

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 13, 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, 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

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate Democrats recess for caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans recess for caucus. Motions carried.

Senate reconvened at 1:36 p.m.

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, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**REPORTS OF STANDING COMMITTEES**

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

2/13/2007

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**SB 258**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Following:** "renewed"

**Strike:** the first "is an unlawful alien"

**Insert:** "has a unique social security number or tax identification number"

**Strike:** the second "is an unlawful alien"

**Insert:** "does not have a unique social security number or tax identification number"

2. Page 1, line 14.

**Following:** "department"

**Insert:** "shall request more information to determine if the individual is an unlawful alien. If the individual is an unlawful alien, the board or department"

3. Page 1, line 27.

**Following:** "(3)"

**Insert:** "(a)"

4. Page 1.

**Following:** line 28

**Insert:** "(b) The term does not include an individual who has:

(i) a U.S. passport, a tribal photo identification, or a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States and bearing an official seal; or

(ii) a federally issued document used to verify employment eligibility, including:

(A) a U.S. citizen identification card (INS form I-197);

(B) an identification card of a resident citizen of the United States (INS form I-179);

(C) a certificate of U.S. citizenship (INS form N-560 or N-561);

(D) a certificate of naturalization (INS form N-550 or N-570);

(E) an unexpired foreign passport with I-551 stamp or attached INS form I-94;

(F) an unexpired temporary resident card (INS form I-688);

(G) an unexpired employment authorization card or document (INS form I-688A or I-688B with a photograph);

(H) a permanent resident card or alien registration receipt card with photograph (INS form I-151 or I-551);

(I) a department of defense DD form 214 or an active military identification card if on active duty; or

(J) an unexpired reentry permit (INS form I-327) or unexpired refugee travel document (INS form I-571)."

And, as amended, do pass. Report adopted.

**SB 319**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

2/13/2007

**SB 291**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DISTRICT;"

**Insert:** "PROVIDING FOR THE DISPOSITION OF DISTRICT BONDED INDEBTEDNESS UNDER CERTAIN CIRCUMSTANCES;"

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2. Title, page 1, line 7.

**Following:** "CREATION"

**Insert:** "OF A HIGH SCHOOL DISTRICT"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "20-6-104,"

**Insert:** "20-9-366, 20-9-439, AND 20-9-502,"

3. Page 1, line 21.

**Strike:** "the newly created K-12 district will enroll"

4. Page 1, line 21 through line 22.

**Strike:** "within" on line 21 through "district" on line 22

**Insert:** "reside in the elementary district; and

(e) the taxable valuation and boundaries of the combining elementary and high school district are the same"

5. Page 1, line 27.

**Following:** "district."

**Insert:** "Approval of the proposition results in a tax levy for payments as provided in subsection (6)(b)."

6. Page 1, line 28.

**Following:** "for"

**Insert:** "the"

**Following:** "expansion"

**Insert:** "and the transition levy provided for in 20-9-502(6)"

7. Page 2, line 5.

**Strike:** "county superintendent determines that the"

**Insert:** "first school fiscal year in which the"

**Strike:** "is ready to accept"

**Insert:** "enrolls high school"

**Following:** "students"

**Insert:** "in all grades"

8. Page 2, line 6.

**Following:** "students"

**Insert:** "residing"

9. Page 2, line 7.

**Strike:** "providing tuition"

**Insert:** "paying the existing high school district:"

(a) tuition and transportation charged

**Following:** "20-5-321"

**Insert:** "; and

(b) an amount equal to the BASE general fund mills for the existing high school district assessed against the taxable valuation in the new K-12 district and funded using a building reserve fund levy for transition costs as provided in 20-9-502. The payment to the existing high school district must be deposited in the district general fund and used to reduce the BASE budget levy"

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10. Page 2.

**Following:** line 7

**Insert:** "(7) If bonded indebtedness has been approved by the voters of the existing high school district prior to [the effective date of this act] but the bonds have not been sold prior to the creation of the new K-12 district, then the future indebtedness of those bonds when those bonds are sold must be paid by levies on the original territory."

**Renumber:** subsequent subsection

11. Page 2.

**Following:** line 20

**Insert:** "**Section 3.** Section 20-9-366, MCA, is amended to read:

**"20-9-366. Definitions.** As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under [section 1], divided by the sum of the district's current year BASE budget amount less direct state aid and the state special education allowable cost payment.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under [section 1], divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(4) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 175% and divided by the total sum of either the state elementary school districts' or the high school districts' current year BASE budget amounts less total direct state aid.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.""

**Insert:** "**Section 4.** Section 20-9-439, MCA, is amended to read:

**"20-9-439. Computation of net levy requirement for general obligation bonds -- procedure when levy inadequate.** Subject to [section 1], the following provisions apply:

(1) The county superintendent shall compute the levy requirement for each school district's general obligation debt service fund on the basis of the following procedure:

(a) Determine the total money available in the debt service fund for the reduction of the property tax on the district by totaling:

(i) the end-of-the-year fund balance in the debt service fund, less any limited operating reserve as provided in 20-9-438;

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(ii) anticipated interest to be earned by the investment of debt service cash in accordance with the provisions of 20-9-213(4) or by the investment of bond proceeds under the provisions of 20-9-435;

(iii) any state advance for school facilities distributed to a qualified district under the provisions of 20-9-346, 20-9-370, and 20-9-371;

(iv) funds transferred from the impact aid fund established pursuant to 20-9-514 that are authorized by 20-9-437(2) to be used to repay the district's bonds; and

(v) any other money, including money from federal sources, anticipated by the trustees to be available in the debt service fund during the ensuing school fiscal year from sources such as legally authorized money transfers into the debt service fund or from rental income, excluding any guaranteed tax base aid.

(b) Subtract the total amount available to reduce the property tax, determined in subsection (1)(a), from the final budget for the debt service fund as established in 20-9-438.

(2) The net debt service fund levy requirement determined in subsection (1)(b) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the net debt service fund levy requirement for the district, and a levy must be made by the county commissioners in accordance with 20-9-142.

(3) If the board of county commissioners fails in any school fiscal year to make a levy for any issue or series of bonds of a school district sufficient to raise the money necessary for payment of interest and principal becoming due during the next ensuing school fiscal year, in any amounts established under the provisions of this section, the holder of any bond of the issue or series or any taxpayer of the district may apply to the district court of the county in which the school district is located for a writ of mandate to compel the board of county commissioners of the county to make a sufficient levy for payment purposes. If, upon the hearing of the application, it appears to the satisfaction of the court that the board of county commissioners of the county has failed to make a levy or has made a levy that is insufficient to raise the amount required to be raised as established in the manner provided in this section, the court shall determine the amount of the deficiency and shall issue a writ of mandate directed to and requiring the board of county commissioners, at the next meeting for the purpose of fixing tax levies for county purposes, to fix and make a levy against all taxable property in the school district that is sufficient to raise the amount of the deficiency. The levy is in addition to any levy required to be made at that time for the ensuing school fiscal year. Any costs that may be allowed or awarded the petitioner in the proceeding must be paid by the members of the board of county commissioners and may not be a charge against the school district or the county."

**Insert: "Section 5.** Section 20-9-502, MCA, is amended to read:

**"20-9-502. Purpose and authorization of building reserve fund by election -- levy for school transition costs.** (1) The trustees of any district, with the approval of the qualified electors of the district, may establish a building reserve for the purpose of raising money for the future construction, equipping, or enlarging of school buildings, for the purpose of purchasing land needed for school purposes in the district, or for the purpose of funding school transition costs as provided in ~~subsection~~ subsections (5) and (6). In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies:

(a) the purpose or purposes for which the new or addition to the building reserve will be used;

(b) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;

(c) the total amount of money that will be raised during the duration of time specified in subsection (1)(b); and

(d) any other requirements under 15-10-425 and 20-20-201 for the calling of an election.

(2) The total amount of building reserve, less the amount provided for in subsection (5), when added to the outstanding indebtedness of the district may not be more than the limitations provided in 20-9-406. Except as provided in ~~subsection~~ subsections (5)(b) and (6), a building reserve tax authorization may not be for more than 20 years.

(3) The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in compliance with 15-10-425.

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(4) The building reserve proposition is approved if a majority of those electors voting at the election approve the establishment of or addition to the building reserve. The annual budgeting and taxation authority of the trustees for a building reserve is computed by dividing the total authorized amount by the specified number of years. The authority of the trustees to budget and impose the taxation for the annual amount to be raised for the building reserve lapses when, at a later time, a bond issue is approved by the qualified electors of the district for the same purpose or purposes for which the building reserve fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the money in the building reserve must be used for the purpose or purposes before any money realized by the bond issue is used.

(5) (a) The trustees may submit a proposition to the qualified electors of the district for a levy to provide funding for transition costs incurred when the trustees:

- (i) open a new school under the provisions of Title 20, chapter 6;
- (ii) close a school;
- (iii) replace a school building; or
- (iv) consolidate with or annex another district under the provisions of Title 20, chapter 6.

(b) Except as provided in ~~subsection~~ "subsections" (5)(c) and (6), the total amount the trustees may submit to the electorate for transition costs may not exceed the number of years specified in the proposition times the greater of 5% of the district's maximum general fund budget for the current year or \$250 per ANB for the current year. ~~The~~ Except as provided in subsection (6), the duration of the levy for transition costs may not exceed 6 years.

(c) If the levy for transition costs is for consolidation or annexation:

(i) the limitation on the amount levied is calculated using the ANB and the maximum general fund budget for the districts that are being combined; and

(ii) the proposition must be submitted to the qualified electors in the combined district.

(d) The levy for transition costs may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406.

(6) The trustees of a K-12 district shall impose a levy for transition costs to fund the payment required by [section 1(6)(b)] when a proposition to create the K-12 district and to assess the transition levy has been approved pursuant to [section 1(2)]. The levy is limited to the amount required by [section 1(6)(a)] for a period not to exceed 3 years."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 390**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/13/2007

**SB 8**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "SALE,"

**Insert:** "PURCHASE,"

2. Title, line 10 through line 11.

**Following:** "LAND;" on line 10

**Strike:** remainder of line 10 through "LAND;" on line 11

3. Title, line 12.

**Following:** "77-1-121,"

**Insert:** "AND"

**Following:** "77-1-202,"

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**Strike:** "77-1-301, 77-2-213, AND 77-2-214,"

4. Page 2, line 2.

**Following:** "~~department~~"

**Insert:** "department and"

**Following:** "board"

**Strike:** "is"

**Insert:** "are"

5. Page 3, line 9.

**Following:** "(4)"

**Insert:** "(a)"

6. Page 3, line 11.

**Following:** "sale,"

**Insert:** "purchase,"

**Following:** "land"

**Insert:** ", including investigations and estimations of value involved in proposed land exchanges. The board lawyer and appraiser shall perform other duties and functions as directed by the board"

7. Page 3, line 12.

**Following:** line 11

**Insert:** "(b) The board lawyer shall provide an independent opinion, upon request by any board member, on land sales and exchanges.

(c) The qualified land appraiser who is under contract to the board under subsection (4)(a) shall contract with regional appraisers in the state to appraise land that is under consideration for sale, purchase, or exchange and shall supervise the regional appraisers' work product."

8. Page 3, line 13 through page 4, line 14.

**Strike:** sections 4 through 6 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 348**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "CASE;"

**Insert:** "ALLOWING AN APPOINTMENT FOR A GUARDIAN AD LITEM OR COURT-APPOINTED SPECIAL ADVOCATE WHEN APPROPRIATE;"

2. Page 1, line 20.

**Following:** line 19

**Insert:** "(3) When appropriate, the court may appoint or have counsel assigned for a guardian ad litem or a court-appointed special advocate involved in a proceeding under a petition filed pursuant to 41-3-422."

**Renumber:** subsequent subsection

3. Page 1, line 20.

**Following:** "subsection (2)"

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**Insert:** "or (3)"

And, as amended, do pass. Report adopted.

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

2/13/2007

**SB 260**, do pass. Report adopted.

**SB 270**, do pass. Report adopted.

**SB 285**, do pass. Report adopted.

**SB 295**, introduced bill, be amended as follows:

1. Page 2, line 7.

**Strike:** "who drop out of high school"

2. Page 2, line 8.

**Following:** the first "to"

**Insert:** "achieve a quality education and"

And, as amended, do pass. Report adopted.

**SB 364**, do pass. Report adopted.

**SB 367**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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

2/12/2007

**HB 334**, introduced by McChesney

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

2/12/2007

**HB 347**, introduced by Boggio

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

2/12/2007

**HB 402**, introduced by Noonan

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

2/12/2007

**HB 431**, introduced by Blasdel

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

2/12/2007

**HB 469**, introduced by McNutt

**House joint resolution** passed and transmitted to the Senate for concurrence:

2/12/2007

**HJR 20**, introduced by Milburn



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**FIRST READING AND COMMITMENT OF BILLS**

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

- SB 465**, introduced by Cocchiarella, McNutt, referred to Business, Labor, and Economic Affairs.
- SB 466**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.
- SB 467**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.
- SB 468**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.
- SB 469**, introduced by Cocchiarella, referred to Highways and Transportation.
- SB 470**, introduced by Elliott, referred to Taxation.
- SB 471**, introduced by Jackson, referred to Judiciary.
- SB 472**, introduced by Gillan, Ankney, referred to Taxation.
- SB 473**, introduced by Black, referred to Natural Resources and Energy.
- SB 474**, introduced by Black, referred to Business, Labor, and Economic Affairs.
- SB 475**, introduced by Larson, Keane, referred to Business, Labor, and Economic Affairs.
- SB 476**, introduced by O'Neil, referred to Judiciary.
- SB 477**, introduced by O'Neil, referred to Judiciary.
- SB 478**, introduced by Weinberg, Clark, W. Jones, referred to Public Health, Welfare and Safety.
- SB 479**, introduced by Elliott, referred to Agriculture, Livestock and Irrigation.
- SB 480**, introduced by Lind, referred to Business, Labor, and Economic Affairs.

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

- HB 334**, introduced by McChesney, referred to Highways and Transportation.
- HB 347**, introduced by Boggio, referred to Education and Cultural Resources.
- HB 402**, introduced by Noonan, referred to Judiciary.
- HB 431**, introduced by Blasdel, referred to Agriculture, Livestock and Irrigation.
- HB 469**, introduced by McNutt, referred to Taxation.

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

- HJR 20**, introduced by Milburn, 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 M. Tropila in the chair.

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

**SB 166** - Senator Cobb moved **SB 166**, second reading copy, be amended as follows:

1. Title, page 1, line 15.

**Following:** "~~DATE~~"

**Insert:** "AND A TERMINATION DATE"

2. Page 6, line 29.

**Insert:** "NEW SECTION. **Section 7. Termination.** [Sections 1, 3, and 4] terminate February 28, 2009."

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Amendment adopted as follows:

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

Total 41

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Gebhardt, Larson, Perry, Stapleton.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 166** - Senator J. Tropila moved **SB 166**, do pass as amended. Motion carried with Senator Juneau, Cobb, Barkus, Esp, Kaufmann voting nay.

**SB 342** - Senator Squires moved **SB 342** do pass. Motion carried unanimously.

**HB 470** - Senator Essmann moved **HB 470** be concurred in. Motion carried with Senator Juneau voting nay.

**SB 189** - Senator Cobb moved **SB 189**, second reading copy, be amended as follows:

1. Page 1, line 29.

**Insert:** "(3) This section does not apply to small telecommunications providers as defined in 69-3-901."

Amendment adopted as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Jent, Juneau, Kitzenberg, Laible, Larson, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Brown, Esp, Essmann, Gebhardt, Harrington, Hawks, Jackson, Kaufmann, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, M.Tropila.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 189** - Senator Kitzenberg moved **SB 189**, as amended, do pass. Motion carried as follows:

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

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Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 215** - Senator Harrington moved **SB 215** do pass. Motion carried as follows:

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

Total 32

Nays: Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gebhardt, Jackson, Laible, Larson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 318** - Senator J. Peterson moved consideration of **SB 318** be passed for the day. Motion carried unanimously.

**SB 56** - Senator Ryan moved **SB 56** do pass. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 302** - Senator Barkus moved **SB 302** do pass. Motion carried as follows:

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

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Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 43

Nays: Cocchiarella, Gillan, Juneau, Kaufmann, Pease, Squires, Wanzenried.  
Total 7

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 M. Tropila 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 335** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 41

Nays: Balyeat, Cobb, Juneau, Kaufmann, Lind, O'Neil, Shockley, Squires, Weinberg.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 384** 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

**HB 23** concurred in 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 132** passed as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Laible, Lind, McGee, Perry, Peterson, Ryan, Squires, Stapleton, Steinbeisser, Story, Tash, Wanzenried.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 323** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 39

Nays: Cobb, Cocchiarella, Kaufmann, Moss, Ryan, Schmidt, Squires, Wanzenried, Weinberg, Williams, Mr. President.

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Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 350** passed as follows:

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

Total 43

Nays: Balyeat, Cobb, Larson, McGee, Murphy, Ryan, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 121** passed as follows:

Yeas: Bales, 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 49

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

**SEN. KIM GILLAN, SD 24, BILLINGS** moved **SB 166** be re-referred to Finance and Claims Committee. Motion carried.

**SEN. GREG LIND, SD 50, MISSOULA** moved **SB 283** be re-referred to Judiciary Committee. Motion carried.

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**SEN. VICKI COCCHIARELLA, SD 47, HELENA** moved **SB 455** be re-referred to Business, Labor and Economic Affairs Committee. Motion carried.

**UNFINISHED BUSINESS**

**SEN. COREY STAPLETON, SD 27, BILLINGS** commented he was concerned with the whereabouts of **SB 339**. He didn't want it to miss transmittal. **SEN. KIM GILLAN, SD 24, BILLINGS** noted that each bill will be properly heard.

**SENATOR STAPLETON** brought forth a point of order under Section 125 stating the broadcasting of citizens names during session debate should be refrained from. **SEN. MIKE COONEY, SD 40, HELENA** commented that the body would be well served by not referring to individuals during session debate.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Wednesday, February 14, 2007. Motion carried.

Senate adjourned at 3:30 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate