

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

Helena, Montana  
January 27, 2009

Senate Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS:**

1/27/2009

Correctly printed: **SB 26, SB 53, SB 76, SB 115, SB 136, SB 289, SB 290, SB 291, SB 292, SB 293, SJR 14, SJR 17.**

Correctly engrossed: **SB 21, SB 113.**

Correctly enrolled: **SJR 1.**

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twelfth, thirteenth, fourteenth, and fifteenth legislative days, find the same to be correct.

Senator Curtiss, Chair

**UNFINISHED BUSINESS**

Senator Brenden moved that the following sponsors be added to SJR 7: Bales, Balyeat, Barkus, Debby Barrett, Black, Brenden, T. Brown, Brueggeman, Curtiss, Gebhardt, Hinkle, Lewis, Murphy, Peterson, Ripley, Steinbeisser, Tutvedt, Zinke, Ankney, Bean, D. Brown, Glaser, Hollandsworth, Kasten, Klock, McNutt, Mendenhall, Sales, Smith, Stahl, Taylor, Vincent, Washburn, Welborn.

Senator M. Tropila moved that the following sponsors be added to SB 221: McGee.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Laible, Chairman):

1/27/2009

**SB 80**, do pass. Report adopted.

**SB 81**, do pass. Report adopted.

**SB 173**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Esp, Chairman):

1/27/2009

**SB 57**, introduced bill, be amended as follows:

1. Title, page 1, line 11 through line 12.

**Strike:** "HOSPITAL" on line 11 through the first "DISTRICTS," on line 12

2. Title, page 1, line 14.

**Strike:** "RURAL FIRE DISTRICTS,"

3. Title, page 1, line 15.

**Following:** "TELEVISION DISTRICTS;"

**Insert:** "GRANTING RULEMAKING AUTHORITY;"

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4. Title, page 1, line 16.

**Strike:** "7-2-4734," through "7-6-2512,"

5. Title, page 1, line 17 through line 18.

**Strike:** "7-33-2403," on line 17 through "10-3-1103," on line 18

6. Title, page 1, line 18 through line 19.

**Strike:** "40-6-402," on line 18 through "53-6-106, on line 19

7. Title, page 1, line 19.

**Strike:** "61-8-102,"

**Insert:** "AND"

8. Title, page 1, line 20.

**Strike:** "76-13-104, AND 90-7-104,"

9. Title, page 2, line 13 through line 20.

**Strike:** "7-33-2101," on line 13 through "7-34-2164," on line 20

10. Page 3, line 9.

**Strike:** "hospital districts,"

11. Page 3, line 10.

**Strike:** "rural fire districts," on line 10

12. Page 3, line 15.

**Following:** the first "districts,"

**Insert:** "hospital districts,"

13. Page 3, line 16.

**Following:** "lighting districts,"

**Insert:** "rural fire districts,"

14. Page 6, line 1.

**Following:** "property"

**Insert:** "or the contract buyer on file with the county clerk and recorder"

15. Page 8, line 10 through line 26.

**Following:** "accessibility." on line 10

**Strike:** "(1)" on line 10 through "library." on line 26

**Insert:** " (1) Within 60 days after the creation of a special district or by January 1 of the effective tax year, whichever occurs first, the governing body shall provide to the department of revenue a:

(a) legal description of the special district;

(b) map of its boundaries;

(c) list of the property taxpayers or owners of real property within the special district's boundaries; and

(d) copy of the resolution establishing the special district, including any adopted method of assessment.

(2) The department of revenue shall review the information provided in accordance with subsection (1) and work with the governing body to identify and correct any discrepancies before the information is recorded by the department.

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(3) If the governing body intends to submit any digital information to the department of revenue for the purposes of subsection (4)(b), the governing body shall notify the department of revenue as to the expected date of submission and submit the digital information in a manner prescribed by the department of revenue in consultation with the department of administration.

(4) The department of administration, in coordination with the department of revenue, governing bodies, and other appropriate entities, may develop standards, best practices, and procedures for:

(a) collecting and transferring between agencies any digital information submitted by a governing body for purposes of subsection (4)(b); and

(b) creating digital information to map special districts for land information purposes authorized in Title 90, chapter 1, part 4, that can be accessed through the department's base map service center's website and discovered through the Montana geographical information system portal at the Montana state library."

16. Page 12, line 5.

**Strike:** "or" through "district"

17. Page 13, line 6 through line 7.

**Following:** "revenue" on line 6

**Strike:** "at" on line 6 through "government" on line 7

**Insert:** "by the third Monday in August or within 45 calendar days after receiving certified taxable values from the department of revenue"

18. Page 18, line 16.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

19. Page 18, line 22.

**Strike:** subsection (10) in its entirety

**Renumber:** subsequent subsections

20. Page 18, line 27 through page 22, line 28.

**Strike:** section 24 through section 30 in their entirety

**Renumber:** subsequent sections

21. Page 23, line 19.

**Strike:** "special districts"

**Insert:** "a museum, facility for the arts and the humanities, collection of exhibits, or a museum district created under provisions of former Title 7, chapter 16, part 22, or [sections 1 through 20]"

22. Page 27, line 23 through page 33, line 20.

**Strike:** section 42 through section 49 in their entirety

**Renumber:** subsequent sections

23. Page 34, line 4 through line 5.

**Strike:** ", or [sections 1 through 20]"

24. Page 37, line 28 through page 45, line 25.

**Strike:** section 52 through section 60 in their entirety

**Renumber:** subsequent sections

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25. Page 46, line 15 through page 49, line 1.

**Strike:** section 62 in its entirety

**Renumber:** subsequent sections

26. Page 51, line 28 through page 53, line 17.

**Strike:** section 64 and section 65 in their entirety

**Renumber:** subsequent sections

27. Page 54, line 12 through line 19.

**Strike:** "7-33-2101" through "7-34-2164,"

And, as amended, do pass. Report adopted.

**SB 58**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "MAPPING;"

**Insert:** "GRANTING RULEMAKING AUTHORITY;"

2. Page 3.

**Following:** "accessibility." on line 4

**Strike:** "(1)" on line 4 through "library." on line 19

**Insert:** " (1) Within 60 days after the creation of a special district or by January 1 of the effective tax year, whichever occurs first, the governing body shall provide to the department of revenue a:

(a) legal description of the special district;

(b) map of its boundaries;

(c) list of the property taxpayers or owners of real property within the special district's boundaries; and

(d) copy of the resolution establishing the special district, including any adopted method of assessment.

(2) The department of revenue shall review the information provided in accordance with subsection (1) and work with the governing body to identify and correct any discrepancies before the information is recorded by the department.

(3) If the governing body intends to submit any digital information to the department of revenue for the purposes of subsection (4)(b), the governing body shall notify the department of revenue as to the expected date of submission and submit the digital information in a manner prescribed by the department of revenue in consultation with the department of administration.

(4) The department of administration, in coordination with the department of revenue, governing bodies, and other appropriate entities, may develop standards, best practices, and procedures for:

(a) collecting and transferring between agencies any digital information submitted by a governing body for purposes of subsection (4)(b); and

(b) creating digital information to map special districts for land information purposes authorized in Title 90, chapter 1, part 4, that can be accessed through the department's base map service center's website and discovered through the Montana geographical information system portal at the Montana state library."

And, as amended, do pass. Report adopted.

**SB 148**, introduced bill, be amended as follows:

1. Title, line 11.

**Following:** "7-21-3107,"

**Strike:** "AND"

**Following:** "7-21-3212,"

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**Insert:** "81-4-505, AND 81-4-509,"

2. Page 11, line 3.

**Following:** "bond<sub>2</sub>"

**Insert:** "irrevocable"

3. Page 12, line 11.

**Following:** "bond<sub>2</sub>"

**Insert:** "irrevocable"

4. Page 14.

**Following:** line 25

**Insert:** "Section 33. Section 81-4-505, MCA, is amended to read:

**"81-4-505. Roundup foreman supervisor -- duties -- bond.** (1) All roundups ~~shall~~ must be under the control and supervision of the board of county commissioners of the county in which the ~~same shall be~~ roundup is held. Roundup districts ~~shall~~ must be numbered in the order of their creation. Each roundup ~~shall~~ must be conducted by ~~some~~ a person designated or employed by the board of county commissioners, whose official designation ~~shall~~ must be "roundup ~~foreman~~ supervisor, .... roundup district, .... County, state of Montana".

(2) ~~Such person~~ The roundup supervisor shall maintain ~~his~~ headquarters at the place designated by the board of county commissioners in its order as the headquarters of ~~such~~ the roundup. ~~Such~~ The roundup ~~foreman~~ supervisor shall ~~have~~ has the power to administer oaths and affirmations in all matters coming within the scope of ~~his~~ official duties.

(3) ~~The~~ If the roundup supervisor is not employed by the board of county commissioners, the board of county commissioners shall require from ~~such~~ the roundup ~~foreman~~ supervisor an official bond, in an amount not less than \$2,500 and not to exceed \$5,000, ~~which bond shall~~ that must be conditioned as official bonds of county officers and ~~shall be~~ is subject to all provisions of law applicable to ~~such~~ county officer bonds.""

**Insert:** "Section 34. Section 81-4-509, MCA, is amended to read:

**"81-4-509. Proof of ownership -- payment of taxes and penalties -- decision of commissioners on claim.** Any A person claiming ~~any~~ an abandoned horse or horses as provided in 81-4-508 shall, within 5 days after serving the notice provided for in 81-4-508; or within ~~such~~ a further time ~~as that~~ as the board of county commissioners ~~shall~~ allows, upon good cause shown, submit to ~~such~~ the board proof of ~~his~~ ownership and shall deposit with ~~said~~ the board the amount of any unpaid taxes and penalties ~~which that~~ which may be assessed against ~~such~~ the horse or horses, together with ~~the sum of \$5~~ a \$100 roundup fee. The board shall decide all ~~such~~ cases in preference to all other matters coming before it and at the earliest possible moment. If the claim ~~shall be~~ is allowed, the roundup ~~foreman~~ supervisor in charge of ~~such~~ the roundup ~~shall~~ must immediately be notified of ~~such~~ the decision and ~~he~~ the supervisor shall ~~forthwith~~ deliver ~~such~~ the horse or horses ~~as to which ownership shall be so proved~~ to the owner upon payment of any amount due from ~~such~~ the owner for the estimated cost of keeping and feeding ~~such~~ the horse or horses ~~as aforesaid~~. The deposit made by ~~such~~ the owner of taxes, penalties, and ~~the~~ roundup fee ~~shall~~ must be delivered by the board to the county treasurer. If ~~such~~ the board ~~shall deny~~ denies the claim of ownership, it shall ~~forthwith~~ notify the person in charge of ~~such~~ the roundup of its decision and ~~such~~ the horse or horses as to which ~~such~~ the claim ~~shall be~~ is denied ~~shall~~ must be offered for sale at the earliest convenient session of the sales being held under ~~such~~ the roundup; ~~and if~~ if the horses ~~are~~ are not sold, ~~the same shall~~ they must be destroyed or otherwise disposed of as though no claim had been presented.""

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

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

1/27/2009

**SJR 7**, do pass. Report adopted.

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**PUBLIC HEALTH, WELFARE AND SAFETY** (Brown, Chairman): 1/27/2009  
**SJR 5**, do pass. Report adopted.

**STATE ADMINISTRATION** (Shockley, Chairman): 1/27/2009  
**SB 123**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PROHIBITING"

**Strike:** ", IN" through "CIRCUMSTANCES,"

2. Title, line 7.

**Following:** "NECESSITY"

**Insert:** "UNLESS CERTAIN CONDITIONS ARE MET"

3. Page 3, line 2 through line 5.

**Following:** "notice" on line 2

**Strike:** remainder of line 2 through "record" on line 5

**Insert:** "unless:

(i) the amended proposal notice is provided to the same interested persons who were notified by the original proposal notice;

(ii) the amended proposal notice is published at least 30 days in advance of the agency's proposed action and the agency posts the amended proposal notice on a state electronic access system or other electronic communications system available to the public;

(iii) the amended proposal notice is given the same or a greater number of days prior to a hearing on the proposed action as was given in the original proposal notice; and

(iv) the same or a greater number of days is afforded to interested persons to present their views on the proposed action as was afforded to interested persons in the original proposal notice"

And, as amended, do pass. Report adopted.

**SB 170**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** the second "AN ACT"

**Insert:** "CLARIFYING REIMBURSEMENT RATES FOR MEALS AND LODGING FOR FOREIGN TRAVEL;"

2. Page 2, line 2 through line 3.

**Following:** "reimbursed" on line 2

**Strike:** "for" through "administration" on line 3

3. Page 2, line 4 through line 5.

**Strike:** "which" on line 4 through "state" on line 5

4. Page 2, line 5.

**Strike:** "for" through "areas"

5. Page 2, line 6.

**Following:** "rates"

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**Insert:** "as follows:

- (i) \$7 for the morning meal, \$11 for the midday meal, and \$18 for the evening meal; and
- (ii) \$155 per night for lodging"

And, as amended, do pass. Report adopted.

**SB 187**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "exceeded"

**Insert:** "for an individual district"

And, as amended, do pass. Report adopted.

**SB 219**, introduced bill, be amended as follows:

1. Page 2, line 10.

**Strike:** "2003"

**Insert:** "2002"

And, as amended, do pass. Report adopted.

**SB 240**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "APPOINTED"

**Insert:** "BY THE GOVERNOR"

2. Page 1, line 27 through page 2, line 9.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

3. Page 5, line 6.

**Strike:** "(1)"

4. Page 5, line 8 through line 9.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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

1/26/2009

**HB 93**, introduced by Sands

**HB 121**, introduced by Cohenour

**HB 188**, introduced by Kottel

**Senate joint resolution** concurred in and returned to the Senate:

1/26/2009

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**SJR 1**, introduced by J. Peterson

**MOTIONS**

Senator Black moved **SB 291** be moved from the Business, Labor, and Economic Affairs committee to the Highways and Transportation committee. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 294**, introduced by Gillan, referred to Local Government.

**SB 295**, introduced by Keane, referred to Business, Labor, and Economic Affairs.

**SB 296**, introduced by Essmann, Wanzenried, referred to Local Government.

**SB 297**, introduced by Larsen, referred to Natural Resources.

**SB 298**, introduced by Laslovich, McNutt, referred to Judiciary.

**SB 299**, introduced by J. Tropila, Cooney, Gillan, Lewis, Stewart-Peregoy, referred to State Administration.

**SB 300**, introduced by Steinbeisser, 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 Gillan in the chair.

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

**SB 65** - Senator Hawks moved **SB 65** do pass. Motion carried as follows:

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

Total 36

Nays: Barrett, Brenden, R. Brown, Curtiss, Esp, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Ripley, Steinbeisser, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 79** - Senator Juneau moved **SB 79** 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,



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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 82** - Senator Steinbeisser moved **SB 82** 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 119** - Senator Esp moved **SB 119** 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 135** - Senator Larsen moved **SB 135** do pass. Motion carried 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, Moss, Murphy, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 42

Nays: Balyeat, Brenden, Curtiss, Hinkle, McGee, Perry, Ripley, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 176** - Senator Perry moved **SB 176** 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 191** - Senator Jent moved **SB 191** do pass.

**SB 191** - Senator McGee moved **SB 191**, second reading copy, be amended as follows:

1. Page 1, line 18.

**Following:** "upon"

**Strike:** "appearance"

**Insert:** "entry of judgment against the defendant or respondent"

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

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 191** - Senator Jent moved **SB 191**, as amended, do pass. Motion **failed** as follows:

Yeas: Barkus, Branae, Cooney, Erickson, Gebhardt, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Larsen, McGee, Moss, Murphy, Perry, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 24

Nays: Bales, Balyeat, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Hansen, Hinkle, Jackson, Keane, Laible, Laslovich, Lewis, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 191** - Senator Gebhardt moved **SB 191** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Hinkle, Jackson, Keane, Laible, Lewis, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 28

Nays: Branae, Cooney, Erickson, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, McGee, 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 226** - Senator Hawks moved **SB 226** 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.

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

Senator Bales moved to re-refer **SB 119** to Finance and Claims. Motion carried.

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

**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 26** 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.

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Total 0

Excused: None.

Total 0

**SB 53** 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 115** 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 181** passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, 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 48

Nays: Balyeat, Curtiss.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 14** passed as follows:

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

Total 47

Nays: Esp, Gebhardt, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Shockley stated that the State Administration Committee has a list of the Governor's appointees. Anyone wishing to segregate an appointee should submit the request, in writing, to Senator Shockley.

Senator Peterson stated there are three openings on the Memorial Committee. Interested Senators should contact Secretary Miller.

Senator Peterson reminded the Senate of the Joint Session on January 28, 2009, at 7:00 p.m. to hear the State of the State address. The Senate will reconvene at 6:30 p.m.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Wednesday, January 28, 2009. Motion carried.

Senate adjourned at 2:47 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate