

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 16, 2011

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman): 2/15/2011  
**SB 207**, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.

**Strike:** "WILD AND" on line 4 through "OR" on line 5

**Following:** the first "BISON" on line 5

**Strike:** "AS LIVESTOCK" through "ESTRAY LAWS"

2. Title, lines 7 through 9.

**Strike:** "BUFFALO OR" on line 7

**Following:** "BISON;" on line 7

**Insert:** "PROVIDING DEFINITIONS;"

**Following:** "SECTIONS" on line 7

**Strike:** "81-2-702" on line 7 through "81-4-602, AND" on line 8

**Insert:** "81-1-101, 81-2-120, 81-2-121, 81-3-201,"

**Following:** "81-4-603,"

**Insert:** "81-5-101, AND 85-1-104,"

3. Page 1, line 12.

**Strike:** everything after the enacting clause

4. Page 1, line 13.

**Insert:** "NEW SECTION. Section 1. Permit and inspection system for transportation of bison. (1) Except as otherwise provided by law, the department shall adopt rules imposing a permit and inspection system for the transportation of bison into and out of counties and into and out of the state for the purposes of tracking movement of animals and collecting per capita assessments.

(2) A person who purposely or knowingly transports bison in violation of rules adopted pursuant to this section is guilty of a misdemeanor and shall be fined not more than \$1,000 or be imprisoned in the county jail for not more than 6 months, or both."

**Insert:** "Section 2. Section 81-1-101, MCA, is amended to read:

**"81-1-101. (Temporary) Definitions.** Unless the context requires otherwise, in Title 81, the following definitions apply:

(1) (a) "Bison" means domestic bison, feral bison, or wild bison.

(b) For the purposes of chapter 9, the term does not include buffalo.

(1)(2) "Board" means the board of livestock provided for in 2-15-3102, except as provided

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in Title 81, chapter 23.

~~(2)~~(3) "Department" means the department of livestock provided for in Title 2, chapter 15, part 31.

(4) "Domestic bison" means a bison owned by a person.

(5) "Feral bison" means a domestic bison or progeny of a domestic bison that has escaped or been released from captivity and is running at large and unrestrained on public or private land.

(6) "Wild bison" means a bison that has not been reduced to captivity. (Terminates June 30, 2011--sec. 20, Ch. 361, L. 2009.)

**81-1-101. (Effective July 1, 2011) Definitions.** Unless the context requires otherwise, in Title 81, the following definitions apply:

(1) (a) "Bison" means domestic bison, feral bison, or wild bison.

(b) For the purposes of chapter 9, the term does not include buffalo.

~~(1)~~(2) "Board" means the board of livestock provided for in 2-15-3102.

~~(2)~~(3) "Department" means the department of livestock provided for in Title 2, chapter 15, part 31.

(4) "Domestic bison" means a bison owned by a person.

(5) "Feral bison" means a domestic bison or progeny of a domestic bison that has escaped or been released from captivity and is running at large and unrestrained on public or private land.

(6) "Wild bison" means a bison that has not been reduced to captivity."

**Insert: "Section 3.** Section 81-2-120, MCA, is amended to read:

**"81-2-120. Management of wild buffalo or wild bison for disease control.** (1) Whenever a publicly owned wild buffalo or wild bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or wild bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or wild bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or wild bison may be destroyed by the use of firearms. If a firearm cannot be used for reasons of public safety or regard for public or private property, the animal may be relocated to a place that is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

(c) The live wild buffalo or wild bison may be taken through limited public hunts pursuant to 87-2-730 when authorized by the state veterinarian and the department.

(d) The live wild buffalo or wild bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or wild bison that are certified by the state veterinarian as brucellosis-free may be:

(i) sold to help defray the costs that the department incurs in building, maintaining, and operating necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or wild bison; or

(ii) transferred to qualified tribal entities that participate in the disease control program provided for in this subsection (1)(d). Acquisition of wild buffalo or wild bison by a qualified tribal

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entity must be done in a manner that does not jeopardize compliance with a state-administered or federally administered livestock disease control program. The department may adopt rules consistent with this section governing tribal participation in the program or enter into cooperative agreements with tribal organizations for the purposes of carrying out the disease control program.

(e) Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or wild bison must be deposited in the state special revenue fund to the credit of the department.

(f) Any revenue generated in excess of the costs referred to in subsection (1)(d)(i) must be deposited in the state special revenue fund provided for in 87-1-513(2).

(2) Whenever the department is responsible for the death of a wild buffalo or wild bison, either purposefully or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved slaughterhouse or slaughter destination.

(3) In disposing of the carcass, the department:

(a) as first priority, may donate a wild buffalo or wild bison carcass to a charity or to an Indian tribal organization; or

(b) may sell a wild buffalo or wild bison carcass to help defray expenses of the department. If the carcass is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or wild bison carcass to the state special revenue fund to the credit of the department.

(4) The department may adopt rules with regard to management of publicly owned wild buffalo or wild bison that enter Montana on private or public land and that are from a herd that is infected with a contagious disease that may spread to persons or livestock and may jeopardize compliance with other state-administered or federally administered livestock disease control programs.""

**Insert: "Section 4.** Section 81-2-121, MCA, is amended to read:

**"81-2-121. Taking of publicly owned wild buffalo or wild bison that are present on private property -- notice -- supplemental feeding -- penalty.** (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the agent of a landowner for the taking of a publicly owned wild buffalo or wild bison that is suspected of carrying disease and that is present on the landowner's private property and is potentially associating with or otherwise threatening the landowner's livestock if:

(a) the landowner or agent notifies or makes a good faith effort to notify the department in order to allow as much time as practicable for the department to first take or remove the publicly owned wild buffalo or wild bison that is present on the landowner's property;

(b) the landowner or agent makes a good faith effort to notify the department that a taking has occurred and to retain all parts for disposal by the department; and

(c) the landowner or agent is not in violation of subsection (2).

(2) A person may not intentionally provide supplemental feed to game animals in a manner that results in artificial concentration of game animals that may potentially contribute to the transmission of disease. A person who violates this subsection is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1). This subsection does not apply to supplemental feeding activities conducted by the department for disease control purposes.""

**Insert: "Section 5.** Section 81-3-201, MCA, is amended to read:

**"81-3-201. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

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(1) "Deputy state stock inspector" means a person designated by the department as a deputy state stock inspector who does not receive a salary or compensation from the department.

(2) "Feedlot" means a confined livestock feeding operation where the owner or operator of the feedlot feeds livestock belonging to others for a fee.

(3) "Livestock" means a bovine animal, domestic bison, horse, mule, or ass, regardless of its age or sex.

(4) "Person" means an individual, partnership, corporation, association, firm, or entity not enumerated that is capable of owning or controlling livestock.

(5) "Specially qualified deputy stock inspector" means a deputy state stock inspector who has been certified by the department, under rules adopted pursuant to 81-3-202, as qualified to conduct an inspection for a permanent transportation permit for a saddle, work, or show horse.

(6) "State stock inspector" means an employee of the department of livestock designated by the department as a state stock inspector."

**Insert: "Section 5.** Section 81-4-603, MCA, is amended to read:

**"Section 6. Taking up and disposition of estrays -- advertisement.** (1) A stock inspector authorized by the department shall take into possession an estray found in the stock inspector's district and, except as provided in 81-2-120, shall either:

(a) ship or arrange for the shipment of the estray to a licensed livestock market for sale; or

(b) hold the estray and care for the estray in the cheapest and most practicable manner for at least 10 days and not more than 30 days after public notice is published as provided in subsection (2). During the holding period, the stock inspector shall advertise that the estray is being held and that unless the estray is claimed by the owner, the stock inspector will on a date specified in the notice sell the estray at a public auction to the highest bidder for cash.

(2) The notice must be published in the newspaper doing the county printing of the county in which the estray is found and on the department's website and in each livestock market brand office and county sheriff's office in the state. This notice must be published in the newspaper at least one time and must contain a statement of the date of the sale, the place where the sale is to be held, and a general description of the estray, including the sex and the approximate age, together with an illustration of the brand and the position of the brand on the estray and a description of the place or locality where the estray was found or taken.

(3) ~~The~~ Except as provided in 81-2-120, the proceeds from the sale must be disposed of under 81-4-605 and 81-4-606.

(4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided in this part, upon payment to the department of the cost of caring for the estray as determined by the department."

**Insert: "Section 6.** Section 81-5-101, MCA, is amended to read:

**"Section 7. Moving livestock from customary range forbidden.** (1) A person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, domestic bison, or sheep from their owner's customary range without the permission of the owner shall upon conviction be punished by imprisonment in the county jail not exceeding 6 months or by a fine not exceeding \$500, or both.

(2) A person who negligently moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, domestic bison, or sheep from their owner's customary range without the permission of the owner shall upon conviction be punished by:

(a) a term of imprisonment in the county jail not to exceed 6 months;

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- (b) a fine not exceeding:
  - (i) \$25 for a first offense;
  - (ii) \$250 for a second offense; and
  - (iii) \$500 for a third or subsequent offense; or
- (c) both imprisonment and the appropriate fine.

(3) Prior to the imposition of the penalty provided for in subsection (1) or (2), the owner of the livestock shall file a complaint with the department. The department shall conduct an investigation to determine the circumstances under which the livestock were moved."

**Insert:** "**Section 4.** Section 81-5-104, MCA, is amended to read:

**"Section 8. Stolen livestock -- seizure and forfeiture of vehicle and certain other property used in theft or transportation.** (1) The use of a vehicle, money, equipment, or personalty for the theft or transportation of a stolen mule, horse, mare, colt, foal, filly, sheep, lamb, cow, calf, heifer, steer, bull, llama, alpaca, domestic bison, hogs, poultry, ostrich, rhea, emu, or the products of stolen livestock is unlawful. Any vehicle, money, equipment, or personalty used for the theft or unlawful transportation or upon probable cause believed to be devoted wholly or in part to the theft or unlawful transportation must be seized and held.

(2) Within 45 days after the seizure, a peace officer or officer of the agency that seizes the property shall file a petition to institute forfeiture proceedings with the clerk of the district court of the county in which the seizure occurs. The clerk shall issue a summons at the request of the petitioning party, who shall serve the summons upon all owners or claimants of the property by one of the following methods:

(a) upon an owner or claimant whose address is known, by personal service of a copy of the petition and summons as provided in the Montana Rules of Civil Procedure;

(b) upon an owner or claimant whose address is unknown but who is believed to have an interest in the property, by publication of the summons in one issue of a newspaper of general circulation in the county where the seizure occurred or, if there is no newspaper of general county circulation, by publication in one issue of a newspaper of general circulation in an adjoining county and by mailing a copy of the petition and summons to the most recent address of the owner or claimant, if any, shown in the records of the division of motor vehicles.

(3) A vehicle is not subject to forfeiture under this section if:

(a) it is a stolen vehicle at the time it is used for unlawful transportation; or

(b) the vehicle owner is not in collusion with the party or parties guilty of the theft."

**Insert:** "NEW SECTION. **Section 9. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 81, chapter 5, part 1, and the provisions of Title 81, chapter 5, part 1, apply to [section 1]."

**Insert:** "NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 237**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "COSTS;"

**Insert:** "REQUIRING REPORTING;"

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2. Page 2.

**Following:** line 23

**Insert:** "(7) During a review required under subsection (6)(a)(ii), the administrator shall communicate with livestock producers about:  
(a) any need for continued testing and surveillance of livestock;  
(b) any changes to herd management plans; and  
(c) the status and progress the department is making in addressing:  
(i) the source of the disease transmission; and  
(ii) the disease in wildlife."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 277**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Following:** "~~(1)~~(a)"

**Strike:** "cooperate and"

**Insert:** "enter into a"

**Strike:** "for collecting"

**Insert:** "to collect on behalf of the beef council"

2. Page 2, line 2.

**Following:** "(2) (a)"

**Strike:** "Any"

**Insert:** "Except as provided in subsection (2)(b), the"

3. Page 2, line 3 and line 4.

**Following:** "include"

**Insert:** "a provision that the beef council shall pay"

**Following:** "collected, to"

**Strike:** "be paid" on line 3 through "council to" on line 4

4. Page 2, line 6 and 7.

**Strike:** "Montana beef council"

**Insert:** "department"

**Following:** "contract for" on line 6

**Strike:** "a" on line 6 through "fees collected" on line 7

**Insert:** "collection of the fee if the department's direct collection costs as verified by the legislative auditor exceed 5% of the check-off funds collected"

5. Page 2, line 12.

**Strike:** "the collection or payment of money"

**Insert:** "a livestock owner's compliance with the requirement to pay the assessment"

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And, as amended, do pass. Report adopted.

**SB 296**, do pass. Report adopted.

**HJR 4**, be concurred in. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman):

2/16/2011

**SB 228**, do pass. Report adopted.

**SB 269**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.

**Following:** line 28

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 270**, do pass. Report adopted.

**SB 272**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Following:** line 22

**Insert:** "(1) "Collaborative relationship" means a cooperative working relationship between a prescribing psychologist or a psychologist with a prescription certificate and a medical practitioner in the provision of patient care within their respective scope of practice, including diagnosis, treatment, and cooperation in the management and delivery of a patient's health care."

**Renumber:** subsequent subsections

2. Page 9.

**Following:** line 1

**Insert:** "(5) When a prescribing psychologist is prescribing medication for a patient, the prescribing psychologist shall maintain an ongoing collaborative relationship with the medical practitioner who oversees the patient's general medical care."

3. Page 12, line 13.

**Following:** the first "17,"

**Insert:** "part 1,"

**Following:** the second "17,"

**Insert:** "part 1,"

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And, as amended, do pass. Report adopted.

**SB 275**, do pass. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chairman):

2/15/2011

**SB 205**, do pass. Report adopted.

**SB 225**, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

**Strike:** "REQUIRING" on line 8 through "PROCEDURES;" on line 9

**Insert:** "ESTABLISHING INTERCONNECTION REQUIREMENTS;"

2. Page 1, line 15 through line 18.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. Section 1. Interconnection requirements. Prior to requesting a contract for the sale of electricity with a utility, a qualifying small power production facility shall file a generation interconnection request with the utility."

3. Page 2, line 10 through line 13.

**Strike:** subsection (6) through subsection (7) in their entirety

**Renumber:** subsequent subsection

4. Page 3, line 5.

**Following:** "established"

**Insert:** "in accordance with the federal Public Utility Regulatory Policies Act and federal rules implementing the act"

5. Page 3, line 6.

**Following:** "1"

**Insert:** "and"

6. Page 3, line 7.

**Strike:** line 7 in its entirety

7. Page 3, line 8.

**Strike:** "(c)"

**Insert:** "(b)"

And, as amended, do pass. Report adopted.

**SB 226**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "REQUIRING" on line 4 through "METERS;" on line 5



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2. Page 1, line 13.

**Strike:** "two standard"

3. Page 1, line 13 through line 14.

**Strike:** "meters" on line 13 through "one" on line 14

**Insert:** "metering systems"

4. Page 1, line 14.

**Strike:** "measuring"

**Insert:** "registering"

**Strike:** "amount"

**Insert:** "flow"

**Following:** "electricity"

**Insert:** "delivered to and received from the utility."

5. Page 1, line 21 through line 23.

**Strike:** "produced" on line 21 through "cycle." on line 23

6. Page 1, line 24.

**Strike:** "number" through the third "the"

7. Page 1, line 25.

**Strike:** "against" through the second "of"

**Insert:** "for"

**Strike:** "utility"

**Insert:** "customer-generator"

And, as amended, do pass. Report adopted.

**SB 285**, do pass. Report adopted.

**SJR 4**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "CALL" through "PROPOSING"

**Insert:** "SUPPORT"

2. Title, page 1, line 7.

**Following:** "BUDGET"

**Insert:** "EXCEPT IN TIMES OF WAR"

3. Page 1, line 9 through line 10.

**Strike:** "that" on line 9 through "convention" on line 10

**Insert:** "methods"

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4. Page 1, line 12.

**Following:** "budget"

**Insert:** ", except in times of war,"

5. Page 1, line 16.

**Strike:** "makes" through "under"

**Insert:** "in accordance with"

6. Page 1, line 17.

**Strike:** "to" through "proposing"

**Insert:** "supports"

7. Page 1, line 18.

**Following:** "budget"

**Insert:** ", except in times of war,"

**Following:** "and"

**Insert:** "to"

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Lewis, Chairman):  
**SB 13**, introduced bill, be amended as follows:

2/15/2011

1. Page 1, line 6.

**Strike:** "\$4"

**Insert:** "\$25"

2. Page 4, line 3.

**Strike:** "\$4"

**Insert:** "\$25"

3. Page 4, line 6.

**Strike:** "\$4"

**Insert:** "\$25"

4. Page 4, line 7.

**Strike:** "\$3.50"

**Insert:** "\$21.88"

**Strike:** "25 cents"

**Insert:** "\$1.56"

5. Page 4, line 8.

**Strike:** "25 cents"

**Insert:** "\$1.56"

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6. Page 4, line 11.

**Strike:** "\$4"

**Insert:** "\$25"

And, as amended, do pass. Report adopted.

**SB 224**, do pass. Report adopted.

**SB 227**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "ADVERTISE"

**Strike:** "THE SERVICES OF THE ENTITY"

2. Page 1, line 11.

**Following:** "advertising"

**Strike:** "a service offered by the agency"

3. Page 1, line 18 through line 21.

**Following:** "(e)" on line 18

**Strike:** remainder of line 18 through "advertising" on line 21

**Insert:** "the results of any such advertising and the method used by the agency to determine the results"

4. Page 1, line 23.

**Following:** "media"

**Insert:** ", brochures, direct mail, electronic mail, sponsorships, logos, billboards, posters, use of advertising agencies, or promotional items"

5. Page 1, line 28.

**Strike:** line 28 in its entirety

And, as amended, do pass. Report adopted.

**SB 271**, do pass. Report adopted.

**SB 198**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Strike:** "A"

**Insert:** "If a"

**Following:** "note"

**Insert:** "has an estimated fiscal impact of greater than \$10 million in general fund money over the biennium, it"

**Following:** "include"

**Strike:** "an estimate of the"

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**Insert:** "a summary of the estimated"

**Following:** "that"

**Strike:** "will"

**Insert:** "may"

2. Page 1, line 21.

**Following:** "and"

**Insert:** "an estimate of"

**Strike:** "A"

**Insert:** "The"

**Following:** "include"

**Strike:** remainder of line 21 through "will" on line 22

**Insert:** "potential fiscal impacts that may"

And, as amended, do pass. Report adopted.

**FISH AND GAME** (Brenden, Chairman):  
**SB 212**, introduced bill, be amended as follows:

2/15/2011

1. Title, line 5.

**Strike:** "ELIMINATING RULEMAKING AUTHORITY;"

2. Page 2, line 7.

**Following:** line 6

**Insert:** "(3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to or infected with a contagious disease but are in need of management because of potential damage to person or property."

**Renumber:** subsequent subsections

3. Page 2, line 7.

**Strike:** "Subject to subsection (6), the"

**Insert:** "The"

4. Page 2, line 13.

**Strike:** "(3)(c); and"

**Insert:** "(4)(d);

(c) measures to maintain existing multiple uses of state and federal land, including livestock grazing, that comply with existing land management plans;"

**Renumber:** subsequent subsection

5. Page 2, line 17.

**Strike:** "and"

6. Page 2, line 19.

**Following:** "authorized"

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**Insert:** ";

(iii) contingency plans to expeditiously fund and construct effective containment measures in the event of an escape; and

(iv) contingency plans to eliminate or decrease the size of a relocation site, including the expeditious removal or relocation of bison if the department is unable to effectively manage or contain the bison.

(e) a reasonable means of protecting public safety and emergency measures to be implemented if public safety may be threatened;

(f) a reasonable maximum carrying capacity for any proposed relocation area using sound management principles and methods for not exceeding that carrying capacity; and

(g) identification of long-term, stable funding sources that would be dedicated to implementing the provisions of the management plan for each relocation site"

7. Page 2, line 20.

**Strike:** "(3)"

**Insert:** "(4)"

8. Page 2, line 21.

**Following:** "counties."

**Strike:** "The"

**Insert:** "Prior to making a decision to release or transplant wild buffalo or bison onto private land in Montana, the"

9. Page 2, line 24.

**Following:** "incurred"

**Insert:** ", including costs arising from protecting public safety,"

10. Page 2, line 25.

**Strike:** "(3)"

**Insert:** "(4)"

11. Page 2, line 26 through line 28.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 255**, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

**Following:** "HUNT" on line 5

**Strike:** ", " on line 5 through "TRAP" on line 6

2. Page 1, line 10.

**Strike:** ", fishing, and trapping"

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3. Page 1, line 11.

**Strike:** "fish and"

4. Page 1, line 13.

**Strike:** "fish and"

5. Page 1, line 15.

**Strike:** "fish and"

6. Page 1, line 21.

**Following:** "hunting"

**Strike:** ", fishing, or trapping"

**Following:** "wildlife,"

**Strike:** "fish,"

7. Page 1, line 22 through line 23.

**Following:** "hunt" on line 22

**Strike:** ", " on line 22 through "trap" on line 23

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Jones, Chairman):  
**SB 251**, introduced bill, be amended as follows:

2/15/2011

1. Title, page 1, line 4 through line 5.

**Following:** "THE USE OF"

**Strike:** "HAND-HELD " on line 4 through "AND" on line 5

2. Title, page 1, line 5 through line 6.

**Following:** "VEHICLE;"

**Strike:** "PROVIDING" on line 5 through "USE;" on line 6

3. Page 1, line 10.

**Following:** "Use of"

**Strike:** "hand-held mobile telephones and"

4. Page 1, line 11.

**Following:** "prohibited -- "

**Strike:** "definitions"

**Insert:** "definition"

5. Page 1, line 11 through page 2, line 8.

**Strike:** "(1)" on page 1, line 11 through "ear." on page 2, line 8

6. Page 2, line 9.

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**Following:** line 8

**Insert:** "(1) (a) For the purposes of this section, "mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, equipment on which digital photographs are taken or transmitted, or any combination of those functions.

(b) The term does not include two-way radios, audio equipment, or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle."

7. Page 2, line 9.

**Strike:** "(a)"

8. Page 2, line 10.

**Following:** the first "using"

**Strike:** "a hand-held" through "using"

9. Page 2, line 12 through line 15.

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

10. Page 2, line 16.

**Strike:** "(c)"

**Insert:** "(3)"

11. Page 2, line 16.

**Strike:** "this"

12. Page 2, line 17.

**Strike:** "a hand-held" through "or"

13. Page 2, line 18 through page 3, line 3.

**Strike:** subsection (3) in its entirety

And, as amended, do pass. Report adopted.

**SB 258**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "EXEMPTING" on line 5 through "REQUIREMENTS;" on line 6

2. Page 1, line 10 through line 17.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

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3. Page 3, line 13 through line 14.

**Strike:** section 4 in its entirety

And, as amended, do pass. Report adopted.

**JUDICIARY** (Murphy, Chairman):

2/16/2011

**SB 114**, introduced bill, be amended as follows:

1. Title, line 4 through line 8.

**Following:** ""AN ACT" on line 4

**Strike:** remainder of line 4 through line 8

**Insert:** "STATING THAT FEDERAL LAW ENFORCEMENT OFFICERS SHOULD COMMUNICATE WITH LOCAL SHERIFFS BEFORE TAKING OFFICIAL ACTION IN A COUNTY;"

2. Page 1, line 13 through page 3, line 21.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Purpose. The purpose of [sections 1 and 2] is to:

(1) enhance cooperation between federal law enforcement officers and law enforcement officers of this state;

(2) encourage federal law enforcement officers to use the knowledge and expertise of local law enforcement officers in the performance of the federal officers' official duties; and

(3) encourage federal law enforcement officers to communicate with local law enforcement officers when performing the federal officers' official duties in a local jurisdiction."

**Insert:** "NEW SECTION. Section 2. Communication with local sheriff. (1) Before taking any official law enforcement action in a county in this state, a federal law enforcement officer should communicate with the sheriff of the county in which the action is to be taken unless the communication would impede the federal officer's official duties.

(2) If a federal law enforcement officer does not inform the sheriff before taking official action, the officer should do so as soon as practical after the fact."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 44, and the provisions of Title 44 apply to [sections 1 and 2]."

**Insert:** "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 335**, do pass. Report adopted.

**TAXATION** (Tutvedt, Chairman):

2/16/2011

**HB 132**, be amended as follows:

1. Page 4, line 18.

**Following:** "information."



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**Insert:** "In the classification work, use must be made of soil surveys and maps and all other pertinent available information."

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Senator Essmann moved the Senate recess and proceed to the House of Representatives for the State of Education address by Superintendent of Public Instruction Denise Juneau. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary address. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify the Superintendent of Public Instruction Denise Juneau that the House and Senate were in joint session and ready to receive the State of Education address. Motion carried. President Peterson appointed Senator Zinke, Senator Hawks, Representative Reichner, and Representative McClafferty. The committee was discharged to escort Superintendent of Public Instruction Denise Juneau into the House chambers. The committee escorted Superintendent Juneau to the rostrum.

Superintendent Juneau delivered the following address to the Joint session:

Mr. Speaker, Mr. President, Members of the 62nd Legislature, special guests, and friends of education:

Thank you so much for the warm welcome and the opportunity to be with you today. I would like to especially thank my brother, Ron Juneau, and my nephew, Lakota – a 3rd grader at Big Sky Elementary School in Billings - for sharing this day with me.

I would also like to thank my mom, Carol, and my dad, Stan, who are watching online. They supported me and my brother in our every endeavor, instilled in us a willingness to serve others, and made sure that we were successful in school because they knew becoming educated would open many doors for us.

My mom proudly served with many of you in both the House and the Senate. She is especially proud of the realization of Indian Education for All and that Montana has made great strides in fulfilling its constitutional obligation to recognize the distinct and unique cultural heritage of American Indians in its educational system. In a few short years, the Office of Public Instruction has developed over 300 classroom resources and offered training to thousands of educators. Teachers are now integrating accurate information about American Indians into classroom lessons about

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math, science, art, music, literature, and PE. Your past work to respect the Indian nations located in Montana and ensure they have a place in our public education system is seeing exceptional results. Just last week, more than 200 educators gathered in Helena for the IEFA Best Practices conference, and Montana is a recognized national leader in developing instructional materials and integrating Indian Education for All into classrooms. I would also like to give my appreciation to the staff at the Office of Public Instruction. My staff are dedicated, committed state employees who excel at delivering high-quality support to 828 schools, 15,077 school staff, and 141,807 K-12 students. They take great pride in doing work that matters. And I take great pride in leading the agency.

Joining us today in the gallery are also County Superintendents, who come from every corner of Montana. Thank you for your work on behalf of schools and students.

At OPI, we constantly work to make government more transparent and communication with the public easier. During the last two years, the Office of Public Instruction has entered the world of web 2.0 tools. You can visit our updated website that receives over 3 million hits per year; you can opt into our official email system and receive our communications to schools and subscribe to OPI e-news; you can become OPI's friend on Facebook; and we just recently launched MT OPI on i-Tunes where students and teachers can download professional development videos and curriculum resources for free anytime, anywhere. Technology offers all of us so many opportunities for communicating our work, being accountable, and providing accessibility. In fact, I'll bet Rep. Ellie Hill is "live-tweeting" this speech right now. All of you, tweeters or not, were sent by the voters to the 2011 Legislative Session to make responsible decisions, create jobs, grow our economy and ensure our state's long-term prosperity.

I know that each of us in this room values education, and although we may disagree on the best way to deliver it or fund it or improve it, we all know it's important and that it has significant meaning to the citizens of our state. That's why we as policymakers struggle to ensure we get it right so every student reaches his or her full potential.

Prioritizing and investing in public education during this session is imperative. Public education is still the great equalizer in America. It is open to all – to every child that walks through the door – no matter their ability, zip code, heritage, or economic background. And we ask a lot from our public schools. We ask our schools to produce students who know how to read, do quadratic equations, understand the scientific method, write an essay, give a speech, appreciate the arts, be healthy, understand their place in global society, grasp the foundational principles of our democracy, speak a language other than English, and use technology.

We all know that the end result of a quality education defines our state's future and creates its economic well-being. When you are in your committees and respective chambers, you must always remember the promises that public education holds for individuals, communities, our state, and our country.

There are students sitting in classrooms right now, learning to read, or on the playground at recess, or eating school lunch, or playing the recorder in music class. They don't know what is going on here at the Capitol January through April. They just know they like school, enjoy learning new

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things, and love their teacher. But, they are counting on you, members of the legislature, to protect the state's investment in their public school.

This morning, in some Montana town, a single mother living each day with courage, working two jobs, and stretching her budget to put food on the table and pay the rent, walked her child to her neighborhood school and trusted that he would get a good hot breakfast and lunch, be taken care of in a safe environment, and learn his A, B, C's. She doesn't have time to keep track of what is going on here at the Capitol. But, she is counting on you to help deliver a quality education to her child – so her hard work does not go to waste and her child has the opportunity to reach his full educational potential.

Many of us were born with certain privileges. My privilege was the stability of my parents, their support of my schooling, and their steadfast belief that I would go to college. However, some of our students do not have family members who attended college, have access to wealth, live in safe family environments, or simply have the opportunity to just be children.

That is why we must recognize that while education provides the means for all children to pursue success, a good education is oftentimes the only means for some children to break the cycle of poverty. Schools can make a huge difference for at-risk children by finding ways to help them overcome their challenges and help them succeed. I urge you to restore the \$10 million at-risk funding for schools that was reduced to \$2 last session so schools can provide programs that help these students, because a good education can transform their lives.

Montana has a long history of maintaining quality and excellence in its public education system – a long history of unwavering commitment to public education and a goal of graduating every Montana student from high school being prepared for college and careers.

And, because Montana continues to commit to quality and excellence, great things are happening in our classrooms and the citizens of Montana receive a quality product for the taxes they pay. The National Assessment of Educational Progress, also called "The Nation's Report Card," is the ONLY standardized test that allows for direct comparison across states. It shows that the math skills of Montana students exceed the national average and continue to climb - Montana eighth graders scored better than students in all but two other states and Montana fourth graders scored better than students in all but four other states in the nation.

- The reading skills of Montana students continue to exceed the national average. The scores of Montana fourth and eighth-graders are among the top five highest scoring states as well.
- Montana students lead the nation in science scores. In eighth grade, we share the highest score in the nation with just three other states. Only one state scored higher than Montana's 4th graders.
- Montana schools were recognized by the Education Trust for the performance levels of our low-income students. In Montana, we have some of the smallest academic disparities between low income and high income students in the nation.
- Our 2010 graduating class outpaced the nation in ACT scores – the test that measures college readiness.

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Public education in Montana is not broken. In fact, it is thriving. We should all be proud of the hard work that these numbers reflect: the hard work of our students, our teaching force, and the communities that support Montana's schools. And, we will continue to see this quality and excellence when we prioritize and invest in our public education system.

Now, I understand that as much as we can feel great about what we accomplish in K-12 education, we cannot afford to rest on our laurels. I believe in assessing our progress and confronting our challenges. Based on the dropout and graduation data we collect at OPI, we know there are too many Montana students that don't attain a high school diploma – right around 2,000 each year. The effects of dropping out are damaging to our state – with high school dropouts comprising 75 percent of incarcerated men and women and tens of millions of dollars spent each year in supportive services for adults who do not earn a high school diploma.

According to the Alliance for Excellent Education, if the male high school graduation rate increased by just 5%, MT's economy would see a combination of crime-related savings and additional revenue of \$19.6 million each year. That should be reason enough for us to want to improve graduation rates.

Last fall, I launched an initiative called Graduation Matters Montana that works with schools, communities, and business partners to support kids staying in school. One piece of this initiative is legislative. I commend Senator Taylor Brown for working with me on SB 44, to increase the legal dropout age from "age 16" to "age 18 or upon graduation." Passing this bill would have set an expectation that, in today's economic climate, it is imperative that a student stay in school and earn a diploma or certificate. The last time the age was adjusted was 90 years ago - in 1921. Our world is much different from that time, and our expectations should reflect our current economic structure and society. Despite this bill not getting out of the Senate Education Committee, I remain committed to Graduation Matters Montana and working with schools and communities to set the target higher, because I believe all our children can achieve more.

I recently received an e-mail from a former student thanking me for believing in her while she was in high school and for giving her hope that she could do something successful in her life. Although she left school before graduating, she did earn her GED and join the National Guard. She is now married, has two beautiful sons and is serving our country in Iraq. My response to her was that she was, and continues to be, worthy of high expectations. We should all believe in our students enough, and care enough about them, that we create a system of support for them to achieve high school success.

There are times when, because of life circumstances, people do not complete high school. We must still find ways for those adults to attain a diploma or certificate that opens doors to employers and college. Monday, the subcommittee on education appropriations heard from many people who benefitted from Adult-Basic Education programs. These programs offer adults, who did not make it through high school for one reason or another, a pathway to a GED, college, or the workplace. I urge you to restore the funding for these vital programs in communities all across Montana. They offer many people an option for a better life.

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Part of keeping kids in school is making sure schools are safe places to learn. I was happy to stand with Attorney General Steve Bullock and many others in support of Senator Kim Gillan's Schools Are For Education, or the SAFE Act, which articulated that a safe and civil environment in school is necessary for students to be engaged in learning.

The Senate recently passed a bill on a 47-3 vote that prohibits hunters from being harassed, threatened, or intimidated – a bill with a \$20,000 fiscal note. So, I was disappointed when the SAFE Act was tabled in the Senate Education Committee. I have to believe that the full Senate would have passed a bill that simply provides that parents and students can rely on their school to have clear and transparent definitions, procedures, and policies around bullying – a bill with a fiscal note of zero dollars.

During the hearing on the SAFE Act, we heard heart-wrenching stories from students who are bullied every day and stories from parents who are at a loss of how to help their child cope with bullies at school. Students should not be afraid to go onto the playground during recess or be afraid of being pushed, shoved, hit, slammed into lockers, humiliated daily, ridiculed relentlessly, be the subject of texted mean-spirited rumors, or have their tormenters follow them on the web 24/7.

As policymakers, we cannot look the other way and say “bullying has gone on forever” or “kids will be kids,” because excuses make us passive and indifferent. Bullying does happen in our schools. At some point, this body needs to send a message that it is not appropriate to bully, harass, threaten, or intimidate children in our schools.

One of the more demanding initiatives I have undertaken is improving student outcomes in schools and communities that are facing significant challenges. Under my Schools of Promise initiative, we are working to transform the four lowest performing school systems in the state.

Despite our great educational outcomes overall, we do have a few schools that need reform. These schools are located in communities that suffer deep generational, isolated, and concentrated poverty. Some of these communities have unemployment rates that hover around 70 percent – not just during the recession – but, always. Many students come to school with heavy loads of emotional trauma. Most students in these schools are not proficient in reading and math.

As the leader of the state's public education system, I will not stand by and let another generation of students fail. Our state cannot afford to allow certain communities to languish. The hope for these communities, and indeed, for our state, will transpire when every child is successfully educated in a quality school. We must work with these schools, their staff, parents, students, and communities to raise academic achievement.

Under the Schools of Promise initiative, we developed a close partnership with these schools. It was not an easy task. Local union members showed tremendous courage and agreed to amend their collective bargaining agreements to work longer hours, more days, and be evaluated on stringent requirements, including student data. School boards had to agree in a couple of schools to replace their long-standing high school principal. Administrators had to agree that things were going to change, and OPI would be there to work alongside them on every aspect of this change. Communities had to agree to become more involved and connected to the school.

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We have four staff on the ground in each of these schools to work with the administration, teachers, the school board and the community. This work is by no means easy. In fact, there are difficulties at every turn. It is, however, vitally important work, and small stories of success are emerging. One of our community liaisons does home visits and asks families to describe the hopes and dreams they have for their children.

One mother, who does not have her own high school diploma, hopes her daughter achieves her dream of becoming a mechanical engineer and that her son reaches his goal of going into the military. She knows that her number one job is to get her children to school every day, to celebrate their academic success, and to believe in them. She posts their perfect-attendance certificates on her living room wall.

In another community, our staff identified ten students who were on their way to dropping out because they lack enough credits to graduate. Working with the school, our staff brought these students to a multiple-day training to help them reassess their choices and to imagine a better life for themselves. These students now meet every week to support each other to stay in school.

I grew up and attended school in a similar community - Browning. I received a quality education from Browning schools that led me to college, graduate school, and law school. The educational foundation I received in Browning led me to the teaching profession, the legal profession, and into a statewide elected position.

I know these schools of promise are capable of providing a quality education. I know these communities can come together to support their children and help them achieve greatness. There are students watching in Frazer today – one of our Schools of Promise. I know the students in Frazer are just as brilliant and capable as any other student in any of our other schools in Montana. I have high expectations of you – students - and I need you to succeed – all of us in this chamber need you to succeed.

We will continue to work in partnership with the schools of promise to make sure their students are offered the opportunity to reach their full educational potential.

As State Superintendent, I strive to remain focused on meeting students' needs in our work. That is why we do such demanding work in all our initiatives, like Schools of Promise. We are tough, but fair, in our work with schools, educators, and communities, because sometimes children's lives hang in the balance.

I feel it is very important to bring a student voice to the table on state education issues. Oftentimes, adults plan and discuss educational policy, but we rarely talk to the people who will be most directly affected by our plans and discussions – the students. To meet this purpose, I recently brought together 40 students from 31 schools to meet as the first-ever State Superintendent's Student Advisory Board. This student group is very diverse. They come from Twin Bridges, Browning, Glasgow, Wibaux, and all points in between. Some are involved in extra-curricular activities; some get good grades, and some, not so good. Some have a great network of support that helps them get through school; some have had to overcome big challenges in life to stay in school. Some of them have dropped out of school and dropped back in; and some are going to be the valedictorian

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or salutatorian of their graduating class. But, all of them expressed their belief that becoming educated is important to their future success. These young people, both in the Advisory Group and in our schools, inspire my work as State Superintendent. My discussions with them always remind me that they are counting on us to do the right things – to create good student-centered policies, to set high expectations, and to support them in achieving their dreams.

And, we have had the legislature's help in the past to create relevant, real-world learning experiences for students and flexibility in their educational settings. The 2009 Legislature provided a piece of this flexibility by funding the Montana Digital Academy – an online learning opportunity for high school students.

It has just started its second semester and has over 2,000 students from 120 high schools enrolled in its 54 classes. Students in schools from Libby to Lodge Grass and from Westby to Whitefish are able to access classes as varied as AP English to Native American Studies to Mandarin Chinese to Oceanography. The governor's budget includes continued funding for the Digital Academy. I urge you to continue this successful innovative program so it continues to meet the growing demand for online learning. Our public education system must help students prepare for a future we have not yet imagined – and they need you to help them be successful.

We often hear a lot about a seamless education system that spans from Kindergarten through graduate school. Commissioner Sheila Stearns and I frequently bring our top policy teams together to talk about meeting our common goals of implementing dual enrollment, decreasing remediation rates, providing a comprehensive system of online learning, and working on smooth transitions for students. Our offices also work together on Big Sky Pathways, which provides career and technical courses in high schools that often lead to high-paying skilled jobs or a two-year college degree program.

All of Montana's high school students take at least one technical education course and over half take at least three classes. The state money for this program was stripped from our budget last week. I know Commissioner Stearns stands with me in urging you to restore these funds so high school students can continue to take these courses that help them become Montana's future work force.

I sincerely appreciate Commissioner Stearn's leadership in post-secondary education, her commitment to create an educated workforce in Montana, and her willingness to work with me toward an aligned, coherent kindergarten through college education system. Thank you for your partnership with K-12, Sheila.

I also work closely with the State Board of Public Education – the body that establishes accreditation standards – those targets of quality that schools must reach. The OPI implements the Board's standards and makes sure that schools are working toward these targets. I appreciate Chairperson Patty Meyer's leadership on the Board because she certainly has a "students come first" approach. Thank you, Patty, for your commitment to students.

I would also like to recognize the Board of Public Education members seated in the gallery. Please stand. Thank you for your leadership on this most important board.

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Patty and I know that we need to continually improve our system for the next generation of learners. To prepare Montana schools to excel in the 21st century, we organized a task force of stakeholders to review a major part of the Board's accreditation standards to make them more performance based – using data to determine whether a school is providing a quality education. We understand that local districts know best how to deliver a quality education and this new accreditation model will give schools of all sizes the flexibility to offer high quality learning opportunities while insuring that students and staff are treated in a professional manner.

To ensure our students are held to the highest academic standard, I am working with the Board to join 40 other states in adopting common national standards in reading and math that will provide a clear understanding to students and parents of what students are expected to learn in school – from grade to grade, school to school, and state to state.

The OPI also signed on as a governing state (meaning we get to fully participate and vote) in a national consortia that is developing assessments to measure these common standards. This means that we will have common standards that are measured by a common assessment that will let us know how our students stack up to the rest of the country. Given our track record of excellent educational outcomes, I welcome that opportunity.

Since becoming Superintendent, I have worked closely with the Legislature toward continuous improvement of the K-12 system. Last session, Senator Lake sponsored HJR 6 that called on my office, the BPE and the Legislature to develop K-12 shared policy goals.

My staff, Chairperson Patty Myers, along with Senator Bob Lake, Senator Bob Hawks, Senate President Jim Peterson, and Representative Edie McClafferty met several times during the interim, discussed the future of Montana's education system, and established several priority goals we could all work on together. These shared policy goals were meant to be used by the Legislature during this session to frame education budget initiatives and other policy recommendations for the 2013 biennium, and I have offered several policy and budget legislative requests that matched these goals. These are the promises we intend to keep with this legislative body, but we need you to be a partner in meeting these goals and do what's necessary on your end as well.

I know that you are dealing with difficult decisions about revenue and your constitutional duty to leave the session with a balanced budget. Our state constitution also says that "the legislature shall provide a basic system of free quality public elementary and secondary schools."

We cannot allow our current revenue challenge to be an excuse for our state to retreat from our long tradition of providing every child a quality education. In fact, we must take this opportunity to prioritize funding for public education because quality schools are the key to lifting our state out of its recession and ensuring its long-term prosperity. Failure to invest in public education now will lead to disappointment in every other possible investment.

I know you are struggling to create a Montana of which all of us can be proud. And, of course, I urge you to continue to adequately fund public education. We must not forget, however, that while making critical investments in our students – those who will lead this state in the future – we must also protect those who are less fortunate and support those who are struggling mightily to lead a middle-class life, stay healthy, send their children to college, and retire with dignity. Those are



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Montana values. And, that is the role of government – to provide safety nets for people when necessary, to keep our communities safe, to create jobs, and to ensure educational opportunities for all. In fact, working together – in the light of day - is our best hope for achieving better lives for students and for all Montanans.

As we move through the next couple of months, please remember the critical importance of K-12 public education to our economic future and the lives of all of Montana children. You must maintain the quality and excellence in our public school system that our constituents have come to expect. The Governor has submitted a budget to you that prioritizes the government's duties, adequately funds K-12 education and leaves money in the bank.

Our students are doing well today because of the investments that the Legislature has made in the past. We know that when the state cuts support for public schools, local taxpayers are forced to pick up the tab in order to maintain excellence. Shifting the burden to local taxpayers in this manner has the same effect as an unfunded mandate. I urge you to fund K-12 education to the levels you find in the Governor's budget.

Priorities do matter. As leaders, you must be courageous and choose to prioritize and invest in our public education system. You must tell young people that you believe in them and then back it up with action. Resist the temptation to cut funds to schools, and instead, do what has to be done, and protect our most valuable long-term resource – our students.

I thank you, members of the Legislature, for serving the people of Montana. Leadership is never easy. However, leadership, especially in challenging times, means that you do the right thing. I ask that you do the right thing for those students sitting in classes right now who enjoy learning new things. Do the right thing for that single mother struggling to make ends meet who is counting on you to help deliver a quality education to her child so he has the opportunity for future economic success. It is only by maintaining a quality education system that we will truly meet our state's hopes and dreams

The committee escorted Superintendent Juneau and honored guests from the Joint session.

Senator Essmann moved that the Joint session be adjourned. Motion carried.

The joint session adjourned and the Senate reconvened at 1:54 p.m.

**BILLS AND JOURNALS:**

2/16/2011

Correctly printed: **SB 15, SB 199, SB 266, SB 307.**

Correctly engrossed: **SB 1, SB 219.**

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**MESSAGES FROM THE OTHER HOUSE**

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

2/15/2011

**HB 28**, introduced by McNutt  
**HB 218**, introduced by Miller  
**HB 263**, introduced by Vance  
**HB 287**, introduced by Clark  
**HB 324**, introduced by MacLaren  
**HB 336**, introduced by Menahan  
**HB 339**, introduced by Bangerter  
**HB 348**, introduced by Malek  
**HB 354**, introduced by Stahl

**MOTIONS**

Senator Sonju moved that **SB 111** be reconsidered and be placed on second reading. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 22

Absent or not voting: None.  
Total 0

Excused: Buttrey.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 373**, introduced by Shockley, referred to Local Government.  
**SB 374**, introduced by Olson, referred to State Administration.  
**SB 375**, introduced by Walker, Zinke, Moore, Jackson, Wittich, Hinkle, Buttrey, Brenden, Mowbray, Steinbeisser, Keane, Debby Barrett, Vance, Arthun, Priest, Knox, Jones, referred to Business, Labor, and Economic Affairs.  
**SB 376**, introduced by Lake, referred to Taxation.

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**SB 377**, introduced by Gillan, Hiner, Gallus, Hill, Erickson, Larsen, Kaufmann, Hawks, K. Williams, MacDonald, Hands, Stewart-Peregoy, McClafferty, Blewett, Jent, Squires, Sesso, Hollenbaugh, Facey, Malek, McChesney, Augare, Keane, Hamlett, Sands, Pease-Lopez, Menahan, Belcourt, MacDonald, Driscoll, Branae, Moss, Wanzenried, Vuckovich, Phillips, Mehlhoff, Reinhart, Court, Caferro, C. Williams, Dick Barrett, Wilmer, Noonan, Schmidt, Swanson, B. Bennett, McNally, Van Dyk, referred to Finance and Claims.

**SB 378**, introduced by Zinke, referred to Taxation.

**SB 379**, introduced by Olson, referred to Taxation.

**SB 380**, introduced by Gillan, Facey, Squires, Zinke, Hollenbaugh, Van Dyk, Jent, Keane, Augare, referred to State Administration.

**SB 381**, introduced by Jones, Mehlhoff, Cook, Osmundson, Hollandsworth, J. Peterson, referred to Agriculture, Livestock and Irrigation.

**SB 382**, introduced by Gillan, Tutvedt, referred to Finance and Claims.

**SB 383**, introduced by Jones, referred to Local Government.

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

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

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

**SB 134** - Senator Olson moved **SB 134** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

Senator Facey raised a point of personal privilege and corrected his statement regarding constitutional mandates.

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**SB 184** - Senator Van Dyk moved **SB 184** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 40

Nays: Augare, Erickson, Kaufmann, Keane, Moss, Stewart-Peregoy, Tutvedt, Williams, Windy Boy.

Total 9

Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

**SB 229** - Senator Sonju moved **SB 229** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

**SB 267** - Senator Vincent moved **SB 267** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

**SB 42** - Senator Shockley moved **SB 42** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Shockley, Steinbeisser, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 35

Nays: Brenden, Caferro, Gallus, Hinkle, Jones, Keane, Murphy, Priest, Ripley, Sonju, Stewart-Peregoy, Tutvedt, Vincent, Windy Boy.

Total 14

Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

**SB 54** - Senator Balyeat moved **SB 54** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 40

Nays: Facey, Jent, Kaufmann, Keane, Stewart-Peregoy, Tropila, Wanzenried, Williams, Windy Boy.

Total 9

Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

**MOTIONS**

Senator Olson moved **SB 379** be moved from the Taxation committee to the Local Government committee. Without objection, so ordered.

Senator Lake moved **SB 346** be moved from the Judiciary committee to the Taxation committee. 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 15** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 42

Nays: Brenden, Gallus, Moore, Ripley, Steinbeisser, Wittich, Zinke.

Total 7

Absent or not voting: None.

Total 0

Excused: Buttrey.

Total 1

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, February 17, 2011. Motion carried.

Senate adjourned at 3:25 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate