

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

Helena, Montana
January 21, 2009

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Gallus, Laible, and Squires, excused. Quorum present.

Correctly printed: **SB 22, SB 31, SB 32, SB 53, SB 77, SB 78, SB 84, SB 86, SB 89, SB 96, SB 98, SB 104, SB 150, SB 156, SB 169, SB 252, SB 253, SB 254, SB 255, SB 256, SJR 6.**

Correctly engrossed: **SB 20, SB 34, SB 127, SB 155, SB 171, SB 196.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 1/21/2009
SB 68, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/21/2009
SB 161, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman): 1/21/2009
SB 152, introduced bill, be amended as follows:

1. Page 1, lines 14 and 15.

Strike: "REVISING" on line 14 through "COMMENCES;" on line 15

2. Page 12, line 14 through line 15.

Strike: "that the department receives notice from a court or another licensing jurisdiction that the person has been convicted"

Insert: "of conviction or forfeiture of bail"

And, as amended, do pass. Report adopted.

SB 168, introduced bill, be amended as follows:

1. Page 1, line 6 through line 7.

Strike: "WITHOUT" on line 6 through "STUDY" on line 7

2. Page 1, line 22.

Following: "device"

Insert: "that conforms to the sign manual adopted in 61-8-202"

3. Page 2, line 18.

Following: "highway is a controlled-access highway,"

Strike: "without an engineering and traffic investigation"

Insert: "provided that an engineering and traffic investigation is completed by the municipality prior to changing the speed permitted under 61-8-303,"

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4. Page 2, line 19.

Following: "61-8-303."

Insert: "The municipality is responsible for any mitigation costs of the engineering and traffic investigation recommendations."

And, as amended, do pass. Report adopted.

JUDICIARY (Perry, Chairman):

1/21/2009

SB 197, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "transcript -"

Insert: "\$2 per page for the original furnished to a state or local government agency,"

Following: "original"

Insert: "furnished to any other party"

And, as amended, do pass. Report adopted.

TAXATION (Essmann, Chairman):

1/21/2009

SB 115, do pass. Report adopted.

SB 181, do pass. Report adopted.

MOTIONS

Senator Peterson moved to reconsider adoption of the Committee of the Whole Report on January 20, 2009. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, M. Tropila, Tutvedt, Williams, Zinke, Mr. President.

Total 41

Nays: Juneau, Laslovich, Stewart-Peregoy, J. Tropila, Wanzenried, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: Gallus, Laible, Squires.

Total 3

Sen. Peterson moved to segregate SB 150 from the Committee of the Whole Report. Motion carried.

Sen. Peterson moved to adopt the Committee of the Whole Report from January 20, 2009. Motion carried as follows:

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

Total 47

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus, Laible, Squires.
Total 3

Sen. Peterson moved to reassign SB 150 to Business, Labor, and Economic Affairs. Motion carried.

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

SB 257, introduced by Keane, Ankney, Arntzen, Augare, Barkus, Debby Barrett, Becker, Belcourt, Calf Boss Ribs, D. Brown, R. Brown, T. Brown, Brueggeman, Campbell, Driscoll, Gallus, Gebhardt, Hiner, Hinkle, Hollenbaugh, Ingraham, Jent, Jones, Klock, Kottel, Laslovich, McClafferty, McGee, McGillvray, Mendenhall, Miller, Murphy, A. Noonan, O'Hara, Perry, J. Peterson, Roundstone, Sands, Schmidt, Sesso, Shockley, Stahl, Steinbeisser, Taylor, Tutvedt, Villa, Vincent, Wagner, Wanzenried, Warburton, Welborn, Windy Boy, Zinke, referred to Energy and Telecommunications.

SB 258, introduced by Kaufmann, referred to Taxation.

SB 259, introduced by Kaufmann, referred to Taxation.

SB 260, introduced by Gillan, Gebhardt, Lake, A. Noonan, referred to Taxation.

SB 261, introduced by Wanzenried, referred to Local Government.

SB 262, introduced by Wanzenried, referred to Local Government.

**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 Schmidt in the chair.

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

Senator Gallus present.

SB 41 - Senator Lewis moved **SB 41** 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Laible, Squires.
Total 2

SB 126 - Senator Murphy moved **SB 126** 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

SB 140 - Senator Perry moved **SB 140** 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, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: McGee, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

Senator Peterson moved SB 165 be passed for the day. Motion carried.

SB 182 - Senator Esp moved **SB 182** 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

SB 194 - Senator McGee moved **SB 194** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Lewis, McGee, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Mr. President.
Total 23

Nays: Branae, T. Brown, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

SB 194 - Senator Williams moved **SB 194** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 27

Nays: Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Lewis, McGee, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt.
Total 21

Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

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

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Curtiss, Gillan, McGee, Schmidt, Shockley.

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Total 5

Absent or not voting: None.

Total 0

Excused: Laible, Squires.

Total 2

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 31 passed as follows:

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

Total 28

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: Laible, Squires.

Total 2

SB 32 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Squires.

Total 2

SB 84 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss,

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Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: Laible, Squires.

Total 2

SB 86 passed as follows:

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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 46

Nays: Esp, Mr. President.

Total 2

Absent or not voting: None.

Total 0

Excused: Laible, Squires.

Total 2

SB 88 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Squires.

Total 2

SB 96 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

SB 98 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, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

SB 104 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Laible, Squires.
Total 2

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SB 169 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, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Laible, Squires.

Total 2

SPECIAL ORDERS OF THE DAY

Senator Peterson stated preparations are underway for the annual memorial service, which recognizes and remembers former legislators who have passed away in the past two years. Anyone interested in participating on the committee should speak with Secretary Miller.

Senator Peterson stated he was notified by Legislative Services Division that they have a number of bills that are on hold and or ready to be picked up. Senator Peterson encouraged Senators to keep their bills moving.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Thursday, January 22, 2009. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate