

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

Helena, Montana  
January 15, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. Senator Esp excused. Quorum present. 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, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

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

Total 4

Absent or not voting: None.

Total 0

Excused: Esp.

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate recess and convene with the House for a joint session to hear United States U.S. Senator Jon Tester's address in the House Chambers. Motion carried.

President Cooney, Speaker Sales, esteemed members of the Montana House and Senate: thank you for allowing me the opportunity to address this joint session of the 60<sup>th</sup> Session of the Montana Legislature. It is an honor and a privilege to be able to be with so many good friends today. It also feels mighty good to be home!

For Sharla and I, Montana is, and always will be, home. While I may have a temporary address on Capitol Hill, home will always be on the farm in Big Sandy, Montana. The people of this great state have entrusted me with the awesome responsibility of representing them in the United States Senate. It is a responsibility that I accept with humility and resolve.

That a guy like me – a third-generation dry-land grain farmer from north-central Montana – would be afforded the opportunity to represent his state in the greatest deliberative body ever conceived by man is yet another illustration of the genius of our democratic system of government. And while the task before me is daunting, I know that the lessons and values I learned in Montana will serve me well as I work hard to represent Montana every day in Washington. I ran for the United States Senate out of a fierce determination to make our federal government work again for ordinary Americans. While that notion may seem naïve to the cynical, the dispirited, and those vested in maintaining the status quo, I know in my heart that making government responsive to the needs of each and every one of our citizens is not just a dream, but in fact the duty of every public servant, at every level of government.

I know it can be done because it HAS been done. Right here in Montana. During my eight years working in these very halls as a State Senator from Big Sandy, I developed an abiding faith not only in the promise of our democratic ideals, but also in the real and tangible capacity of government to get things done for people. We are the people's government.

Citizen legislatures like this one truly are the incubators of democracy. They lead the way in terms of innovation, new ideas and cutting-edge policy initiatives. They lead the way in ensuring that the voice of everyday folks is heard. Those ideals and values I learned in these very halls is what I am taking to the United States Senate.

During my time in the Montana Legislature, we were able to make genuine strides in improving the lives of people who entrusted us to do their business. We were able to make the government work for the people of our state.

And how were we able to achieve these great strides? It's simple. By working together to do what is best for the people of Montana.

At the end of the day, we put aside partisanship, regional and economic differences, to do the right thing. We were always guided by Montana values like common sense, living within our means, extending a hand to a neighbor in need, and investing in our future.

I ask you to consider for a moment all that was accomplished during the previous session of the Montana Legislature. Working collaboratively – across the aisle and with Governor Schweitzer – we enacted numerous and concrete policy initiatives for the people of this state. As past President of the Montana Senate, I look back with pride over our collective resolve to invest in public education; to make health care more accessible and affordable; to provide real support for Montana businesses; create new opportunities for Montana's workers; and help lead the nation toward energy independence. And we were able to achieve very real and tangible results on time, with a balanced budget, and without raising taxes. Washington can learn much from what we have accomplished here in Big Sky Country.

As you go about the people's business during this current legislative session, I ask that you continue to keep in mind these lessons learned about the need for cooperation and collaboration to advance the public good. You have the opportunity to keep Montana moving on the right track. By continuing to support public education – with programs like voluntary all-day kindergarten as well as investing in our schools and university system – you can provide every Montana child with the tools and resources they need to allow them to succeed in a highly competitive global economy.

And education is a lifelong process. Continuing education and work force training are critical to growing Montana's economy, creating jobs and providing opportunities for folks to stay in Montana, raise a family and make a living.

I am confident that these values and lessons I learned, both growing up in Big Sandy and in these halls, will serve me well as your voice in the United States Senate.

In Washington, I look forward to working both closely and cooperatively with Senator Baucus, Representative Rehberg, and members of both parties to move our state and nation forward.

As I stated earlier, the Congress of the United States can learn much from what has been accomplished right here in Montana.

Last November, the people of this great nation expressed their overwhelming dissatisfaction with “politics as usual” in our nation's capitol. They had grown weary of the partisan excess, scandal and a Beltway culture that placed the desires of the wealthy and well connected above the needs of ordinary Americans. They wanted their government to work for them again.

Americans have never been captive to ideology or political party. They are always open to new ideas and a fresh perspective. Most of all, they just want their government to get things done.

And those elected officials who fail to learn this lesson will sooner or later be held accountable. Again, the Montana model of government is instructive.

Take the issue of ethics. Montana enjoys some of the most progressive open-government, campaign finance and lobbyist disclosure laws in the nation. And it is my sincere hope that you do nothing to draw the veil on the ability of Montanans to see what is happening in the political process.

Sadly, this transparency in government has not been the case in Washington. Scandals and questionable ethical behavior cast a dark shadow over Congress -- and frankly over everyone in public service. The people demanded we shine light on the workings of government, and we are going to give it to them. I am proud to support the most sweeping ethics reform legislation in a generation. We are working to ban gifts and travel paid for by special-interest lobbyists; require lobbyists to be more forthcoming about their activities; and stop the “revolving door” where former members of Congress walk out the door of the nation's capitol and into the office of a big corporate law firm as millionaire lobbyists.

But comprehensive ethics reform is only a start. Numerous challenges – both foreign and domestic – face our country today. And these challenges cannot and will not be resolved by partisanship or ideology, but by working together to make government work for each and every American.

There is likely no greater domestic challenge facing our country than how we are going to fix America's ongoing health care crisis. With more than 46 million Americans and better than 1 in 5 Montanans lacking even

the most basic form of health care coverage, this crisis is severe and I know it is apparent to each and every one of you.

Again, the progress Montana has made in the area of health care coverage can be instructive as our nation goes about addressing this monumental crisis. By fully funding the Children's Health Insurance Program, we were able to provide health insurance to tens of thousands of Montana kids. Through the Big Sky Rx Program, we made prescription drug coverage more affordable for Montana seniors and the disabled. And through the Insure Montana program, we were able to make health insurance more affordable to Montana small businesses and their employees.

Congress can make health care affordable and accessible for every American. It is incumbent on us to provide the political will and resolve to make it happen.

Getting a handle on our skyrocketing national debt is another urgent concern and critical to our national security. In the last five years, we've doubled our debt to foreign interests. And here at home, we are saddling each and every American with a \$30,000 in debt. Debt that will be re-paid by our children and grandchildren. The latest catch phrase in Washington is "pay as you go." This means you don't spend money you don't have. Not exactly a revolutionary concept here in Montana, where we've been balancing the state budget every year for more than a generation. Here in Montana we know how to live within our means. It's long past time for the federal government to do the same.

In an area that encompasses both our long term economic as well as security interests, it is essential that our nation achieve – once and for all – meaningful energy independence. And the path for America's energy independence runs right through the state of Montana.

As past President of the Montana Senate, I am extremely proud of the work we did with Governor Schweitzer and members of both parties to help Montana pave the way to America's energy independence. Working together, we were able to jump-start Montana's wind energy industry, make renewables a component of Montana's energy portfolio, and provide incentives for the production of ethanol. This has been good for Montana's economy and our national security. I look forward to working in the United States Senate to expand our nation's supply of renewable and alternative energy.

The numerous threats and challenges facing our country from abroad demand a new direction from our leadership in Washington, D.C.

More than 5 years after the heinous attacks of September 11<sup>th</sup>, most of the perpetrators of those despicable acts remain at large. In the meantime, we find ourselves mired in a bloody and open-ended conflict in Iraq. After \$300 billion dollars – that's over \$2 billion dollars a week -- and the loss of more than 3,000 American lives – including 14 Montanans – we must reexamine our strategy and foreign policy priorities. In response to the President's recent plan to send even more troops to Iraq, my colleague, and our friend, Senator Max Baucus – whose family has suffered a grievous loss in this conflict – mapped a new course. I commend Senator Baucus for his courage and stand with him, and the tens of thousands of Montanans and millions of Americans who agree we cannot afford the status quo. Max and I are firm in our resolve to chart a new foreign policy based on political and diplomatic, as well as military, options.

Today we honor the memory of Dr. Martin Luther King, Jr. A great American leader who reminded us that we are all together in this great democracy.

It is my deep and sincere hope that as this 60<sup>th</sup> session of the Montana Legislature deliberates the people's business that you always keep in mind the following: That which unites us is far greater than that which divides us.

At the end of the day, we are more than Republicans or Democrats, city or country, Native American, Hispanic, Black or White. We are, at the end of the day, all Montanans and Americans. Working together, putting the common good over individual gain, we can both achieve the promise of our democratic ideals and make government work for every Montanan and every American.

Thank you and God Bless you all.

Senate reconvened 1:41 p.m. Senators Esp, Smith excused. Quorum present.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash,

J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Esp, Smith.  
Total 2

All members present, except Senators Esp and Smith. Quorum present

#### REPORTS OF STANDING COMMITTEES

**Correctly printed: SB 5, SB 44, SB 66, SB 69, SB 75, SB 90, SB 94, SB 97, SB 104, SB 119, SB 131, SB 163, SB 170, SB 178, SB 187, SB 188, SB 261, SB 262, SB 263, SB 264.**  
**Correctly engrossed: SB 48.**

**JUDICIARY** (Laslovich, Chairman): 1/15/2007  
**SB 5**, do pass. Report adopted.  
**SB 15**, do pass. Report adopted.  
**SB 104**, do pass. Report adopted.  
**SB 163**, do pass. Report adopted.  
**SB 170**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman): 1/15/2007  
**SB 48**, introduced bill, be amended as follows:

1. Page 3, line 28 through line 30.  
**Strike:** subsection (9) in its entirety  
**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 90**, do pass. Report adopted.  
**SB 94**, do pass. Report adopted.

#### MOTIONS

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to have **SB 8** moved to Judiciary Committee. Motion carried.

**SEN. DAN WEINBERG, SD 2, WHITEFISH** moved **SEN. DANIEL MCGEE, SD 29, LAUREL** be added to **SB 245** as a sponsor. Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to postpone **SB 85** from the second reading agenda. Motion carried.

## FIRST READING AND COMMITMENT OF BILLS

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

- SB 261**, introduced by Lewis, referred to Local Government.
- SB 262**, introduced by J. Tropila, referred to Agriculture, Livestock and Irrigation.
- SB 263**, introduced by Lind, referred to Judiciary.
- SB 264**, introduced by Kaufmann, Wanzenried, referred to Local Government.

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

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

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

**SB 44** - Senator Larson moved **SB 44** do pass. Motion carried unanimously.

**SB 66** - Senator Wanzenried moved **SB 66** do pass. Motion carried unanimously.

**SB 69** - Senator Wanzenried moved **SB 69** do pass. Motion carried as follows:

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

Total 39

Nays: Balyeat, Brown, Cobb, Curtiss, McGee, O'Neil, Shockley, Stapleton, Story.

Total 9

Absent or not voting: None.

Total 0

Excused: Esp, Smith.

Total 2

**SB 97** - Senator Cocchiarella moved **SB 97** do pass. Motion carried unanimously.

**SB 119** - Senator Moss moved **SB 119** do pass. Motion carried unanimously.

**SB 131** - Senator Cobb moved **SB 131** do pass. Motion carried unanimously.

**SB 178** - Senator Lewis moved **SB 178** do pass. Motion carried unanimously.

**SB 188** - Senator Tash moved **SB 188** do pass. Motion carried unanimously.

**SB 187** - Senator Bales moved **SB 187** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

President Cooney in the chair. Chairman Elliott 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 184** passed as follows:

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

Total 42

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

Total 8

Paired: Williams, Aye; Esp, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 62** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Esp.

Total 1

**SB 16** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**SB 43** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**LEGISLATIVE ADMINISTRATION (Smith, Chairman):**

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, January 13, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Kirsten Aasen, Helena Logan Faure, Helena Derek Janni, Whitefish Kelly Gilman, White Sulfur Springs Stefani McGraw, Cardwell

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 15, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Adam Terrio, Helena Clark Barker, Cardwell Katherine Stanfield, Polson

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Tuesday, January 16, 2007. Motion carried.

Senate adjourned at 2:41 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate