

We, your committee on Judiciary recommend that Senate Bill 108 (first reading copy -- white) do pass as amended.

1. Page 2, line 16.

Following: "in"

Strike: "an"

Insert: "dismissal or in a discharge designated as"

Following: "dishonorable"

Strike: "discharge"

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2. Page 5, line 8.

Strike: "an"

Insert: "dismissal or in a discharge designated as"

3. Page 5, line 9.

Following: "dishonorable"

Strike: "discharge"

4. Page 7, line 21.

Strike: "an"

Insert: "dismissal or in a discharge designated as"

Following: "dishonorable"

Strike: "discharge"

And, as amended, do pass. Report adopted.

TAXATION (Essmann, Chairman):

1/15/2009

SB 116, do pass. Report adopted.

ANNOUNCEMENTS

Sen. McGee announced he would be circulating a sheet for Senators to sign if they are interested in being chairman of the day.

FIRST READING AND COMMITMENT OF BILLS

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

SB 219, introduced by Squires, referred to State Administration.

SB 220, introduced by Lewis, referred to Local Government.

SB 221, introduced by M. Tropila, Laible, referred to Judiciary.

SB 222, introduced by Hansen, referred to Highways and Transportation.

SB 223, introduced by Juneau, Williams, Campbell, referred to Judiciary.

SB 224, introduced by R. Brown, Esp, referred to Business, Labor, and Economic Affairs.

SB 225, introduced by T. Brown, Murphy, Zinke, Brenden, Black, J. Peterson, Curtiss, Debby Barrett, Jackson, Hamlett, Bales, Steinbeisser, Ripley, R. Brown, Shockley, Gebhardt, Balyeat, Hinkle, referred to Highways and Transportation.

SB 226, introduced by Hawks, referred to Public Health, Welfare and Safety.

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

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

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

SB 40 - Senator Juneau moved **SB 40** do pass.

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SB 40 - Senator McGee moved **SB 40**, second reading copy, be amended as follows:

1. Page 4, line 9 through line 10.

Following: "part." on line 9

Strike: remainder of line 9 through "respondent." on line 10

Amendment adopted as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 40 - Senator Juneau moved **SB 40** do pass as amended. Motion carried as follows:

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

Total 48

Nays: Cooney, Moss.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator McGee assumed the chair.

SB 42 - Senator Laslovich moved **SB 42** do pass. Motion carried as follows:

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

Senator Laslovich assumed the chair.

SB 73 - Senator Hawks moved **SB 73** do pass.

SB 73 - Senator Hawks moved **SB 73**, second reading copy, be amended as follows:

1. Page 14, line 9.

Strike: "(3)"

Insert: "(2)"

Amendment adopted as follows:

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

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 73 - Senator Brueggeman moved **SB 73**, second reading copy, be further amended as follows:

1. Page 6, line 10.

Strike: "35"

Insert: "45"

Amendment adopted as follows:

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

Total 48

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Nays: Esp, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 73 - Senator Hawks moved **SB 73**, as amended, do pass. Motion carried as follows:

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

Nays: Bales, Balyeat, Barkus, Black, Brenden, R. Brown, Esp, Essmann, Hinkle, McGee, Peterson, Shockley, Tutvedt.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 125 - Senator Shockley moved **SB 125** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, 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 141 - Senator J. Tropila moved **SB 141** do pass. Motion carried as follows:

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

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

MOTIONS

Sen. Bales moved that SB 73 be re-referred to Finance and Claims. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Hinkle, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Zinke, Mr. President.
Total 36

Nays: Branae, Cooney, Erickson, Hamlett, Jent, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

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:

SB 7 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 24 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 39 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

SR 1 do pass 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

SJR 1 do pass 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

SPECIAL ORDERS OF THE DAY

Senator Peterson asked that social announcements not be made on the Senate floor.

Senator Peterson clarified that, in accordance with the newly adopted Senate Rules, a sponsor will open on a bill and then amendments will be offered.

Senator J. Tropila announced the Montana National Guard Reception.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Thursday, January 15, 2009. Motion carried.

Senate adjourned at 2:04 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate