

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

Helena, Montana
February 19, 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 Gillan and Wanzenried, excused. Quorum present.

BILLS AND JOURNALS:

2/18/2009

Correctly printed: **SB 51, SB 213, SB 248, SB 271, SB 285, SB 331, SB 335, SB 336, SB 344, SB 348, SB 360, SB 375, SB 376, SB 390, SB 392, SB 395, SB 401, SB 437, SB 451, SB 484, SB 485, SB 486, SB 487, SJR 19.**

Correctly engrossed: **SB 151, SB 192, SB 234, SB 263, SB 303, SB 306, SB 345, SB 356, SB 363, SB 399, SB 441.**

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the twentieth, twenty-first, twenty-second, and twenty-third legislative days, find the same to be correct.

Senator Curtiss, Chair

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Black, Chairman):
SB 257, introduced bill, be amended as follows:

2/18/2009

1. Title, page 1, line 5.

Strike: ", REPAIRS, AND MAINTENANCE"

2. Title, page 1, line 8.

Strike: ", REPAIR, OR MAINTENANCE"

3. Page 2, line 17.

Strike: ", a repair, or maintenance"

4. Page 3, line 12.

Strike: ", repair, or maintenance"

5. Page 8, line 20.

Following: "**applicability.**"

Insert: "(1)"

6. Page 8, line 21.

Strike: ", repairs, or maintenance"

7. Page 8, line 22.

Following: "2005"

Insert: ", and to the compliance year beginning January 1, 2009"

8. Page 8.

Following: line 22

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Insert: "(2) Notwithstanding the provisions of subsection (1), renewable energy credits associated with upgrades completed after January 1, 2005, may not be claimed for any period before [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 387, do pass. Report adopted.

FISH AND GAME (Barkus, Chairman): 2/18/2009
SB 404, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Brueggeman, Chairman): 2/18/2009
SB 386, do pass. Report adopted.
SB 457, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: "assurances"

Strike: "they have no authority or capability to make."

Insert: "are difficult to comply with; and"

2. Page 1, line 28.

Following: line 27

Insert: "WHEREAS, Montana has roads with outstanding qualifications for scenic-historic byway designation and these roads have significant need for new funding opportunities for project funding."

3. Page 2, line 2.

Following: "applications"

Insert: "submitted by the local government or governments of jurisdiction"

4. Page 2, line 12.

Following: "East Glacier;"

Strike: "and"

5. Page 2, line 13.

Following: "street"

Strike: "."

Insert: ";

6. Page 2, line 14.

Following: line 13

Insert: "(g) bureau of Indian affairs route 114 and county road 234; and
(h) Harding way highway from Butte to Whitehall."

7. Page 2, line 15 through page 3, line 25.

Strike: section 2 in its entirety

Insert: "**Section 2.** Section 60-2-602, MCA, is amended to read:

"60-2-602. Scenic-historic byways program -- rules. (1) The department shall adopt rules to effectively administer the scenic-historic byways program. The rules must include the criteria that will be considered for designating a road for inclusion in the scenic-historic byways program.

(2) In developing the criteria, to be included in the rules, for designating a road for inclusion in the scenic-historic byways program, the advisory council, commission, and department shall specifically address:

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(a) factors that allow each locality choosing to participate in or seeking participation in the scenic-historic byways program the opportunity to:

- (i) enhance the experience of the traveling public;
- (ii) stimulate or allow for economic development and new marketing strategies; or
- (iii) preserve intrinsic resources for the benefit of future generations;

(b) a methodology by which a locality choosing to participate in or seeking participation in the scenic-historic byways program may participate in the national scenic byways program, described in section 1047 of Public Law 102-240;

(c) means by which a road may be excluded from designation as a scenic-historic byway by:

- (i) an incorporated municipality for a road or segment of a road within its jurisdiction; or
- (ii) a landowner for a road or segment of a road adjacent to the landowner's private property;

(d) factors to be considered in assessing the intrinsic, scenic, historic, recreational, cultural, archaeological, educational, or natural qualities of the road nominated for inclusion in the scenic-historic byways program;

(e) factors to be considered in a locality's corridor management plan, including that the plan:

(i) serves as a visioning tool to provide direction for enhancing and marketing the corridor, but not as a land management document, zoning tool or mandate, highway improvement scoping or prioritization document, or highway management document;

(ii) accommodates commerce and commercial vehicles and maintains a safe and efficient level of highway services;

(iii) protects private property rights, including assurances that the private property rights of a person who owns land adjacent to or visible from the road are not in any way diminished by the road being designated a scenic-historic byway or are accommodated through mutually agreeable compensation;

(iv) precludes the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(v) has accommodated all jurisdictions affected or to be affected by the designation of a road as a scenic-historic byway; and

(f) procedures to ensure that localities choosing to participate in the scenic-historic byways program:

(i) may exclude from designation any segment of a highway that is inconsistent with the state's criteria for designating scenic-historic byways. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws.

(ii) may use signage recognized as exceptions or as information signs in all areas along a designated route, provided that the signage complies with 23 U.S.C. 131, Title 60, chapter 5, part 5, Title 75, chapter 15, part 1, and all applicable state or locally adopted rules, requirements, and restrictions."

And, as amended, do pass. Report adopted.

TAXATION (Essmann, Chairman):
SB 430, do pass. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/17/2009

HB 163, introduced by Cohenour
HB 235, introduced by Kottel
HB 288, introduced by Kerns
HB 294, introduced by MacLaren
HB 324, introduced by Arntzen
HB 332, introduced by Getz

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FIRST READING AND COMMITMENT OF BILLS

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

SB 488, introduced by Windy Boy, referred to State Administration.

SB 489, introduced by Essmann, J. Peterson, Ripley, Gillan, Keane, Perry, Klock, Lake, Vincent, K. Peterson, McChesney, Glaser, Sonju, Smith, referred to Taxation.

SB 490, introduced by R. Brown, referred to Taxation.

SB 491, introduced by Lewis, referred to Taxation.

SB 492, introduced by Perry, referred to Judiciary.

SB 493, introduced by Larsen, Perry, Hansen, Murphy, Malek, referred to Business, Labor, and Economic Affairs.

SB 494, introduced by Windy Boy, referred to Business, Labor, and Economic Affairs.

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

SJR 29, introduced by Moss, Shockley, referred to Judiciary.

SPECIAL ORDERS OF THE DAY

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried.

Senator Peterson moved that the Senate recess and proceed to the House of Representatives for Senator Max Baucus's address. Upon adjournment of the joint session, the Senate will resume. Motion carried.

After the Senate was introduced in the House chambers, President Story assumed the chair. Senator Peterson moved that the body resolve itself into a joint session for the purpose of receiving an address from U.S. Senator Max Baucus. Motion carried.

Senator Peterson moved that the President be authorized to appoint a committee of four to notify U.S. Senator Max Baucus that the House and Senate are in joint session and ready to receive his address. Motion carried.

President Story appointed Senator Brueggeman, Senator Williams, Representative Steenson, and Representative MacLaren, and the committee escorted the honored guests and U.S. Senator Max Baucus into the chambers. Senator Baucus delivered the following address:

Good afternoon.

Mr. Speaker. Mr. President. Members of the House and Senate. Visitors joining us in the gallery.

Distinguished guests:

- Lt. Governor Bohlinger
- State Auditor Monica Lindeen
- Superintendent Denise Juneau
- Secretary of State Linda McCullough
- Attorney General Steve Bullock
- Members of the Supreme Court
- Other elected officials joining us

But perhaps the most distinguished guest here today is the person who raised me. She taught me the values of hard work, faith, community and doing what's right. The best mother in the whole world. My mother, Jean Baucus. Hi Mom!

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It's good to be back here. I have very fond memories of this chamber. I'm glad to see Representative Jopek is still sitting at my old desk. Thanks, Mike, for your continued service.

CONDOLENCES:

Looking out at many familiar faces, one that is sadly not here is our old friend, George Groesbeck. George was such a great guy. It's no surprise that he was liked by folks on both sides of the aisle. Just a solid Butte guy. His passing was a tragedy felt by all. We thank Art Noonan for stepping in to serve.

Another pillar who is no longer with us is Donna Metcalf. She was a true Montana woman, who we all loved and respected. She will be missed.

And finally, we were all shocked to learn last weekend of Crow Tribal Chairman Venne's passing. Carl was a dear friend of mine, a solid Montana leader who always fought for his people. Our thoughts and prayers are with his family and the Crow Nation.

A Defining Moment:

As we gather here today, we do so with a somber determination -- aware of the turmoil that faces our towns, our state, and our great nation. Montana and America face a defining moment.

I know you hear it when you go into coffee shops in Plains and Plentywood, and you see it when you pass by abandoned construction sites in Scobey and Somers.

But this isn't the first time our nation has been challenged. And each time we have risen with grit and determination.

When President Roosevelt looked upon tired, hungry people stricken by poverty he didn't see despair, but a challenge to the American spirit.

When President Kennedy looked upon the moon high in space he didn't see an insurmountable obstacle, but a challenge to American ingenuity.

When President Reagan looked upon a massive concrete wall denying people freedom, he didn't see defeat but a challenge to American fortitude.

And as citizens went back to work, as Neil Armstrong took one small step, as people united by freedom tore down the wall, our nation once again reminded the world why we are the land of the free and the home of the brave.

And today our nation faces yet another challenge.

And yet again, I am confident we will rise and history will note that we as Americans and Montanans met this challenge with a fierce determination.

Jobs Bill

There is no denying that our nation is facing the largest economic trial in 80 years. Since this recession began, across the country 3.6 million mothers and fathers, sisters and brothers, wives and husbands, have lost their jobs.

Companies that have been pillars to our economy have been forced to cut jobs in record numbers:

* Caterpillar announced it cut 20,000 jobs

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* Microsoft has cut 5,000

* Even Harley Davidson had to let go more than 1,000 employees.

* And just yesterday, we were all stunned to learn that General Motors is laying off 47,000 people.

Did you know the number of people who attended the Super Bowl in Tampa was less than the number of people who lost their jobs the week before? That's more than 70,000 Americans.

And we have felt it right here in Montana, too. Recently we have lost:

* 1434 jobs from outfitters and hotels

* 985 manufacturing jobs

* 722 jobs from places like Applebees and Dairy Queen

* 711 jobs for carpenters, contractors, and engineers

* 452 jobs from places like Home Depot and Safeway.

And too many more to name.

Sometimes in public service we can become numb to numbers.

But I want you to think for a moment about a friend, a family member, or a neighbor who lost their job.

Think about how hard it must be knowing you just cashed your last paycheck – with a family at home who depends on you.

But, as legislators, we have the power to change that. Not only do we have the power, it's our obligation. The people we represent are counting on us. We are just the hired hands.

And we must act.

Representative Steenson recognized this with her Jobs Recovery Resolution here in the House. Cheryl, stand up so we can thank you. Stand up so the many Montanans who've lost their jobs can thank you.

11,000 Jobs:

I've been using my position to help meet this challenge as well.

I worked 'round the clock on the new jobs bill. That's why I was proud to join President Obama yesterday in Denver as he signed the American Recovery and Relief Act, the jobs bill.

Not everyone agreed on the final package. Negotiations were tense at times. At one point I thought Rahm Emanuel, the White House Chief of Staff, and I were going to have a fisticuffs.

But one thing is clear: The economic recovery and jobs bill will provide the jolt our economy needs. It is the single largest piece of economic legislation in the history of America.

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This bill will pump \$626 million into our economy right here in Montana. Again, \$626 million for Montana.

That's almost half of the state's annual budget, as you well know.

But more importantly, it will protect or create 11,000 jobs here at home.

That means 11,000 of those friends, family members, or neighbors you talked to will have a job.

That means 11,000 families won't have to worry about how they will pay for groceries or the heating bill.

11,000 breadwinners won't have to toss and turn in bed worried about providing for the little ones sleeping in the next bedroom.

But mostly, it means that 11,000 people will feel the sense of dignity and accomplishment that comes with holding down a good-paying job.

In November, you -- well, at least 73 percent of you -- voted for me to continue representing you in our nation's capitol.

With that came a responsibility that I cannot deny, a sense of honor that I cannot describe, and a call to action that we cannot ignore. That call was to continue to create good-paying jobs and keep propelling our economy.

And, working with Senator Tester -- who is not only one of the best Senators in the Senate, but also one of the best people in the Senate -- we helped craft this jobs legislation that will give our state the jumpstart it so desperately needs.

We crafted legislation that will build roads and water projects. A jobs bill that will put shovels back to work.

We crafted legislation that will provide:

* \$212 million to keep our highways safe.

* \$39 million to provide clean water to rural areas

* \$38 million to modernize more than 400 schools

We crafted legislation that will put more money in people's pockets through tax cuts that will help send more kids to college, reduce our dependence on foreign oil, and help people retire.

But more importantly we crafted legislation that is right for Montana.

Now we began the process of making sure those dollars are spent on Main Streets in Montana -- the right way..... right away.

It seems the million-dollar question -- well, actually the \$626-million question - on your minds is how these dollars are going to flow to Montana. As you know, those details are still being hammered out.

But I have no doubt that Montana -- all of you legislators, Governor Schweitzer, and our capable state agencies -- will hit the ground running.

While this common-sense bill was critically necessary, it is not a silver bullet. It's not a cure-all.

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It's not perfect. But it's necessary. It's not sufficient, but necessary.

This bill represents one leg of a three-legged stool, the other two being addressing the housing crisis and freeing up credit. Today, we learn details of President Obama's plan to address the housing crisis. We all hope it works.

These measures, taken together, are a solid start. But there are still many long days ahead of us.

People might grow tired of being tired.

People might grow weary of being weary.

But I believe this is the beginning of the end. Things will only get better.

Like the miners of Butte, the farmers and ranchers who homesteaded here, or Lewis and Clark who prevailed through sheer willpower – so, too, will we.

We will prevail.

With the strain of our backs, the calluses of our hands, and the sweat of our brow, we will pass on an even better state to our children -- with hope and promise.

Our children. The next generation. That is why we enter public service. That is why parents work night shifts. So we can give our children a better life than we had.

CHIP

Amidst all of the dark clouds surrounding our economy, there is one bright ray of sunshine. And that's our effort to cover more kids under the Children's Health Insurance Program.

Health care is as essential to kids' futures as learning the ABCs. I'm sure if you asked any pediatrician, any teacher, any parent, they would tell you that a healthy child is more likely to get a good education. And a good education is the key to our economic future.

Earlier I talked about three great Presidents, three great individuals who changed our nation and our world at pivotal moments in history.

Yet, Roosevelt overcame polio, Kennedy battled a litany of illnesses his entire life; heck, even the Gipper probably had a few bumps and bruises along the way.

But they all were able to get the care they needed, and go on to accomplish great things.

But what if they wouldn't have had access to quality health care? How would our nation be different today?

Not a CHIP Fan:

You know, I have a confession to make. I'm not a fan of CHIP. . . .
I'm not a fan. . .

I'm a BIG fan. I'm a fanatical fan of CHIP.

CHIP is a real program that helps real families who really need it.

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Example. The Pitman family. Stephanie and her husband, Travis, are small business owners – they run a day care here in Helena. They work hard day in and day out, but don't make enough to afford private insurance for their kids.

Patterson who is 8 and Corbin who is 4.

Yet, because of CHIP their youngsters are able to get the check-ups that they need to grow healthy. Travis isn't here today---- he's managing their daycare business -- but Stephanie, Patterson and Corbin are here today. Stand up, guys, so we can thank you!

I helped create CHIP in 1997, and it has since become one of the most successful programs we have ever undertaken.

Since 1997, CHIP has helped 51,000 kids in Montana. And we're just getting started.

There are still 34,000 kids in Montana without health insurance. That is 34,000 too many.

The CHIP DEAL:

For those of you who were here last session, in 2007, I took my few minutes up here to offer you a deal.

I said that I would use my chairmanship of the Senate Finance Committee to expand CHIP in Washington -- if you would expand it here in Helena.

I was proud to learn that you upheld your end of the bargain in 2007, by expanding CHIP eligibility from 150 percent of the poverty level to 175 percent. For that, I congratulate you.

As for my end of the deal. Well.... it took a while.

There is the old saying that Rome wasn't built in a day. That was sure true for CHIP.

It took more than two years. It was vetoed twice. And let me tell you, it wasn't easy.

But, two weeks ago today, I stood proudly over President Obama's shoulder as he signed my bill to expand CHIP!

And as I watched him sign the legislation, I cannot describe the sense of pride that I felt. It's something that I've felt very few times in my life.

It wasn't pride of authorship. It was pride in knowing that thousands of children in Montana -- maybe even a future President of the United States -- will be able to live a healthy life because of the work we did.

As a public servant, that is the greatest reward there is. Bar none.

I-155

But as you know, we're not done yet. Last November, Montanans overwhelmingly approved Initiative 155, the healthy kids initiative. I voted for it, too, because once I-155 is fully implemented and funded, we will cut the number of uninsured Montanans by 90 percent.

To state it another way, we'll make sure that 30,000 more kids get health insurance. That's a VERY big deal.

I want to thank Representative Hunter for his great work on this. Chuck is working to fund the I-155 expansion. Thank you, Chuck.

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While we have made good progress covering our children, we're not done yet. One of my top priorities is making sure that every American has access to quality, affordable health care. It is a noble goal that many of us share.

It is a goal deeply rooted in America: bring us your tired, bring us your poor.

As Montanans, we must strive to make sure that everyone has the ability to receive the care they need and deserve.

Earlier today, I sat down with both caucuses here at the Capitol. I impressed upon both that I want to work together on health care. It's not a partisan issue.

I'm glad to see that Senator Brown is providing leadership on health care. I look forward to partnering with him and all of you.

Like the old proverb says, a journey of a thousand miles begins with a single step. And expanding CHIP and initiative 155 are good first steps in the journey of providing health care coverage to every American.

But no journey can be completed alone. I cannot do it alone, you cannot do it alone. But together, we can.

In closing, I want to leave you with a quote from President Kennedy.

On a cold January morning in 1961, a young president bound up to a podium on the Capitol steps with a youthful vigor, and as millions tuned in with hopes of a better tomorrow, he told them all that "In your hands, my fellow citizens, more than mine, will rest the final success or failure of our course."

And I say to you all, the same thing today: In your hands, more than mine, rests the future of our state. Be wise. Be prudent. Serve those who have entrusted you. And as we come together, we can make Montana an even better place than it already is.

Thank you.

Upon adjournment of the joint session, the Senate reconvened.

Roll Call. All members present, except Senator Kaufmann, excused. Quorum present.

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

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

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

SB 368 - Senator Erickson moved **SB 368** do pass. Motion carried as follows:

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

Total 50

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 371 - Senator Perry moved **SB 371** do pass. Motion carried as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 394 - Senator Bales moved **SB 394** do pass.

SB 394 - Senator Bales moved **SB 394**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Following: "BALLOT"
Insert: "IF CERTAIN CONDITIONS ARE MET"

2. Title, page 1, line 6.
Following: "13-19-101"
Insert: ", "
Strike: "AND"
Following: "13-19-104,"
Insert: "13-19-202, AND 13-19-205,"

3. Page 2, line 7.
Following: line 6
Insert: Section 3. Section 13-19-202, MCA, is amended to read:

"13-19-202. Initiation by governing body. (1) A political subdivision may, by resolution of the governing body addressed to the election administrator, request that a particular election be conducted under the provisions of this chapter.

(2) Prior to requesting that a mail ballot be used for a state or federal election pursuant to subsection (1), the governing body shall hold a public hearing on the resolution at least 90 days and no later than 135 days before election day.

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~~(2)~~(3) No later than 70 days before election day, the governing body shall transmit its request to the election administrator, who shall determine whether it is economically and administratively feasible to conduct the requested election by mail ballot.

~~(3)~~(4) Except as provided in 13-19-204, the decision to conduct an election under the provisions of this chapter is within the sole discretion of the election administrator.

~~(4)~~(5) Within 5 days after receiving a request, the election administrator shall respond in writing, stating that the request is either granted or denied for reasons specified. If granted, the election administrator shall prepare a plan as provided in 13-19-205."

Insert: Section 4. Section 13-19-205, MCA, is amended to read:

"13-19-205. Written plan for conduct of election -- amendments -- approval procedures. (1) The election administrator shall prepare a written plan, including a timetable, for the conduct of the election and shall submit it to the secretary of state and the governing body concerned at least 60 days prior to the date set for the election.

(2) The plan must:

(a) include the location of:

(i) planned dropoff sites for ballots and a description of any other voter services to be provided at those sites; and

(ii) any accessible dropoff sites that would include the use of specialized voting equipment designed to accommodate physically disabled voters; and

(b) identify any specific effort designed to increase or enhance the ability of a person to participate in the election.

~~(2)~~(3) The plan may be amended by the election administrator any time prior to the 35th day before election day by notifying the secretary of state in writing of any changes. Only the governing body concerned must be notified of any changes to information required in subsection (2).

~~(3)~~(4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

~~(4)~~(5) When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan."

Amendment adopted as follows:

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

Total 41

Nays: Erickson, Gallus, Juneau, Kaufmann, Keane, Moss, Shockley, M. Tropila, Wanzenried.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 394 - Senator Bales moved **SB 394**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hinkle, Jackson, Jent, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 31

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Nays: Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 51 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Tutvedt, Williams, Zinke, Mr. President.

Total 38

Nays: Branae, Brueggeman, Hamlett, Hinkle, Laslovich, Lewis, Moss, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 213 passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 248 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 passed as follows:

Yeas: Bales, Branae, T. Brown, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Murphy, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Williams, Windy Boy, Zinke.
Total 27

Nays: Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Perry, Ripley, Tutvedt, Wanzenried, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 335 passed as follows:

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

Total 47

Nays: Keane, Moss, Williams.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 336 passed as follows:

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

Total 42

Nays: Erickson, Juneau, Kaufmann, Laible, Larsen, Moss, Stewart-Peregoy, Williams.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 344 passed as follows:

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

Total 50

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 376 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 19 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Hamlett moved to change his vote on **SB 51** from yes to no. Motion carried.

Senator Steinbeisser moved that **SB 217** be re-referred from Agriculture, Livestock, and Irrigation to Finance and Claims. Motion carried.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 12:00 p.m., Thursday, February 19, 2009. Motion carried.

Senate adjourned at 3:06 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate