

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

Helena, Montana
January 15, 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 Senator Wanzenried, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

Secretary Miller read a letter to Representative Bob Bergren, Speaker of the House, and Senator Bob Story, President of the Senate, from Denise Juneau, Superintendent of Public Instruction, requesting an opportunity to address the Legislature on Friday, February 20, 2009.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Senator Curtiss, Chairman): 1/15/2009
Correctly printed: **SB 33, SB 42, SB 88, SB 103, SB 116, SB 125, SB 141, SB 219, SB 220, SB 221, SB 222, SB 223, SB 224, SB 225, SB 226.**
Correctly engrossed: **SB 40, SB 55, SB 73, SB 108.**

FINANCE AND CLAIMS (Bales, Chairman): 1/15/2009
SB 2, introduced bill, be amended as follows:
1. Page 4, line 17.
Strike: "15"
Insert: "1"

2. Page 4, line 18.
Strike: "5"
Insert: "10"

And, as amended, do pass. Report adopted.

SB 29, do pass. Report adopted.
SB 117, do pass. Report adopted.

JUDICIARY (Perry, Chairman): 1/15/2009
SB 139, do pass. Report adopted.
SB 157, introduced bill, be amended as follows:

1. Title, line 6.
Following: "COMMUNICATIONS"
Insert: "IN INITIAL HEARINGS"
Following: "COMMITMENT"
Strike: "PURPOSES"

2. Page 2, line 8 through line 10.
Strike: subsection (5) in its entirety
Insert: "(5) A two-way electronic audio-video communication may not be used:"

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(a) in an initial hearing provided for in 53-21-122 if the professional person objects; or
(b) in a hearing referred to in subsections (3)(b) through (3)(g) if a respondent or patient, the respondent's or patient's counsel, or the professional person objects."

And, as amended, do pass. Report adopted.

MOTIONS

Senator Gebhardt moved to re-refer SB 22 back to Natural Resources. Motion carries unanimously.

FIRST READING AND COMMITMENT OF BILLS

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

SB 227, introduced by R. Brown, referred to State Administration.

SB 228, introduced by Debby Barrett, referred to Fish and Game.

SB 229, introduced by Perry, referred to State Administration.

SB 230, introduced by Perry, referred to Judiciary.

SB 231, introduced by Laible, referred to Local Government.

SB 232, introduced by Squires, Erickson, Wanzenried, Williams, Larsen, Hansen, Juneau, Laslovich, Malek, Henry, Hamilton, Hiner, Fleming, Furey, Sands, referred to Agriculture, Livestock and Irrigation.

SB 233, introduced by Windy Boy, Murphy, Lewis, Jackson, Juneau, Gebhardt, Moss, Essmann, Stewart-Peregoy, Gillan, McNutt, Klock, Belcourt, Arntzen, Kottel, McAlpin, Hunter, Becker, Boss Ribs, Pease-Lopez, Augare, Campbell, Roundstone, referred to Public Health, Welfare and Safety.

SB 234, introduced by Gillan, R. Brown, Moss, Schmidt, Williams, Jent, Larsen, Hawks, Grinde, Becker, Calf Boss Ribs, Driscoll, K. Peterson, Roberts, Reinhart, Sands, Caferro, Van Dyk, MacDonald, Cohenour, referred to Business, Labor, and Economic Affairs.

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

SJR 15, introduced by Tutvedt, Gebhardt, Steinbeisser, referred to Fish and Game.

**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 Brueggeman in the chair.

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

SB 35 - Senator Jent moved **SB 35** 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, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 47 - Senator Steinbeisser moved **SB 47** 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, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 74 - Senator Laible moved **SB 74** 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, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 91 - Senator Juneau moved **SB 91** 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, Williams, Windy Boy, Zinke, Mr. President.

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Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 133 - Senator Kaufmann moved **SB 133** 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, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
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 42 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, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

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SB 125 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, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 141 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, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Sen. Bales announced that Senate Bills with a fiscal note of over \$25,000 would be referred to Finance and Claims.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Friday, January 16, 2009. Motion carried.

Senate adjourned at 1:37 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate