

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

Helena, Montana
January 22, 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. All members present. Quorum present.

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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the Senate Democrats recess until 1:30 p.m. for caucus. Motion carried. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Senate Republicans recess for caucus. Motion carried.

Senate reconvened at 1:30 p.m. President Cooney presiding.

Roll Call. All members present. Quorum present.

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

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FIRST READING AND COMMITMENT OF BILLS

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

SB 316, introduced by Elliott, referred to Taxation.

SB 317, introduced by Lewis, Elliott, Curtiss, Lind, Mendenhall, Erickson, Murphy, Tash, McAlpin, J. Peterson, Pommichowski, Brueggeman, Williams, Story, MacLaren, Noonan referred to State Administration.

SB 318, introduced by J. Peterson, Jackson, Gebhardt, Williams, Jore, Lake, Rice, Barkus, Taylor, Brueggeman, Blasdel, W. Jones, Furey, Villa referred to Judiciary.

SB 319, introduced by Cocchiarella, Stoker, Nooney, Lake, Brown, Balyeat, Gillan, Everett, McGillvray, referred to Business, Labor, and Economic Affairs.

SB 320, introduced by Gillan, Weinberg, Lind, K. Peterson, Branae, Grinde, Small-Eastman, Becker, Gebhardt, Kitzenberg, Schmidt, Larson, Driscoll, Jopek, Moss, referred to Local Government.

SB 321, introduced by Brueggeman, referred to Business, Labor, and Economic Affairs.

SB 322, introduced by Brueggeman, Jore, Taylor, referred to Judiciary.

SB 323, introduced by Laslovich, MacLaren, Thomas, Klock, Smith, Harrington, Hansen, Ripley, Lewis, Wells, J. Peterson, Olson, Hiner, Small-Eastman, Barkus, Keane, Gebhardt, Brueggeman, Sonju, Nooney, Parker, Steinbeisser, Perry, L. Jones, O'Hara, Black, Kitzenberg, Bergren, Barkus, Stahl, Noonan, Blasdel, McNutt, Milburn, Windy Boy referred to Business, Labor, and Economic Affairs.

SB 324, introduced by Jackson, Gallus, Weinberg, McNutt, Sesso, Perry, Curtiss, Brown, Laslovich, referred to Natural Resources and Energy.

SB 325, introduced by Lewis, referred to Local Government.

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

HB 10, introduced by Franklin, referred to Finance and Claims.

HB 36, introduced by Musgrove, referred to Natural Resources and Energy.

HB 122, introduced by Keane, referred to Highways and Transportation.

HB 126, introduced by Keane, referred to Highways and Transportation.

HB 127, introduced by Keane, referred to Highways and Transportation.

HB 137, introduced by Villa, referred to Business, Labor, and Economic Affairs.

**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 J. Tropila in the chair.

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

SB 92 - Senator Steinbeisser moved **SB 92** do pass. Motion carried with Senator O'Neil, Brown voting nay.

SB 112 - Senator Lewis moved **SB 112** do pass. Motion carried unanimously.

SB 77 - Senator Laible moved **SB 77** do pass. Motion carried unanimously.

SB 141 - Senator Laslovich moved **SB 141** do pass. Motion carried unanimously.

SB 164 - Senator Gallus moved consideration of **SB 164** for the day. Motion carried unanimously.

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SB 169 - Senator Laslovich moved **SB 169** do pass. Motion carried unanimously.

SB 203 - Senator Balyeat moved **SB 203** do pass. Motion carried unanimously.

SB 123 - Senator McGee moved **SB 123**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "HOURS"

Insert: "OR AN EARLY CHILDHOOD DEVELOPMENT PROGRAM"

2. Page 1, lines 14 through 25.

Strike: lines 14 through 25 in their entirety

3. Page 2, line 15.

Following: "**K**indergarten"

Insert: ", early childhood development,"

4. Page 2, line 27.

Following: "aid."

Insert: "(3) The trustees of an elementary district who do not designate a kindergarten program as a full-time program may establish an early childhood development program. The early childhood development program must focus on the educational needs of children enrolled in kindergarten through grade 3. The trustees of an elementary district establishing an early childhood development program shall ensure that all ANB funding received for 5-year-old children is used in the early childhood development program and is not diverted to other programs. The office of public instruction may develop reporting and tracking procedures to ensure that the requirements of this subsection are complied with."

5. Page 6, line 11.

Following: "program"

Insert: "or implementation of an early childhood development program"

6. Page 8, line 4.

Following: "program"

Insert: "or implementation of an early childhood development program"

7. Page 9, line 24.

Following: "program"

Insert: "or implementing an early childhood development program"

8. Page 9, line 25.

Following: "kindergarten"

Insert: "or implementing an early childhood development program"

9. Page 13, line 30.

Following: "program"

Insert: "or implementing an early childhood development program"

10. Page 14, line 1.

Following: "kindergarten"

Insert: "or implementing an early childhood development program"

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11. Page 17, line 29.

Following: "20-1-301"

Insert: "or implementing an early childhood development program as described in 20-7-117"

12. Page 18, line 3.

Following: "20-1-301"

Insert: "or implementing an early childhood development program as described in 20-7-117"

Amendment **not** adopted as follows:

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

Total 21

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

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 123 - Senator Williams moved **SB 123** do pass. Motion carried as follows:

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

Total 36

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Tash.

Total 14

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 J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

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

SB 83 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 85 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, 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 48

Nays: Jackson, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 104 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 139 passed as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, 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

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Essmann, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to redirect **SB 112** to the Finance and Claims Committee. Motion carried.

LEGISLATIVE ADMINISTRATION (Smith, Chairman):

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5 p.m., Friday, January 19, 2007:

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

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 22, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Colin Cooney, Helena Kayla Adams, Kalispell Sarah Conn, Helena Karl Bjelland, Conrad Margaret Koenig, Kalispell Brad Larson, Townsend Tom Stene, Joliet

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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 23, 2007. Motion carried.

Senate adjourned at 3:12 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate