

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

Helena, Montana  
February 8, 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, 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, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved that the name of **SEN. DAN WEINBERG, SD 2, WHITEFISH** be added as a sponsor on **SB 96**. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):  
**SB 269**, introduced bill, be amended as follows:

2/8/2007

1. Title, line 10.

**Following:** "DISTRICT;"

**Insert:** "PROVIDING A TRANSFER OF FUNDS;"

2. Title, line 11.

**Following:** "MCA;"

**Strike:** "AND"

3. Title, line 12.

**Following:** "MCA"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

4. Page 4, line 10.

**Insert:** "NEW SECTION. Section 6. Transfer of funds. There is transferred \$5 million from the general

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fund to the noxious weed management trust fund established in 80-7-811. The transfer is a one-time transfer of funds."

**Insert:** "NEW SECTION. **Section 7. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2007.

(2) [Section 6 and this section] are effective July 1, 2007."

And, as amended, do pass. Report adopted.

**SB 406**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 2/8/2007  
**SB 335**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 2/8/2007  
**SB 379**, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 2/8/2007  
**SB 189**, do pass. Report adopted.  
**SB 241**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman): 2/8/2007  
**SB 231**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Strike:** "16"

**Insert:** "18"

2. Page 1, line 26.

**Strike:** "two"

**Insert:** "four"

**Strike:** "one"

**Insert:** "no more than two"

3. Page 1, line 28.

**Strike:** "two"

**Insert:** "four"

**Strike:** "one"

**Insert:** "no more than two"

4. Page 2, line 3.

**Strike:** "two representatives"

**Insert:** "one representative"

**Strike:** "one of whom"

**Insert:** "who"

5. Page 2, line 7.

**Strike:** "counties"

**Insert:** "local government"

6. Page 2, line 8.

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**Strike:** "cities and towns"

**Insert:** "the tourism industry"

7. Page 2, line 10.

**Strike:** "two representatives"

**Insert:** "one representative"

8. Page 2.

**Following:** line 19

**Insert:** "(a) review previous reports of tax studies conducted in prior interims;"

**Renumber:** subsequent subsections

9. Page 2.

**Following:** line 25

**Insert:** "(i) the current Montana tax structure versus the Montana economic structure;"

10. Page 3, line 1.

**Strike:** "(6)(b)"

**Insert:** "(6)(c)"

11. Page 3, line 3 through line 4.

**Strike:** "that" on line 3 through "necessary," on line 4

**Following:** "and"

**Insert:** "prepare"

**Strike:** "any"

And, as amended, do pass. Report adopted.

**SB 332**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "BY A"

**Insert:** "STATE-RECOGNIZED OR"

**Following:** "STATE;"

**Insert:** "PROVIDING THAT THE EXEMPTION APPLIES ONLY TO PROPERTY WITHIN THE EXTERIOR BOUNDARIES OF A RESERVATION OR FOR A STATE-RECOGNIZED INDIAN TRIBE OF A COUNTY; PROVIDING THAT EXISTING TAX LIENS ARE NOT EXTINGUISHED;"

**Strike:** "AND"

2. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 1, line 18.

**Following:** "state,"

**Insert:** "state-recognized and"

4. Page 3, line 12.

**Following:** "(2)"

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**Insert:** "(a) For the purposes of subsection (1)(a)(ii), the property exemption applies only to property located within the exterior boundaries of the reservation in which a federally recognized Indian tribe is located and within the county in which a plurality of the tribal members of a tribe recognized by the state reside."

**Renumber:** subsequent subsections

5. Page 5.

**Following:** line 3

**Insert:** "NEW SECTION. Section 3. Existing tax liens not extinguished. [This act] does not extinguish any tax liens on property that were in effect on December 31, 2007."

**Insert:** "NEW SECTION. Section 4. Effective date. [This act] is effective January 1, 2008."

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 440**, introduced by J. Tropila, referred to Business, Labor, and Economic Affairs.

**SB 441**, introduced by Kaufmann, referred to Highways and Transportation.

**SB 442**, introduced by Kaufmann, referred to Natural Resources and Energy.

**SB 443**, introduced by Squires, referred to State Administration.

**SB 444**, introduced by Wanzenried, Henry, referred to Public Health, Welfare and Safety.

**SB 445**, introduced by M. Tropila, Cobb, Olson, Koopman, referred to Natural Resources and Energy.

**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. Peterson in the chair.

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

**HJR 3** - Senator Hansen moved **HJR 3** be concurred in. Motion carried with Senator Esp voting nay.

**SB 372** - Senator Balyeat moved **SB 372** do pass. Motion carried with Senator Juneau, Harrington voting nay.

**SB 386** - Senator Shockley moved consideration of **SB 386** be passed for the day. Motion carried.

**SB 211** - Senator Larson moved consideration of **SB 211** be passed for the day. Motion carried.

**SB 365** - Senator Story moved **SB 365** do pass. Motion carried unanimously.

**SB 132** - Senator Gallus moved **SB 132** do pass. Motion **failed** as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Essmann, Gallus, Gillan, Harrington, Jackson, Jent, Kaufmann, Larson, Laslovich, Moss, Murphy, O'Neil, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

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Total 24

Nays: Bales, Barkus, Black, Brown, Curtiss, Elliott, Esp, Gebhardt, Hansen, Hawks, Juneau, Kitzenberg, Laible, Lewis, Lind, McGee, Pease, Perry, Peterson, Ryan, Squires, Stapleton, Steinbeisser, Story, Tash, Wanzenried.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 132** - Senator Gallus moved **SB 132** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Laible, Larson, Lewis, McGee, Pease, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash.

Total 21

Nays: Balyeat, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Murphy, O'Neil, Schmidt, Shockley, 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 117** - Senator Cobb moved **SB 117** do pass. Motion carried with Senator Smith, Cooney, Gillan voting nay.

**SB 173** - Senator Juneau moved **SB 173** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Perry, Steinbeisser, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 99** - Senator Harrington moved consideration of **SB 99** be placed at the bottom of the second reading board for

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the purpose of amendment. Motion carried.

**SB 290** - Senator Laible moved **SB 290** do pass. Motion **failed** as follows:

Yeas: Cocchiarella, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laible, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 30

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 290** - Senator Esp moved **SB 290** be **indefinitely postponed**. Motion **carried** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Elliott, Esp, Essmann, Gebhardt, Jackson, Jent, Kitzenberg, Larson, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 27

Nays: Balyeat, Cocchiarella, Curtiss, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laible, Laslovich, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 23

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. Peterson 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 322** passed as follows:

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

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

Total 49

Nays: Gebhardt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 324** 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 370** 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

**SJR 3** adopted as follows:

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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, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Esp, McGee, Stapleton, Steinbeisser.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 272** passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg.  
Total 36

Nays: Barkus, Brown, Elliott, Gillan, Juneau, Kaufmann, Lind, McGee, Moss, Smith, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 4** adopted 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



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**SB 266** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Juneau, Moss, Smith.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 278** passed as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, 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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Curtiss, Esp, McGee, Stapleton.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**MOTIONS**

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved action during third reading today on **SB 127** was improper (should not have been on third reading) and be reconsidered. Motion carried as follows:

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

Nays: Cobb, Gallus.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** referred back to Senate Finance and Claims Committee.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, February 9, 2007. Motion carried.

Senate adjourned at 3:28 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate