

**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 6, 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, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, 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 46

Nays: Balyeat, Gebhardt, Jackson, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 2/6/2007  
SJR 4, be adopted. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 2/6/2007  
SB 365, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PROVIDING THAT"

**Strike:** "A"

**Insert:** "AT THE"

**Following:** "DISTRICT"

**Strike:** "COURT MAY ISSUE"

**Insert:** "COURT'S DISCRETION"

**Following:** "A BILL"

**Insert:** "MAY BE ISSUED"

2. Page 2, line 11.

**Following:** "(3)"

**Strike:** "The"

**Insert:** "(a) At the"

**Following:** "district"

**Strike:** "court"

**Insert:** "court's discretion, a water commissioner"

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3. Page 2, line 12.

**Following:** "duties"

**Insert:** "by submitting the information necessary for the billing to the clerk of district court"

4. Page 2, line 14.

**Strike:** "(a)"

**Insert:** "(i)"

**ReNUMBER:** subsequent subsections

5. Page 2.

**Following:** line 17

**Insert:** "(b) Upon receipt of the information from the water commissioner, the clerk of district court shall proceed as provided in 85-5-204."

6. Page 3, line 2.

**Following:** "district judge, the"

**Strike:** "clerk"

**Insert:** "water commissioner"

7. Page 3, line 3.

**Following:** "duties"

**Insert:** "by submitting the information necessary for the billing to the clerk of district court"

8. Page 3, line 7.

**Following:** "season, the"

**Strike:** "clerk"

**Insert:** "water commissioner"

9. Page 3, line 8.

**Following:** "season."

**Insert:** "The water commissioner shall submit a refund report, along with proof that any refunds were issued, to the clerk of district court for filing."

And, as amended, do pass. Report adopted.

**SB 370**, do pass. Report adopted.

**SJR 3**, be adopted. Report adopted.

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

2/7/2007

**SB 272**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

2/6/2007

**HB 44**, introduced by McChesney

**House bill** passed and transmitted to the Senate for concurrence:

2/6/2007

**HB 94**, introduced by Van Dyk

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**House bill** passed and transmitted to the Senate for concurrence: 2/6/2007  
**HB 136**, introduced by Milburn

**House bill** passed and transmitted to the Senate for concurrence: 2/6/2007  
**HB 158**, introduced by L. Jones

**House bill** passed and transmitted to the Senate for concurrence: 2/6/2007  
**HB 211**, introduced by Windy Boy

**House bill** passed and transmitted to the Senate for concurrence: 2/6/2007  
**HB 274**, introduced by Mendenhall

**House bill** passed and transmitted to the Senate for concurrence: 2/6/2007  
**HB 316**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/6/2007  
**HB 321**, introduced by McGillvray

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 428**, introduced by Kaufmann, K. Peterson, referred to Public Health, Welfare and Safety.  
**SB 429**, introduced by Gallus, referred to Business, Labor, and Economic Affairs.  
**SB 430**, introduced by Elliott, referred to Taxation.  
**SB 431**, introduced by Lind, referred to Natural Resources and Energy.

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

**HB 44**, introduced by McChesney, referred to Taxation.  
**HB 94**, introduced by Van Dyk, referred to Natural Resources and Energy.  
**HB 136**, introduced by Milburn, referred to Judiciary.  
**HB 158**, introduced by L. Jones, referred to Business, Labor, and Economic Affairs.  
**HB 211**, introduced by Windy Boy, referred to Education and Cultural Resources.  
**HB 274**, introduced by Mendenhall, referred to Highways and Transportation.

**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 Essmann in the chair.

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

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recommend as follows:

**SB 121** - Senator Elliott moved consideration of **SB 121** be passed for the day. Motion carried.

**SB 233** - Senator Elliott moved **SB 233** do pass. Motion carried unanimously.

**SB 316** - Senator Elliott moved **SB 316** do pass. Motion carried unanimously.

**SB 244** - Senator Weinberg moved **SB 244** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Gebhardt, Hansen, McGee, O'Neil, Peterson, Smith, Stapleton, Story, Tash.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 315** - Senator Cobb moved **SB 315**, second reading copy, be amended as follows:

1. Page 2, line 18.

**Following:** "regions"

**Insert:** "or specific occupations"

Amendment adopted unanimously.

**SB 315** - Senator Cobb moved **SB 315**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Peterson, Ryan, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Barkus, Brown, Curtiss, Jackson, Murphy, O'Neil, Perry, Schmidt, Shockley, Stapleton, Steinbeisser.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 108** - Senator Cocchiarella moved **SB 108** do pass. Motion carried unanimously.

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**SB 165** - Senator Brueggeman moved **SB 165** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Esp, Gebhardt, Laible, McGee, O'Neil.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** - Senator Wanzenried moved consideration of **SB 127** be passed for the day. Motion carried.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Essmann 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 125** 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 296** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, 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, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 45

Nays: Curtiss, Esp, Gebhardt, McGee, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 328** 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 153** 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 271** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

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Nays: Balyeat, Curtiss, Esp, Gallus, Gebhardt, Hansen, Jackson, Juneau, Laible, Murphy, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 305** 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 261** 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 245** passed as follows:

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

Total 46

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Nays: Balyeat, Esp, Ryan, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 33** 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: Esp.  
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., Wednesday, February 7, 2007. Motion carried.

Senate adjourned at 2:16 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate