

**SENATE JOURNAL
61ST LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 13, 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:

2/13/2009

Correctly printed: **SB 21, SB 73, SB 95, SB 120, SB 224, SB 265, SB 296, SB 299, SB 308, SB 325, SB 447, SB 448, SB 449, SB 450, SB 451, SB 452, SB 453, SB 454, SB 455, SB 456, SB 457, SB 458, SB 459, SB 460, SB 461, SJR 26.**

Correctly engrossed: **SB 51, SB 100, SB 119, SB 241, SB 271.**

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Black, Chairman):
SB 376, do pass. Report adopted.

2/13/2009

FISH AND GAME (Barkus, Chairman):
SB 213, introduced bill, be amended as follows:

2/13/2009

1. Title, page 1, line 6.

Strike: "FROM"

Insert: "BETWEEN"

Strike: "TO"

Insert: "AND"

2. Page 1, line 8.

Following: line 7

Insert: "WHEREAS, there are a number of diseases that may be transmitted between game animals and livestock or humans; and

WHEREAS, the transmission of diseases between game animals and livestock, including the transmission of brucellosis from livestock to game animals in the 1800s, the retransmission of brucellosis from game animals to livestock, and the transmission of other diseases to livestock or humans, can have adverse impacts on the state economy; and

WHEREAS, it is much more cost-effective to attempt to prevent the transmission of disease between game animals and livestock or humans than it is to eradicate a disease after it is transmitted between game animals and livestock or humans; and

WHEREAS, the Department of Fish, Wildlife, and Parks has been working and should continue to work collaboratively with the Department of Livestock to take reasonable and prudent steps to reduce the risk of transmission of disease between game animals and livestock or humans; and

WHEREAS, the goal of these efforts by the Department of Fish, Wildlife, and Parks should be to manage wildlife to prevent the transmission of disease between game animals and livestock or humans."

3. Page 2, line 13.

Following: "(iii)"

Insert: "to the greatest extent possible,"

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4. Page 2, line 13.

Strike: "from"

Insert: "between"

5. Page 2, line 14.

Strike: "to"

Insert: "and"

And, as amended, do pass. Report adopted.

SB 336, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "TRAINED,"

2. Page 2, line 9.

Following: "(4)"

Strike: "(a)"

Strike: "trained"

3. Page 2, line 16 through line 18.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

SB 344, introduced bill, be amended as follows:

1. Page 2, line 5 through line 6.

Strike: "is declared" on line 5 through "contain any" on line 6

Insert: "has a genetic composition that indicates the captive breeding of a wolf or wolves or that is represented by the owner to the public as being"

And, as amended, do pass. Report adopted.

SJR 19, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman):

2/13/2009

SR 3, do pass. Preliminary report adopted.

JUDICIARY (Perry, Chairman):

2/13/2009

SB 250, introduced bill, be amended as follows:

1. Page 4, line 5.

Strike: "\$50,000"

Insert: "\$10,000"

2. Page 4, line 6.

Following: "exceed"

Strike: "10 years"

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Insert: "1 year"

And, as amended, do pass. Report adopted.

SB 368, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):
SJR 22, introduced joint resolution, be amended as follows:

2/12/2009

1. Title, line 9.

Following: "REPLACEMENT"

Insert: "OR RETIREMENT"

2. Page 1, line 20.

Following: "aircraft"

Insert: "; and

WHEREAS, some state-owned aircraft may not even be cost-effective and a cost/benefit analysis would be useful"

3. Page 1, line 25.

Following: "replacement"

Insert: "or retirement"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/12/2009

HB 71, introduced by Sands

HB 80, introduced by Kottel

HB 94, introduced by McNutt

HB 108, introduced by Hollenbaugh

HB 140, introduced by Vincent

HB 156, introduced by Pomnichowski

HB 247, introduced by Bergren

HB 270, introduced by Reinhart

HB 286, introduced by Sonju

HB 304, introduced by Sonju

HB 373, introduced by Wilmer

HB 374, introduced by Arntzen

FIRST READING AND COMMITMENT OF BILLS

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

SB 462, introduced by Steinbeisser, referred to Taxation.

SB 463, introduced by Wanzenried, Furry, referred to Public Health, Welfare and Safety.

SB 464, introduced by Laslovich, Gallus, Keane, Villa, Hiner, Sesso, P. Noonan, A. Noonan, referred to Judiciary.

SB 465, introduced by Hamlett, Story, referred to Taxation.

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SB 466, introduced by Branae, referred to Judiciary.
SB 467, introduced by Balyeat, referred to Taxation.
SB 468, introduced by Barkus, Murphy, Ripley, Perry, Jones, Klock, Ankney, referred to Judiciary.
SB 469, introduced by Brueggeman, Cooney, referred to State Administration.
SB 470, introduced by Gallus, referred to Fish and Game.
SB 471, introduced by Brueggeman, referred to Highways and Transportation.
SB 472, introduced by Brenden, referred to Public Health, Welfare and Safety.
SB 473, introduced by Curtiss, Jackson, referred to Agriculture, Livestock and Irrigation.
SB 474, introduced by Curtiss, Balyeat, Jackson, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 27, introduced by Balyeat, Hinkle, R. Brown, Curtiss, McGee, J. Tropila, Jackson, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 8, introduced by Kasten, referred to Finance and Claims.

MOTIONS

Senator J. Peterson moved that the Republicans caucus. Motion carried. Sen. Williams moved that the Democrats caucus. Motion carried.

Senate in recess.

Senate reconvened at 1:23 p.m.

Roll Call. All members present. Quorum present.

**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 142 - Senator Perry moved **SB 142** do pass.

Senator Perry moved **SB 142**, second reading copy, be amended as follows:

1. Title, line 7.

Strike: "REPRODUCTIVE HEALTH"

Insert: "DISABILITY INSURANCE"

2. Page 2, line 13.

Strike: "(a)"

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3. Page 2, line 14 and 15.

Following: "gender" on line 14

Strike: remainder of line 14 through "policies" on line 15

4. Page 2, line 16 through line 18.

Strike: subsection (b) in its entirety

Amendment adopted as follows:

Yeas: Barkus, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Esp, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, J. Tropila, M. Tropila, Williams, Windy Boy, Zinke, Mr. President.

Total 29

Nays: Bales, Balyeat, Barrett, Black, Brenden, Curtiss, Erickson, Essmann, Gebhardt, Hinkle, Jackson, Kaufmann, McGee, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, Tutvedt, Wanzenried.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 142 - Senator Perry moved **SB 142**, as amended, do pass. Motion carried 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 150 - Senator Brueggeman moved **SB 150** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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 45

Nays: Barkus, Barrett, Brenden, Hinkle, McGee.

Total 5

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 167 - Senator Zinke moved **SB 167** do pass. Motion carried as follows:

Yeas: Barkus, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 35

Nays: Bales, Balyeat, Barrett, Brenden, R. Brown, Gebhardt, Hansen, Hinkle, Juneau, Kaufmann, Keane, Peterson, Stewart-Peregoy, Tutvedt, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 - Senator R. Brown moved **SB 269** 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 283 - Senator Erickson moved **SB 283** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, 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 48

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Nays: Brenden, Esp.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 - Senator Keane moved **SB 319** 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 343 - Senator Jackson moved **SB 343** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, 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 47

Nays: Balyeat, Esp, Juneau.
Total 3

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.

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MOTIONS

Sen. Bales moved that SB 343 be re-referred to Finance and Claims. Motion carried.

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 73 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, 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

Nays: Keane, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 95 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, 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

SB 120 passed as follows:

Yeas: Bales, 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, Squires, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 45

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Nays: Balyeat, Shockley, Steinbeisser, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 296 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 299 passed as follows:

Yeas: Branae, R. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 35

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, T. Brown, Curtiss, Esp, Gebhardt, Hinkle, McGee, Steinbeisser, Tutvedt, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 308 passed as follows:

Yeas: Barkus, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 35

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Nays: Bales, Balyeat, Barrett, Black, Brenden, Curtiss, Esp, Hinkle, Jackson, Laible, McGee, Ripley, Shockley, Steinbeisser, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 325 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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 8:00 a.m., Saturday, February 14, 2009. Motion carried.

Senate adjourned at 2:36 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate