

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 11, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Quorum present.

**REPORTS OF STANDING COMMITTEES**

**Correctly printed: SB 13, SB 20, SB 27, SB 29, SB 30, SB 50, SB 59, SB 62, SB 84, SB 85, SB 119, SB 131, SB 178, SB 187, SB 188, SB 238, SB 239, SB 240, SB 241, SB 242, SB 243, SB 244, SB 245, SB 246, SJR 1.**

**Correctly engrossed: SB 184.**

**Correctly enrolled: SR 1.**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):

1/11/2007

**SB 187**, do pass. Report adopted.

**SB 188**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

1/11/2007

**SB 85**, do pass. Report adopted.

**SB 119**, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

1/11/2007

**SB 131**, do pass. Report adopted.

**SB 178**, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/11/2007

**SB 62**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 238**, introduced by Wanzenried, referred to Judiciary.

**SB 239**, introduced by Balyeat, Lewis, Steinbeisser, Murphy, Brown, Larson, Vincent, Hamilton, Jent, Laslovich, Lind, Sonju, Ankney, Jacobson, referred to State Administration.

**SB 240**, introduced by Kaufmann, Harrington, referred to Business, Labor, and Economic Affairs.

**SB 241**, introduced by Kaufmann, Harrington, referred to Business, Labor, and Economic Affairs.

**SB 242**, introduced by Elliott, referred to Taxation.

**SB 243**, introduced by Balyeat, Lewis, Steinbeisser, Brown, Hamilton, Vincent, Larson, Sonju, Laslovich, referred to Fish and Game.

**SB 244**, introduced by Weinberg, Beck, referred to Local Government.

**SB 245**, introduced by McGee, referred to Local Government.

**SB 246**, introduced by Gallus, Sesso, Bergren, Groesbeck, Everett, Olson, Keane, Parker, Noonan, referred to Public Health, Welfare and Safety.

**SECOND READING AND COMMITMENT OF BILLS**

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

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

**SB 20** - Senator Shockley moved **SB 20** do pass. Motion carried unanimously

**SB 27** - Senator Esp moved **SB 27** do pass. Motion carried unanimously.

**SB 29** - Senator Smith moved **SB 29** do pass. Motion carried on voice vote, Senator Esp voting nay.

**SB 30** - Senator Smith moved **SB 30** do pass. Motion carried unanimously.

**SB 50** - Senator Gallus moved **SB 50** do pass. Motion carried unanimously.

**SB 59** - Senator Hansen moved **SB 59** do pass. Motion carried unanimously.

**SB 73** - Senator McGee moved **SB 73** do pass. Motion carried unanimously.

**SB 84** - Senator Elliott moved **SB 84** do pass. Motion carried unanimously.

**SB 184** - Senator O'Neil moved **SB 184**, second reading copy, be amended as follows:

1. Page 1, line 22.

**Strike:** subsection (1)(d) in its entirety

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

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Total 18

Nays: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 184** - Senator Hawks moved **SB 184**, second reading copy, be amended as follows:

1. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS 18-2-102 AND"

2. Page 1, line 11.

**Insert:** "**Section 1.** Section 18-2-102, MCA, is amended to read:

**"18-2-102. Authority to construct buildings.** (1) Except as provided in 22-3-1003 and subsection (2) of this section, a building costing more than \$150,000 may not be constructed without the consent of the legislature. Legislative approval of repair and maintenance costs as part of an agency's operating budget constitutes the legislature's consent. When a building costing more than \$150,000 is to be financed in a manner that does not require legislative appropriation of money, the consent may be in the form of a joint resolution.

(2) (a) The governor may authorize the emergency repair or alteration of a building and is authorized to transfer funds and authority as necessary to accomplish the project. Transfers may not be made from the funds for an uncompleted capital project unless the project is under the supervision of the same agency.

(b) The regents of the Montana university system may authorize the construction of revenue-producing facilities referred to in 20-25-302 if they are to be financed wholly from the revenue from the facility.

(c) The regents of the Montana university system, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private money if the construction of the building will not result in any new programs.

(d) The department of military affairs, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private money on federal land for the use or benefit of the state."

**Renumber:** subsequent sections

Motion carried unanimously.

**SB 184** - Senator O'Neil moved **SB 184**, as amended, do pass:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Curtiss, Esp, Jackson, McGee, O'Neil, Steinbeisser, Story.

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Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the Committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**MOTIONS**

**SJR 1** - Senator Williams moved **SJR 1** be adopted. Motion carried with Senator Black and Senator Jackson voting nay.

**SR 1** - Senator Williams moved **SR 1** be adopted. Motion carried 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 39** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 40** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, January 12, 2007. Motion carried.

Senate adjourned at 2:31 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate