

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

Helena, Montana  
January 29, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Rev. Keith Johnson, Pastor of the Evangelical Covenant Church. Pledge of Allegiance to the Flag.

Roll Call: Senators Brown and Schmidt excused. Quorum present.

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

Total 42

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

Total 5

Absent or not voting: None.

Total 0

Excused: Brown, Schmidt.

Total 2

**MOTIONS**

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

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

Roll Call: Senators Schmidt, Brown excused.

Yeas: Bales, Barkus, Black, 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 2

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**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 1/26/2007

**HB 24**, introduced by Klock

**MOTIONS**

**SEN. VICKI COCCHIARELLA, SD 47, HELENA** moved **SB 223** be moved to Judiciary Committee. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**FISH AND GAME** (Tropila, Chairman): 1/29/2007

**SB 205**, do pass. Report adopted.

**SB 243**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "REDUCING THE" on line 4 through "FISHING LICENSE;" on line 5

2. Title, page 1, line 7.

**Following:** "YEARS;"

**Insert:** "ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO RECOUP THE COST OF ISSUING FREE LICENSES ON A QUARTERLY BASIS;"

3. Title, page 1, line 8.

**Strike:** "87-2-301,"

**Following:** "87-2-711"

**Strike:** ", "

4. Page 1, line 12 through line 15.

**Strike:** section 1 in its entirety

**ReNUMBER:** subsequent subsections

5. Page 4, line 13.

**Strike:** "and"

6. Page 4, line 28.

**Following:** line 27

**Insert:** "(d) The department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account for costs associated with the free licenses granted pursuant to this subsection (12) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue."

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

1/29/2007

**SB 159**, do pass. Report adopted.

**SB 185**, introduced bill, be amended as follows:

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1. Page 5, line 20.

**Following:** "(28)"

**Insert:** "(a)"

2. Page 5, line 22.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

3. Page 5, line 22.

**Following:** "hour"

**Insert:** "as certified by the manufacturer"

4. Page 5, line 27 through line 28.

**Strike:** "does" through "emissions"

**Insert:** "is fully enclosed and includes at least one door for entry"

5. Page 6, line 4.

**Following:** "(h)"

**Insert:** "as certified by the manufacturer,"

6. Page 6.

**Following:** line 4

**Insert:** "(b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration under Title 61, chapter 3."

7. Page 14, line 4.

**Following:** "that"

**Insert:** "is propelled by an electric motor or other device that transforms stored electrical energy into the motion of the vehicle,"

And, as amended, do pass. Report adopted.

**SB 208**, do pass. Report adopted.

**SB 237**, do pass. Report adopted.

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

1/29/2007

**SB 41**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

1/29/2007

**SB 32**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AUTHORIZING"

**Insert:** "ALLOWING"

**Strike:** "OR LONG-TERM CARE"

2. Title, page 1, line 6.

**Strike:** "TO ENTER"

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**Insert:** "ACCESS TO"

3. Title, page 1, line 6.

**Strike:** "AT ANY TIME NECESSARY"

**Insert:** "AFTER NORMAL VISITING HOURS WITH THE APPROVAL OF THE LONG-TERM CARE OMBUDSMAN"

4. Page 1, line 12.

**Strike:** "The"

**Insert:** "Subject to subsection (2), the"

5. Page 1, line 17.

**Following:** "ombudsman"

**Insert:** "during normal visiting hours and to the long-term care ombudsman"

6. Page 1, lines 17 and 18.

**Strike:** "that" on line 17 through "considers" on line 18

**Insert:** ". A local ombudsman may have access after normal visiting hours with approval, directions, and oversight of the long-term care ombudsman when"

And, as amended, do pass. Report adopted.

**SB 81**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 375**, introduced by McGee, referred to Taxation.

**SB 376**, introduced by Jackson, Hendrick, O'Neil, Ross, Heinert, Sesso, Musgrove, Kaufmann, Barkus, Vincent, Curtiss, Lambert, Jopek, Gebhardt, J. Peterson, Glaser, Erickson, Ankney, referred to Natural Resources and Energy.

**SB 377**, introduced by Jackson, referred to Judiciary.

**SB 378**, introduced by Gillan, referred to Taxation.

**SB 379**, introduced by Laslovich, referred to Judiciary.

**SB 380**, introduced by Cocchiarella, Mendenhall, referred to Business, Labor, and Economic Affairs.

**SB 381**, introduced by Laslovich, referred to Judiciary.

**SB 382**, introduced by Laslovich, referred to Judiciary.

**SB 383**, introduced by Laslovich, referred to Judiciary.

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

**SJR 6**, introduced by Schmidt, referred to Judiciary.

**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 Perry in the chair.

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

**SB 12** - Senator Williams moved **SB 12** do pass. Motion carried unanimously.

**HB 10** - Senator Bales moved **HB 10** be concurred in. Motion carried unanimously.

**HB 42** - Senator Cooney moved **HB 42** be concurred in. Motion carried unanimously.

**SB 251** - Senator Larson moved **SB 251** do pass. Motion carried unanimously.

**SB 175** - Senator Squires moved **SB 175** do pass. Motion carried unanimously.

**SB 10** - Senator Harrington moved **SB 10** do pass. Motion carried unanimously.

**SB 101** - Senator Jent moved **SB 101** 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 Perry 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 53** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

**SB 157** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

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Nays: Shockley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SB 115** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Curtiss, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Shockley, Smith, Story.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SB 200** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, 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.  
Total 46

Nays: Curtiss, Esp, McGee.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SB 124** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, 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 49

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**MOTIONS**

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved that the following Senators names be added to **SB 41**: Black, Lind, Shockley, McGee, Essmann, Curtiss, Weinberg, Hawks, and Jent. Motion carried.

**SEN. GREG LIND, SD 50, MISSOULA** moved his name be added to **SB 116**. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Tuesday, January 30, 2007. Motion carried.

Senate adjourned at 1:53 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate