

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

Helena, Montana
January 26, 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, except **SEN. KEN HANSEN, SD 17, HARLEM** and **SEN. GERALD PEASE, SD 21, LODGE GRASS**, excused. Quorum present.

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

Total 2

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):

1/26/2007

SB 68, do pass. Report adopted.

SB 127, introduced bill, be amended as follows:

1. Page 3, line 11.

Following: "16-3-411"

Insert: "and 16-4-901"

2. Page 3, line 18.

Strike: "directly to a retailer in"

Insert: "into"

3. Page 3, line 19 through line 20.

Strike: "from a winery" on line 19 through "distributor" on line 20

Insert: "in violation of this code"

4. Page 10, lines 14 through 16.

Following: "Montana" on line 14

Strike: the first "and" on line 14 through "code" on line 16

Insert: "in violation of this code"

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2007

And, as amended, do pass. Report adopted.

SB 214, introduced bill, be amended as follows:

1. Title, line 5.

Following: "THAT"

Insert: "CERTAIN"

2. Page 5, lines 15 through 16.

Following: "officer" on line 15

Strike: "of a" through "corporation"

Following: "manager"

Strike: "of a manager-managed" on line 15 through "company" on line 16

Insert: "who is exempt under 39-71-401(2)(r)(iii) or (2)(r)(iv) and"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Schmidt, Chairman):

1/26/2007

SB 4, do pass. Report adopted.

SB 10, do pass. Report adopted.

SB 42, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

1/26/2007

SB 10, do pass. Report adopted.

SB 101, do pass. Report adopted.

SB 175, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 356, introduced by Brueggeman, Erickson, Gallus, Cocchiarella, Lewis, Wanzenried, Laslovich, Furey, Gillan, referred to Taxation.

SB 357, introduced by Larson, referred to Judiciary.

SB 358, introduced by Larson, referred to State Administration.

SB 359, introduced by Cocchiarella, Gebhardt, Squires, Olson, Squires, J. Tropila, referred to State Administration.

SB 360, introduced by J. Peterson, Wells, Butcher, Ross, Black, Perry, Furey, referred to Judiciary.

SB 361, introduced by Kaufmann, Hawks, referred to Local Government.

SB 362, introduced by Cobb, Lewis, referred to Education and Cultural Resources.

SB 363, introduced by Kaufmann, Lewis, Parker, MacLaren, referred to Judiciary.

SB 364, introduced by Story, Gebhardt, Stahl, referred to State Administration.

SB 365, introduced by Story, Olson, Klock, Gebhardt, Tash, Boggio, referred to Natural Resources and Energy.

SB 366, introduced by Moss, referred to State Administration.

SB 367, introduced by Lind, Lambert, referred to State Administration.

SB 368, introduced by Lind, O'Hara, Wanzenried, McGillvray, referred to Public Health, Welfare and Safety.

SB 369, introduced by Smith, Jackson, Curtiss, referred to Business, Labor, and Economic Affairs.

SB 370, introduced by Tash, referred to Natural Resources and Energy.

SB 371, introduced by Kaufmann, Augare, Raser, Hollenbaugh, Reinhart, Sands, Franklin, Henry, Jopek,

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2007

Wanzenried, Juneau, referred to Judiciary.

SB 372, introduced by Balyeat, Gebhardt, Hendrick, Himmelberger, Jore, Jackson, Boggio, Brown, Steinbeisser, Shockley, Lewis, Murphy, Olson, Curtiss, Ross, Klock, Story, Everett, McGee, Barkus, W. Jones, Bales, J. Tropila, Black, Laslovich, Mendenhall, Perry, Sales, Malcolm, Stahl, Koopman, Stoker, Wells, Rice, McGillvray, Ankney, Lange, O'Neil, Heinert, referred to Fish and Game.

SB 373, introduced by Gillan, referred to Judiciary.

SB 374, introduced by Cooney, referred to State Administration.

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

SJR 5, introduced by Brueggeman, Pomnichowski, Hilbert, Lewis, Gebhardt, Kitzenberg, Bergren, Reinhart, French, Lind, Cooney, Ward, referred to Public Health, Welfare and Safety.

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

HB 20, introduced by McNutt, referred to Judiciary.

HB 84, introduced by McNutt, referred to Judiciary.

HB 144, introduced by Becker, referred to Public Health, Welfare and Safety.

HB 244, introduced by Wiseman, referred to Business, Labor, and Economic Affairs.

HB 254, introduced by Stoker, referred to State Administration.

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

HJR 4, introduced by Cohenour, referred to State Administration.

**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 Gillan in the chair.

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

SB 53 - Senator Cocchiarella moved **SB 53** do pass. Motion carried unanimously.

SB 157 - Senator Ryan moved **SB 157** do pass. Motion carried unanimously.

SB 12 - Senator Williams moved consideration of **SB 12** be passed for the day. Motion carried.

SB 115 - Senator Jent moved **SB 115** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Perry, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 34

Nays: Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Story.
Total 14

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2007

Absent or not voting: None.
Total 0

Excused: Hansen, Pease.
Total 2

SB 200 - Senator Lewis moved **SB 200** do pass. Motion carried with Senator Esp, McGee voting nay.

SB 124 - Senator Harrington moved **SB 124** 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 Gillan 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:

HB 1 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Balyeat, O'Neil.
Total 2

Absent or not voting: None.
Total 0

Excused: Hansen, Pease.
Total 2

SB 42 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 42

Nays: Esp, Gebhardt, Kaufmann, McGee, O'Neil, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: Hansen, Pease.

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2007

Total 2

SB 54 passed as follows:

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

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Hansen, Pease.

Total 2

SB 158 passed as follows:

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

Total 47

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: Hansen, Pease.

Total 2

SB 146 passed as follows:

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

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 26, 2007

Excused: Hansen, Pease.
Total 2

LEGISLATIVE ADMINISTRATION (Smith, Chairman):

1/29/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 26, 2007:

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

and recommend that the following attaches of the Senate be employed as of 1 p.m., Monday, January 29, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Sydney Best, Great Falls
	Lindsey Crosby, Bozeman
	Hannah Harper, Helena
	Mitzy Scheerer, Bozeman
	Elizabeth McGee, Laurel
	Jonathan Hamm, East Helena
	Kari Sinnema, Manhattan

Report Adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, January 29, 2007. Motion carried.

Senate adjourned at 2:00 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate