

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

Helena, Montana
February 7, 2009

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

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

BILLS AND JOURNALS:

2/7/2009

Correctly printed: **SB 57, SB 97, SB 107, SB 132, SB 143, SB 157, SB 198, SB 235, SB 246, SB 255, SB 289, SB 376, SB 377, SB 378, SB 379, SB 380, SB 381, SB 382, SB 383, SB 384, SB 385, SB 386, SR 3, SR 4, SR 5, SR 6, SJ 16, SJ 17.**

Correctly engrossed: **SB 204.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Perry, Chairman):

2/6/2009

SB 281, introduced bill, be amended as follows:

1. Title, line 5.

Following: "46-9-401,"

Strike: "AND"

Following: "61-5-214,"

Insert: "AND 61-5-218,"

2. Page 2, line 22.

Following: "misdemeanor"

Strike: "or a felony"

Following: "under"

Strike: "the Montana Code Annotated"

Insert: "Title 45, Title 61, chapters 3 through 10, or Title 87"

3. Page 3, line 15.

Following: "by"

Strike: "first-class"

Insert: "certified"

4. Page 3, line 23.

Following: line 22

Insert: "**Section 4.** Section 61-5-218, MCA, is amended to read:

"61-5-218. License reinstatement fee following license suspension or revocation. (1) Except as provided in subsection (2), a person whose driver's license, other than a commercial driver's license, or driving privilege has been suspended or revoked shall pay a reinstatement fee of \$100 to the department to have the driver's license or driving privilege reinstated.

(2) (a) A person whose driver's license or driving privilege was suspended or revoked under 61-5-205 or 61-8-402 shall pay a reinstatement fee as required by 61-2-107.

(b) A driver's license or driving privilege that was suspended or revoked under 61-5-207 must be reinstated without payment of a reinstatement fee.

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(c) The reinstatement fee required under subsection (1) must be waived by the department when a court notifies the department that the person has satisfied the requirements of 61-5-214(2) and the court has determined that the person is indigent under the standards set forth in 47-1-111.

(3) The department shall deposit the fees collected under subsection (1) in the general fund."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 311, do pass. Report adopted.

SB 340, do pass. Report adopted.

SB 341, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

2/7/2009

SB 309, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/6/2009

HB 95, introduced by Hawk

HB 363, introduced by Jones

House joint resolution passed and transmitted to the Senate for concurrence:

2/6/2009

HJR 12, introduced by Steenson

FIRST READING AND COMMITMENT OF BILLS

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

SB 387, introduced by Bales, referred to Energy and Telecommunications.

SB 388, introduced by Gillan, Arntzen, P. Beck, Becker, Branae, Erickson, Fleming, French, Furey, Getz, Gillan, Grinde, Hamlett, Hansen, MacDonald, McChesney, Pomnichowski, Schmidt, Steenson, Stewart-Peregoy, M. Tropila, Van Dyk, Wanzenried, referred to Business, Labor, and Economic Affairs.

SB 389, introduced by Squires, referred to Business, Labor, and Economic Affairs.

SB 390, introduced by McGee, Ripley, referred to Local Government.

SB 391, introduced by Brueggeman, referred to State Administration.

SB 392, introduced by Brueggeman, referred to Local Government.

SB 393, introduced by Steinbeisser, referred to Business, Labor, and Economic Affairs.

SB 394, introduced by Bales, referred to State Administration.

SB 395, introduced by Gebhardt, referred to Business, Labor, and Economic Affairs.

SB 396, introduced by Story, referred to Natural Resources.

SB 397, introduced by Gillan, Augare, Grinde, referred to Business, Labor, and Economic Affairs.

SB 398, introduced by Zinke, Steinbeisser, referred to Business, Labor, and Economic Affairs.

SB 399, introduced by Laslovich, referred to Public Health, Welfare and Safety.

SB 400, introduced by Laslovich, referred to Judiciary.

SB 401, introduced by Laslovich, referred to Public Health, Welfare and Safety.

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

SJR 20, introduced by Story, Bergren, Campbell, J. Peterson, Sales, Williams, referred to Agriculture, Livestock and Irrigation.

SJR 21, introduced by Curtiss, Bennett, Hinkle, Jackson, Laible, McGee, Ripley, referred to Agriculture, Livestock and Irrigation.

SJR 22, introduced by Zinke, referred to State Administration.

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

SR 7, introduced by Steinbeisser, referred to Agriculture, Livestock and Irrigation.

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 57 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

SB 97 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Murphy.

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Total 1

SB 107 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

SB 132 passed as follows:

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

Total 38

Nays: Bales, Balyeat, Barkus, Brenden, Brueggeman, Curtiss, Hinkle, Jackson, McGee, Perry, Ripley.

Total 11

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

SB 143 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, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: Hinkle.

Total 1

Absent or not voting: None.

Total 0

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Excused: Murphy.
Total 1

SB 157 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

SB 188 passed as follows:

Yeas: Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Zinke.
Total 35

Nays: Bales, Branae, Brueggeman, Cooney, Erickson, Esp, Juneau, Kaufmann, Moss, Squires, Wanzenried, Williams, Windy Boy, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

SB 198 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: Murphy.

Total 1

SB 235 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, Hinkle, Jackson, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 40

Nays: Erickson, Hawks, Jent, Moss, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams.

Total 9

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

SB 246 passed as follows:

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

Total 42

Nays: Bales, Brenden, Cooney, Moss, Squires, Wanzenried, Mr. President.

Total 7

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

SB 255 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

SJR 16 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Esp, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

**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 Hamlett in the chair.

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

SB 58 - Senator Gillan moved **SB 58** do pass. Motion carried 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, Laible, Larsen, Laslovich, Lewis, Moss, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, McGee, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

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SB 102 - Senator Brueggeman moved **SB 102** 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

SB 193 - Senator McGee moved **SB 193** 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Murphy.

Total 1

SB 201 - Senator Laslovich moved **SB 201** 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Murphy.
Total 1

Senator Shockley excused.

SB 206 - Senator Debby Barrett moved **SB 206** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Curtiss, Esp, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.
Total 40

Nays: R. Brown, Cooney, Erickson, Essmann, Gillan, Juneau, Moss, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Murphy, Shockley.
Total 2

SB 228 - Senator Debby Barrett moved **SB 228** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Perry, Peterson, Ripley, Schmidt, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Zinke, Mr. President.
Total 36

Nays: Erickson, Gallus, Gillan, Hawks, Juneau, Kaufmann, Moss, Squires, M. Tropila, Wanzenried, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Murphy, Shockley.
Total 2

SB 261 - Senator Wanzenried moved **SB 261** do pass. Motion carried as follows:

Yeas: Balyeat, Barkus, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Bales, Barrett, Black, Brenden, Gebhardt, Hinkle, Laible, McGee, Perry, Ripley.
Total 10

Absent or not voting: None.

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Total 0

Excused: Murphy, Shockley.
Total 2

SB 297 - Senator Larsen moved **SB 297** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Brenden, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: Murphy, Shockley.
Total 2

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

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the Pages for their work during the week of February 2-7, 2009.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, February 9, 2009. Motion carried.

Senate adjourned at 9:34 a.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate