

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

Helena, Montana
February 10, 2007

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Lind excused. Quorum present.

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, 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: Bales, Balyeat, Jackson, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: Lind.
Total 1

MOTIONS

SEN. JERRY BLACK, SD 14, SHELBY moved to change his vote on **HJ 3** from "no" to "yes". Motion carried.

SEN. LARRY JENT, SD 32, BOZEMAN moved to change his vote on **HJ 3** from "no" to "yes". Motion carried.

SEN. VICKI COCCHIARELLA, SD 47, HELENA moved **SB 352** and **SB 412** be re-referred to Business, Labor and Economic Affairs Committee. Motion carried.

SEN. KEITH BALES, SD 20, OTTER moved **SB 269** be placed on the 35th Legislative day agenda on second reading. Motion carried.

SEN. JIM SHOCKLEY, SD 45, VICTOR moved to change his vote from "yes" to "no" on **SB 98**. Motion carried.

SEN. JOHN BRUEGGEMAN, SD 6, POLSON moved to change his vote from "no" to "yes" on **SB 78**. Motion carried.

SEN. STEVE GALLUS, SD 37, BUTTE moved to take **SB 132** off today's second reading agenda and place it on the 31st Legislative day agenda for second reading.

SEN. COREY STAPLETON, SD 27, BILLINGS questioned why **SB 132** needed to be moved off the agenda. Senator Gallus responded that he has requested particular information from the Health Department and he hasn't received that information as of this date. Motion carried.

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/9/2007
HB 117, introduced by Henry

House bill passed and transmitted to the Senate for concurrence: 2/9/2007
HB 143, introduced by Reinhart

House bill passed and transmitted to the Senate for concurrence: 2/9/2007
HB 419, introduced by Koopman

House bill passed and transmitted to the Senate for concurrence: 2/9/2007
HB 428, introduced by Gallik

House bill passed and transmitted to the Senate for concurrence: 2/9/2007
HB 526, introduced by Groesbeck

FIRST READING AND COMMITMENT OF BILLS

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

SB 450, introduced by Juneau, Augare, Cordier, Jayne, referred to Judiciary.
SB 451, introduced by Harrington, referred to Local Government.
SB 452, introduced by Williams, Noonan, Lewis, Nooney, Hendrick, Murphy, Maclaren, Pomnichowski, Squires, W. Jones, Erickson, McAlpin, Reinhart, Stahl, Sands, Schmidt, Harrington, Lind, Brueggeman, Weinberg, Hansen referred to Natural Resources and Energy.
SB 453, introduced by Essmann, referred to Business, Labor, and Economic Affairs.
SB 454, introduced by Juneau, referred to Judiciary.

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

SJR 10, introduced by Brown, Jackson, Steinbeisser, Black, Heinert, Lewis, Gebhardt, Cocchiarella, Squires, Brueggeman, Smith, Hilbert, referred to Judiciary.

**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 Wanzenried in the chair.

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

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SB 211 - Senator Larson moved **SB 211** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Steinbeisser, Story, Tash.
Total 16

Absent or not voting: None.
Total 0

Excused: Lind.
Total 1

SB 406 - Senator Bales moved **SB 406** do pass. Motion carried unanimously.

SB 386 - Senator Shockley moved **SB 386**, second reading copy, be amended as follows:

1. Page 1, line 16.

Strike: "provided in 61-5-307" on line 16

Insert: "a fine of not more than \$500 or imprisonment for not more than 6 months, or by both fine and imprisonment"

Strike: "provided in 61-5-212" on line 16

Insert: "a fine of not more than \$500 and imprisonment for not less than 2 days or more than 6 months"

Amendment adopted unanimously.

SB 386 - Senator Shockley moved **SB 386**, as amended, do pass. Motion carried with Senator Ryan voting nay.

SB 222 - Senator Esp moved **SB 222** do pass. Motion carried with Senator Shockley, Stapleton voting nay.

SB 414 - Senator Laslovich moved **SB 414** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 40

Nays: Bales, Balyeat, Elliott, Esp, Essmann, O'Neil, Ryan, Shockley, Story.
Total 9

Absent or not voting: None.
Total 0

Excused: Lind.
Total 1

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SB 379 - Senator Laslovich moved **SB 379** do pass. Motion carried with Senator Juneau voting nay.

SB 98 - Senator Harrington moved **SB 98** do pass. Motion carried with Senator Brueggeman, Stapleton voting nay.

SB 213 - Senator Cobb moved **SB 213** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, M.Tropila, Wanzenried, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg.

Total 24

Absent or not voting: None.

Total 0

Excused: Lind.

Total 1

SB 269 - Senator Larson moved **SB 269** do pass. Motion carried with Senator O'Neil, McGee voting nay.

SB 308 - Senator J. Peterson moved **SB 308** do pass. Motion carried unanimously.

SB 209 - Senator Essmann moved **SB 209** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Wanzenried 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 99 passed as follows:

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

Total 26

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

Total 24

Paired: Lind, Aye; Story, No.

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 78 passed as follows:

Yeas: Balyeat, Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 34

Nays: Bales, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Lewis, McGee, Murphy, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.
Total 16

Paired: Lind, Aye; Bales, No.

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 1:00 p.m., Monday, February 12, 2007. Motion carried.

Senate adjourned at 10:22 a.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate