

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

Helena, Montana
February 6, 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 Senators Debby Barrett and Juneau, excused. Quorum present.

Senator Juneau present.

BILLS AND JOURNALS:

2/6/2009

Correctly printed: **SB 187, SB 193, SB 227, SB 240, SB 243, SB 249, SB 262, SB 276, SB 358, SB 359, SB 360, SB 361, SB 362, SB 363, SB 364, SB 365, SB 366, SB 367, SB 368, SB 369, SB 370, SB 371, SB 372, SB 373, SB 374, SB 375.**

Correctly engrossed: **SB 188, SB 297.**

Signed by the Speaker at 8:30 a.m., February 6, 2009: **SB 7, SB 10, SB 11.**

Delivered to the Governor for approval at 9:55 a.m., February 6, 2009: **SB 7, SB 10, SB 11.**

Signed by the President at 3:30 p.m., February 5, 2009: **SB 7, SB 10, SB 11.**

Signed by the Secretary of the Senate at 3:20 p.m., February 5, 2009: **SB 7, SB 10, SB 11.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman):

2/6/2009

SB 204, introduced bill, be amended as follows:

1. Page 1, line 21.

Following: "traditions"

Insert: ", through issuance of a certificate designating a qualified property as a centennial farm or ranch"

2. Page 1, line 26.

Strike: "recognition"

Insert: "a centennial farm or ranch designation and a certificate"

3. Page 1, line 29.

Following: "society"

Insert: "to cover the application process and the certificate"

And, as amended, do pass. Report adopted.

SB 289, do pass. Report adopted.

SJR 17, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/5/2009

HB 44, introduced by Vincent

HB 123, introduced by Jones

HB 139, introduced by Vincent

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HB 153, introduced by Hands

House joint resolution passed and transmitted to the Senate for concurrence:

2/5/2009

HJR 1, introduced by French

FIRST READING AND COMMITMENT OF BILLS

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

SB 376, introduced by Black, Ankney, Gillan, Jones, Keane, Mendenhall, referred to Energy and Telecommunications.

SB 377, introduced by Perry, referred to Taxation.

SB 378, introduced by Perry, referred to Business, Labor, and Economic Affairs.

SB 379, introduced by Perry, referred to Judiciary.

SB 380, introduced by Shockley, referred to Judiciary.

SB 381, introduced by Shockley, referred to Judiciary.

SB 382, introduced by Shockley, referred to Judiciary.

SB 383, introduced by Laslovich, referred to Highways and Transportation.

SB 384, introduced by Jent, referred to Judiciary.

SB 385, introduced by Story, referred to Highways and Transportation.

SB 386, introduced by Story, referred to Highways and Transportation.

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

SR 3, introduced by Brueggeman, referred to Highways and Transportation.

SR 4, introduced by Laible, referred to Education and Cultural Resources.

SR 5, introduced by Laible, referred to Education and Cultural Resources.

SR 6, introduced by Laible, referred to Education and Cultural Resources.

**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 Windy Boy in the chair.

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

SB 97 - Senator Wanzenried moved **SB 97** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 57 - Senator Gillan moved **SB 57** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 107 - Senator Lewis moved **SB 107** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 132 - Senator Moss moved **SB 132** do pass. Motion carried as follows:

Yeas: Bales, Black, Branae, R. Brown, T. Brown, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

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Nays: Balyeat, Barkus, Brenden, Brueggeman, Curtiss, Hinkle, Jackson, McGee, Ripley, Shockley.
Total 10

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 143 - Senator Laible moved **SB 143** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, 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 46

Nays: Gallus, Hinkle, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 157 - Senator Shockley moved **SB 157** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 198 - Senator Lewis moved **SB 198** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 235 - Senator Murphy moved **SB 235** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hinkle, Jackson, Juneau, Kaufmann, Keane, Laible, Larsen, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Erickson, Hamlett, Hawks, Jent, Laslovich, Moss, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 246 - Senator Perry moved **SB 246** do pass. Motion carried as follows:

Yeas: Balyeat, Barkus, Black, Branae, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Windy Boy, Zinke.
Total 38

Nays: Bales, Brenden, Cooney, Esp, Kaufmann, Moss, Murphy, Squires, Wanzenried, Williams, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 255 - Senator Tutvedt moved **SB 255** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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, Mr. President.

Total 48

Nays: Zinke.

Total 1

Absent or not voting: None.

Total 0

Excused: Barrett.

Total 1

SJR 16 - Senator R. Brown moved **SJR 16** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Barrett.

Total 1

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Windy Boy 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:

SB 187 passed as follows:

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

Total 26

Nays: Branae, 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, Zinke.

Total 24

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Paired: Barrett, Aye; Laslovich, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 227 passed as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

SB 240 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.
Total 23

Paired: Barrett, Aye; Keane, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 249 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 26

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Nays: Branae, Brueggeman, 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

Paired: Barrett, Aye; Laslovich, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 passed as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barrett.
Total 1

MOTIONS

Senator Zinke moved to change his vote on **SB 187** from no to yes. Sen. Juneau objected. President Story ruled he would not allow Senator Zinke to change his vote.

Senator Cooney moved to reconsider action taken on **SB 187** on third reading.

Yeas: Bales, Balyeat, Barkus, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, J. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Branae, Juneau, Kaufmann, Moss, Squires, Stewart-Peregoy, M. Tropila, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

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Excused: Barrett.
Total 1

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 187 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 27

Nays: Branae, 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 23

Paired: Barrett, Aye; Laslovich, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Pursuant to Senate Rule S50-100(2) on bills proposing an amendment to the Montana Constitution, **SB 187** will progress as though it had received the majority vote.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 8:00 a.m., Saturday, February 7, 2009. Motion carried. Senate adjourned at 2:47 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate