

**SENATE JOURNAL
61ST LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
January 31, 2009

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Hansen, Jent, and Windy Boy, excused. Quorum present.

Senator Jent present.

BILLS AND JOURNALS:

1/31/2009

Correctly printed: **SB 92, SB 157, SB 185, SB 188, SB 189, SB 253, SB 314, SB 315, SB 316, SB 317, SB 318, SB 319, SB 320, SB 321, SJR 11.**

Correctly engrossed: **SB 18, SB 64, SB 164, SB 184, SB 202, SB 214, SB 222, SB 237, SB 247, SB 249.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Laible, Chairman):

1/31/2009

SJR 3, do pass. Report adopted.

SJR 9, introduced joint resolution, be amended as follows:

1. Page 1, line 28.

Following: line 27

Insert: "(1) the cumulative availability and amount of all sources of financial aid to Montana students;"

Renumber: subsequent subsections

2. Page 2, line 2.

Following: "focus on"

Insert: "the availability and utilization of financial aid to Montana students and on"

Following: "analysis of"

Insert: "loan default rates and"

3. Page 2, line 3.

Strike: "the optimal level"

Insert: "manageable levels"

Following: "to identify"

Insert: "appropriate"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Brown, Chairman):

1/31/2009

SB 63, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "medical care"

Strike: "in the previous calendar"

Insert: "during the tax"

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2. Page 4, line 26.

Following: "beginning"

Insert: "on or after"

And, as amended, do pass. Report adopted.

SB 208, do pass. Report adopted.

SB 235, do pass. Report adopted.

SB 275, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

1/31/2009

SB 90, introduced bill, be amended as follows:

1. Page 3, line 13.

Following: "contact"

Insert: ", as provided in subsection (8),"

2. Page 4, line 21.

Following: "(8)"

Insert: "(a)"

3. Page 4, line 21 through line 22.

Following: "(2)(d)" on line 21

Strike: remainder of line 21 through "legislature" on line 22

4. Page 4, line 22.

Following: "a"

Insert: "current or"

Following: "notice"

Strike: "may"

Insert: "shall"

Following: "keep the"

Insert: "current or"

5. Page 4, line 23.

Following: "state."

Insert: "The secretary of state shall update the contact information whenever the secretary of state receives corrected information from the legislator."

6. Page 4.

Following: line 24

Insert: "(b) An agency has complied with the primary bill sponsor contact requirements of this section when the agency has attempted to reach the primary bill sponsor at the legislator's address, e-mail address, and telephone number on file with the secretary of state pursuant to subsection (8)(a)."

And, as amended, do pass. Report adopted.

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SB 227, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: "and"

2. Page 1, line 18.

Strike: "on" through "October"

Insert: ", April, July, August, and September"

3. Page 1, line 19.

Following: "on the"

Insert: "15th and"

Strike: "day"

Insert: "days"

4. Page 1, line 23.

Strike: "October"

Insert: "September"

5. Page 2, line 1.

Strike: "October"

Insert: "September"

6. Page 2, line 2.

Following: "~~15th and~~"

Insert: "15th and"

Strike: "day"

Insert: "days"

7. Page 2, line 6.

Strike: "October"

Insert: "September"

And, as amended, do pass. Report adopted.

SB 229, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/30/2009

HB 40, introduced by Cohenour

HB 59, introduced by Hamilton

HB 147, introduced by MacLaren

HB 238, introduced by Milburn

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FIRST READING AND COMMITMENT OF BILLS

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

SB 322, introduced by Curtiss, referred to Agriculture, Livestock and Irrigation.

SB 323, introduced by Erickson, Kottel, referred to Business, Labor, and Economic Affairs.

SB 324, introduced by Jackson, referred to Natural Resources.

SB 325, introduced by Perry, referred to Public Health, Welfare and Safety.

SB 326, introduced by Erickson, referred to Public Health, Welfare and Safety.

SB 327, introduced by Curtiss, Arntzen, Bales, B. Beck, Bennett, Blasdel, Boniek, Butcher, Himmelberger, Hinkle, Jackson, Kerns, McGee, McGillvray, Mendenhall, More, Murphy, O'Hara, Perry, K. Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Washburn, Windy Boy, referred to Judiciary.

SB 328, introduced by Branae, referred to State Administration.

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 92 passed as follows:

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

Total 45

Nays: Erickson, Juneau, Kaufmann.

Total 3

Absent or not voting: None.

Total 0

Excused: Hansen, Windy Boy.

Total 2

SB 189 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Zinke, Mr. President.

Total 30

Nays: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Wanzenried, Williams, Windy Boy.

Total 20

Paired: Barkus, Mr. President, Aye; Hansen, Windy Boy, No.

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

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

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

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

SJR 15 - Senator Tutvedt moved **SJR 15** 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, 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, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hansen, Windy Boy.
Total 2

SB 148 - Senator J. Peterson moved **SB 148** 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, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 47

Nays: Stewart-Peregoy.
Total 1

Absent or not voting: None.
Total 0

Excused: Hansen, Windy Boy.
Total 2

SB 256 - Senator Shockley moved **SB 256** 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, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann,

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Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hansen, Windy Boy.
Total 2

SJR 7 - Senator Brenden moved **SJR 7** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 29

Nays: Branae, Cooney, Erickson, Esp, Gillan, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.
Total 19

Absent or not voting: None.
Total 0

Excused: Hansen, Windy Boy.
Total 2

SB 81 - Senator McGee moved **SB 81** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Lewis, McGee, Perry, Ripley, Shockley, Mr. President.
Total 21

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Moss, Murphy, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke.
Total 27

Absent or not voting: None.
Total 0

Excused: Hansen, Windy Boy.
Total 2

Pursuant to Senate Rule S50-100(2) on bills proposing an amendment to the Montana Constitution, **SB 81** will progress as though it had received the majority vote.

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SB 80 - Senator McGee moved **SB 80** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Lewis, McGee, Perry, Shockley, Mr. President.

Total 18

Nays: Black, Branae, R. Brown, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Moss, Murphy, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke.

Total 30

Absent or not voting: None.

Total 0

Excused: Hansen, Windy Boy.

Total 2

Pursuant to Senate Rule S50-100(2) on bills proposing an amendment to the Montana Constitution, **SB 80** will progress as though it had received the majority vote.

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted unanimously.

SPECIAL ORDERS OF THE DAY

Senator Barkus acknowledged the Pages for their work during the week of January 26-31, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, February 2, 2009. Motion carried.

Senate adjourned at 10:02 a.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate