

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

Helena, Montana
February 1, 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, except Senators Harrington, Murphy, excused. Quorum present.

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

Total 41

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

Total 6

Absent or not voting: None.

Total 0

Excused: Harrington, Laslovich, Murphy.

Total 3

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):

2/1/2007

SB 225, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: "an"

Insert: "the"

And, as amended, do pass. Report adopted.

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

2/1/2007

SB 236, do pass. Report adopted.

TAXATION (Elliott, Chairman):

2/1/2007

SB 21, do pass. Report adopted.

MOTIONS

SEN. KEITH BALES, SD 20, OTTER moved **SB 405** from Natural Resources Committee to Finance and Claims Committee. Motion carried.

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved **SB 113 and SB 235** to Finance an Claims Committee. Motion carried.

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FIRST READING AND COMMITMENT OF BILLS

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

SB 410, introduced by Ryan, Cooney, Parker, Larson, Pease, Smith, Jacobson, McGee, Lange, Ebinger, Gallus, Wilson, Branae, Kaufmann, Williams, Kitzenberg, Cocchiarella, Laslovich, Brueggeman, Barkus, Noonan referred to State Administration.

SB 411, introduced by Laible, referred to Judiciary.

SB 412, introduced by Brueggeman, Hollenbaugh, Ankney, referred to State Administration.

SB 413, introduced by Moss, Musgrove, referred to Finance and Claims.

SB 414, introduced by Laslovich, Lewis, Parker, Mendenhall, Murphy, referred to Highways and Transportation.

SB 415, introduced by Shockley, referred to Highways and Transportation.

SB 416, introduced by Kaufmann, Mendenhall, referred to Taxation.

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

HB 75, introduced by McChesney, referred to Finance and Claims.

HB 83, introduced by Hiner, referred to Judiciary.

HB 91, introduced by Clark, referred to Judiciary.

HB 162, introduced by Hiner, referred to Judiciary.

HB 193, introduced by Nooney, referred to Fish and Game.

HB 269, introduced by Rice, referred to Agriculture, Livestock and Irrigation.

HB 286, introduced by Augare, referred to Business, Labor, and Economic Affairs.

HB 319, introduced by Glaser, referred to Judiciary.

HB 333, introduced by McChesney, referred to Business, Labor, and Economic Affairs.

**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. Tropila in the chair.

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

SB 208 - Senator M. Tropila moved **SB 208** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Balyeat, Barkus, Curtiss, Esp, Gebhardt, Jackson, Laible, McGee, O'Neil, Peterson, Stapleton, Steinbeisser, Tash.

Total 13

Absent or not voting: None.

Total 0

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Excused: Harrington, Murphy.

Total 2

SB 237 - Senator Brueggeman moved **SB 237** do pass. Motion carried unanimously.

SB 125 - Senator Williams moved consideration of **SB 125** be passed for the day. Motion carried unanimously.

SB 228 - Senator Laslovich moved **SB 228** do pass. Motion carried unanimously.

SB 116 - Senator Brueggeman moved **SB 116** do pass. Motion carried unanimously.

SB 11 - Senator Cocchiarella moved **SB 11** do pass. Motion carried unanimously.

SB 113 - Senator Lewis moved **SB 113** do pass. Motion carried with Senator Brown, Barkus, McGee, Stapleton, Balyeat, O'Neil voting nay.

SB 235 - Senator Gallus moved **SB 235** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Barkus, Cobb, Esp, Gebhardt, Laible, Lind.

Total 6

Absent or not voting: None.

Total 0

Excused: Harrington, Murphy, Tash.

Total 3

SB 239 - Senator Balyeat moved **SB 239** do pass. Motion carried unanimously.

SB 243 - Senator Balyeat moved consideration of **SB 243** 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 J. 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 4 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Harrington, Murphy, Tash.
Total 3

SB 89 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Harrington, Murphy, Tash.
Total 3

SB 248 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington, Murphy, Tash.
Total 3

SB 81 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington, Murphy, Tash.
Total 3

SB 159 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington, Murphy, Tash.
Total 3

SB 185 passed as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 42

Nays: Bales, Barkus, Esp, Essmann, McGee.
Total 5

Absent or not voting: None.
Total 0

Excused: Harrington, Murphy, Tash.
Total 3

UNFINISHED BUSINESS

SEN. COREY STAPLETON, SD 27, BILLINGS commented that hearings being extended into the next day have raised a question and a concern for citizens traveling long distances. He explained that the Senate Rules

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address that citizens must send in written comments or they must appear at hearings but the Senate Rules don't address citizens calling in. He suggested **SEN. CAROL WILLIAMS, SD 46, MISSOULA** schedule discussions on this matter in the Rules Committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, February 2, 2007. Motion carried.

Senate adjourned at 2:35 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate