

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

Helena, Montana  
January 12, 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.

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, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Quorum present.

**MOTIONS**

**SEN. GREG LIND, SD 50, MISSOULA** moved **SB 221** be placed in Natural Resources Committee. Motion carried. Senator Lind moved **SB 229** be placed in Judiciary Committee. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**Correctly printed: SB 16, SB 43, SB 44, SB 62, SB 66, SB 69, SB 97, SB 247, SB 248, SB 249, SB 250, SB 251, SB 252, SB 253, SB 254, SB 255, SB 256, SB 257, SB 258, SB 259, SB 260.**

**Correctly engrossed: SB 13, SB 37.**

**Correctly enrolled: SR 1.**

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

1/12/2007

**SB 37**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "(ii)"

**Insert:** "By September 15, the legislative branch consolidated shall submit a preliminary draft of the information required under 17-7-111 to the budget director."

2. Page 1, line 20.

**Following:** "17-7-111"

**Insert:** "in final form"

And, as amended, do pass. Report adopted.

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**FINANCE AND CLAIMS** (Schmidt, Chairman): 1/12/2007  
**SB 66**, do pass. Report adopted.  
**SB 69**, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman): 1/12/2007  
**SB 13**, introduced bill, be amended as follows:  
1. Title, page 1, line 6.  
**Strike:** "AND DERIVE A MAJORITY OF INCOME FROM"

2. Page 1, line 17.  
**Strike:** "and must derive a majority of income from"

And, as amended, do pass. Report adopted.

**SB 97**, do pass. Report adopted.

**SB 44**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 247**, introduced by Elliott, referred to State Administration.

**SB 248**, introduced by Story, Wanzenried, Ross, Laslovich, Noonan, referred to Natural Resources and Energy.

**SB 249**, introduced by Barkus, referred to Judiciary.

**SB 250**, introduced by Barkus, Jackson, Steinbeisser, J. Peterson, referred to Business, Labor, and Economic Affairs.

**SB 251**, introduced by Larson, Cocchiarella, Branae, Ryan, McAlpin, Olson, Kottel, Becker, Jopek, Kitzenberg, Dutton, Cohenour, Driscoll, Gillan, Grinde, Moss, K. Peterson, Keane, French, Smith, referred to Highways and Transportation.

**SB 252**, introduced by Larson, Kottel, Cocchiarella, Branae, Ryan, Kitzenberg, Dutton, Becker, Jopek, McAlpin, Olson, French, Cohenour, Driscoll, Keane, Gillan, Grinde, K. Peterson, Moss, Smith, Ankney, Campbell, Cocchiarella, Branae, Grinde, Ryan, Juneau, McAlpin, Jopek, Small-Eastman, Kitzenberg, Kaufmann, Bixby, Moss, Driscoll, Keane, French, Brueggeman, Cohenour, Augare, referred to State Administration.

**SB 253**, introduced by Cooney, referred to State Administration.

**SB 254**, introduced by Wanzenried, Gallus, Parker, Jent, Gillan, Hamilton, Schmidt, Keane, Smith, Hands, Grinde, Cordier, Ryan, Cooney, Kaufmann, Bergren, Furey, Jopek, Driscoll, Cohenour, Squires, Thomas, Williams, Moss, Larson, Reinhart, J. Tropila, Augare, Ankney, referred to Business, Labor, and Economic Affairs.

**SB 255**, introduced by McGee, referred to Judiciary.

**SB 256**, introduced by McGee, referred to Education and Cultural Resources.

**SB 257**, introduced by McGee, referred to Education and Cultural Resources.

**SB 258**, introduced by Shockley, referred to Business, Labor, and Economic Affairs.

**SB 259**, introduced by Shockley, referred to Taxation.

**SB 260**, introduced by Shockley, referred to State Administration.

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**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 McGee in the chair.

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

**SB 62** - Senator Cobb moved **SB 62** do pass. Motion carried unanimously.

**SB 16** - Senator Hawks moved **SB 16** do pass. Motion carried unanimously.

**SB 43** - Senator M. Tropila moved **SB 43** do pass. Motion carried 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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 48

Nays: Stapleton, Mr. President.  
Total 2

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 McGee 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 20** 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.  
Total 49

Nays: None.

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Total 0

Absent or not voting: Mr. President.

Total 1

Excused: None.

Total 0

**SB 27** 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 29** 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, Mr. President.

Total 48

Nays: Esp.

Total 1

Absent or not voting: Williams.

Total 1

Excused: None.

Total 0

**SB 30** 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,

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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 50** 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 59** 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

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**SB 73** 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 84** 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 1** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, 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: Black, Jackson.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**SR 1** adopted as follows:

Yeas: Bales, Barkus, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, 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 45

Nays: Balyeat, Black, Cobb, Essmann, Jackson.

Total 5

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., Monday, January 15, 2007. Motion carried.

Senate adjourned at 1:35 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate