

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

Helena, Montana  
January 26, 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 Kaufmann, excused. Quorum present.

**BILLS AND JOURNALS:**

1/26/2009

Correctly printed: **SB 82, SB 111, SB 119, SB 131, SB 152, SB 196, SB 215, SB 226, SB 282, SB 283, SB 284, SB 285, SB 286, SB 287, SB 288, SJR 4, SJR 8, SJR 13.**

Correctly engrossed: **SB 9, SB 79, SB 135, SB 176, SB 181.**

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

1/26/2009

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 1:00 p.m., Saturday, January 24, 2009:

TITLE

NAME

Pages:

Corey Weber, Helena  
Karin Thompson, Helena  
Erik Andersen, Clancy  
Ericka Metroka, Helena  
Katherine Baum, Billings

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 26, 2009:

TITLE

NAME

Pages:

Michelle Carey, Missoula  
Stephanie Courville, Ronan  
Adam Cook, Missoula  
Harlan Reidmohr, Helena  
Konnor Scally, Martinsdale  
Bridger Mahlum, Big Fork

Report Adopted.

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES** (Gebhardt, Chairman):

1/26/2009

**SB 76**, do pass. Report adopted.

**SB 113**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "AUTHORITY;"

**Insert:** "CREATING A MECHANIZED EQUIPMENT FUELS REDUCTION PILOT PROGRAM ACCOUNT;"

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

2. Page 1, line 15.

**Strike:** ":"

3. Page 1, line 16.

**Strike:** "(a)"

4. Page 1, line 17 through line 19.

**Strike:** "; and" on line 17 through "purposes" on line 19

5. Page 1.

**Following:** line 25

**Insert:** "(iii) limit visual impacts, minimize soil disturbance, and promote habitat improvement in a manner that conforms with best forestry practices;"

6. Page 1, line 26.

**Strike:** "(iii)"

**Insert:** "(iv)"

7. Page 1, line 27.

**Strike:** "(iv)"

**Insert:** "(v)"

8. Page 1.

**Following:** line 30

**Insert:** "(5) (a) Unless included in a specific general fund appropriation from the legislature, general fund money may not be used for the pilot program for mechanized equipment fuels reduction and fire suppression provided for in this section. This restriction does not preclude the use of a specific federal appropriation, transfer, gift, donation, grant, legacy, bequest, or devise made for the purposes of this section.

(b) Money provided pursuant to subsection (5)(a) must be deposited in the mechanized equipment fuels reduction pilot program account established in [section 2]."

**Insert:** "NEW SECTION. Section 2. Mechanized equipment fuels reduction pilot program account. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the mechanized equipment fuels reduction pilot program account.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money from a state or local agency for the purposes of [section 1];

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of [section 1]; and

(d) money received by the federal government for the purpose of administering [section 1].

(3) The fund may be used by the department of natural resources and conservation only to establish, administer, and implement the mechanized equipment fuels reduction pilot program provided for in [section 1]."

**Renumber:** subsequent sections

9. Page 2, line 2.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 and 2] are"

10. Page 2, line 3.

**Strike:** "[section 1]"

**Insert:** "[sections 1 and 2]"

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

And, as amended, do pass. Report adopted.

**SB 136**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/24/2009

**HB 61**, introduced by Sesso

**HB 158**, introduced by Augare

Sen. Kaufmann present.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 289**, introduced by Jackson, Bennett, Black, Boniek, Branae, D. Brown, Driscoll, Fleming, Gillan, Hinkle, Ripley, Stahl, Steenson, Steinbeisser, J. Tropila, Vincent, Wanzenried, Zinke, referred to Agriculture, Livestock and Irrigation.

**SB 290**, introduced by Jackson, Berry, Boniek, Branae, D. Brown, Cohenour, Erickson, Fleming, Gillan, Hinkle, Keane, Lewis, Murphy, Regier, Ripley, Roberts, Steenson, Steinbeisser, J. Tropila, Vincent, Zinke, referred to Energy and Telecommunications.

**SB 291**, introduced by Black, referred to Business, Labor, and Economic Affairs.

**SB 292**, introduced by Gebhardt, referred to Taxation.

**SB 293**, introduced by Story, referred to State Administration.

**SJR 17**, introduced by Perry, Zinke, referred to Agriculture, Livestock and Irrigation.

**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 Barkus in the chair.

Sen. Peterson moved SB 20 be passed for the day. Motion carried.

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

**SB 21** - Senator Story moved **SB 21** do pass.

**SB 21** - Senator Kaufmann moved **SB 21**, second reading copy, be amended as follows:

1. Title, line 12.

**Following:** "~~DISTRIBUTIONS;~~"

**Insert:** "PROVIDING FOR A DISTRIBUTION TO THE ADOPTION SERVICES ACCOUNT FOR AN AMOUNT EQUAL TO THAT NOT PAID DUE TO THE USE OF THE ERRONEOUS BASE AMOUNT FOR COMPUTING THE DISTRIBUTION;"

2. Title, page 1, line 12.

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

**Strike:** "AN"

3. Title, line 13.

**Strike:** "DATE"

**Insert:** "DATES"

4. Page 3, line 16.

**Insert:** "NEW SECTION. Section 2. Transfer to adoption services account. There is transferred \$11,223 from the state general fund to the adoption services account provided in 42-2-105."

**Renumber:** subsequent sections

5. Page 3, line 17.

**Strike:** "DATE"

**Insert:** "dates"

6. Page 3, line 18.

**Following:** "approval."

**Insert:** "(1) Except as provided in subsection (2), [this act] is effective on passage and approval."

7. Page 3, line 19.

**Strike:** "[THIS ACT]"

**Insert:** "(2) [Section 1]"

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 21** - Senator Story moved **SB 21**, as amended, 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.

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 26** - Senator Murphy moved **SB 26** 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 53** - Senator Lewis moved **SB 53** 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 115** - Senator Kaufmann moved **SB 115** 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.

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 14** - Senator Larsen moved **SJR 14** do pass. Motion carried as follows:

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

Total 46

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

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Sen. Bales moved to re-refer SB 21 to Finance and Claims. Motion carried as follows:

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

Total 26

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

Total 24

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

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

**MOTIONS**

Sen. Shockley moved that SB 20 be re-referred to State Administration. Motion carried.

Sen. Lewis moved to have his vote on SJ 14 recorded as yes. Without objection, so ordered.

**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 111** 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 131** passed as follows:

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

Total 29

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Gebhardt, Hinkle, Jackson, McGee, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 152** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires,

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

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

Total 49

Nays: Gebhardt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 196** passed as follows:

Yeas: Balyeat, Branae, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, 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 34

Nays: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Esp, Gebhardt, Hinkle, Jackson, Lewis, Peterson, Ripley, Steinbeisser, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 215** 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

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

**SJR 4** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Essmann, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.  
Total 38

Nays: Branae, Cooney, Esp, Gallus, Gebhardt, Hinkle, Juneau, Kaufmann, McGee, Moss, Murphy, Williams.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 8** passed as follows:

Yeas: Bales, Black, Branae, T. Brown, Brueggeman, Curtiss, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Perry, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 33

Nays: Balyeat, Barkus, Barrett, Brenden, R. Brown, Cooney, Esp, Essmann, Gebhardt, Hinkle, Jackson, McGee, Murphy, Ripley, Shockley, Steinbeisser, Tutvedt.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 13** passed as follows:

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

Nays: Esp, Juneau, Kaufmann, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2009

**SPECIAL ORDERS OF THE DAY**

Senator Barkus introduced the Senate Pages for the week of January 26-31, 2009.

Sen. Peterson announced that the Senate Republicans would caucus upon adjournment.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Tuesday, January 27, 2009. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate