

**SENATE JOURNAL
61ST LEGISLATURE / SPECIAL SESSION SEPTEMBER 2007
FIRST LEGISLATIVE DAY**

Helena, Montana
September 5, 2007

Senate Chambers
State Capitol

Senate convened at 8:07 a.m. President Cooney presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Balyeat, Gebhardt, Jent, Ryan, and Steinbeisser, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Brown, Lind, McGee, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Balyeat, Gebhardt, Jent, Ryan, Steinbeisser.

Total 5

MESSAGES FROM THE GOVERNOR

TO: Members of the Montana Senate
Members of the House of Representatives
Secretary of State Brad Johnson
Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith

STATE OF MONTANA
OFFICE OF THE GOVERNOR
PROCLAMATION

CALL TO THE 60TH LEGISLATURE
FOR A SPECIAL SESSION

WHEREAS, pursuant to Article V, section 6 of the Constitution of the State of Montana and 5 5-3-101, MCA, the Governor may convene the legislature in special session; and

WHEREAS, pursuant to Article VI, section 11 of the Constitution of the State of Montana, the Governor may convene the legislature whenever he considers it in the public interest; and

WHEREAS, since June, extremely hazardous wildland fire conditions have existed throughout the State of Montana; and

WHEREAS, since mid-July, the State of Montana has been under declarations of states of emergency

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and disaster in order that Montana resources could be committed to responding to the fires; and

WHEREAS, in addition, because of the raging wildfires, twenty Montana counties and the Blackfoot Nation have declared states of emergency or disaster; and

WHEREAS, the cost of fire suppression to the state for the 2007 fire season already exceeds the amount of money appropriated by the legislature to suppress fires over the entire biennium; and

WHEREAS, pursuant to Article V, section 11 of the Constitution of the State of Montana, the power to appropriate money for the operation of state government lies exclusively with the legislative branch of government; and

WHEREAS, it is in the public interest that the legislature promptly convene in special session so as to appropriate money and provide spending authority to pay for the actual and anticipated costs of fire suppression, disaster response, and recovery activities for the 2007 and 2008 fire seasons.

NOW, THEREFORE, I, BRIAN SCHWEITZER, GOVERNOR OF THE STATE OF MONTANA, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby convene the 60th Legislature in special session, in Helena, at the Capitol, at the hour of 8:00 a.m., the 5th day of September, 2007, and hereby limit the special session to consideration of the following subjects:

1. Appropriations necessary and anticipated for fire suppression, disaster response, and recovery activities in fiscal years 2008 and 2009;
2. Additional spending authority for emergencies and disasters and elimination of time restrictions applicable to declarations of disaster and emergency during fire season; and
3. Any appropriations necessary for the operation of the special legislative session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 27th day of August, in the year of our Lord, two thousand and seven.

MOTIONS

Majority Leader Williams moved the adoption of the Joint Rules of the previous Special Session. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 42

Nays: Esp, McGee, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: Balyeat, Gebhardt, Jent, Ryan, Steinbeisser.
Total 5

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FIRST READING AND COMMITMENT OF BILLS

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

SB 1, introduced by Wanzenried, referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings and caucuses were announced.

Majority Leader Williams moved the body recess and resume upon the call of the President. Motion carried.

Senate recessed 8:25 a.m.

Senate reconvened 11:20 a.m.

COMMUNICATIONS AND PETITIONS

(INSERT LEGISLATIVE SERVICES ANNOUNCEMENT)

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Cooney, Chairman):

9/5/2007

SB 1, do pass. Report adopted.

Senator Stapleton moved the Republicans caucus until the hour of 11:45 a.m. Motion carried.

Senate at ease subject to the call of the President 11:24 a.m.

Senate called to order by the President 11:45 a.m.

President Cooney called for roll to be taken.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Story, Tash, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Brown, Lind, McGee, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gebhardt, Jent, Ryan, Steinbeisser, J. Tropila.

Total 7

SECOND READING OF BILLS

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(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 Cooney in the chair.

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

SB 1 - Senator Wanzenried moved **SB 1** do pass. Motion carried as follows:

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

Total 25

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

Total 20

Absent or not voting: None.

Total 0

Excused: Balyeat, Gebhardt, Jent, Ryan, Steinbeisser.

Total 5

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cooney 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 1 passed as follows:

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

Total 25

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

Total 20

Absent or not voting: None.

Total 0

Excused: Balyeat, Gebhardt, Jent, Ryan, Steinbeisser.

Total 5

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Senate Majority Leader Williams moved the Senate recess until the hour of 1:45 p.m. Motion carried.

Senate recessed.

Senate reconvened 1:55 p.m.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

9/5/2007

HB 3, introduced by Ripley

HB 4, introduced by Sinrud

FIRST READING AND COMMITMENT OF BILLS

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

HB 3, introduced by Ripley, referred to Finance and Claims.

HB 4, introduced by Sinrud, referred to Finance and Claims.

Senate Majority Leader Williams moved the Senate recess subject to the call of the President. Motion carried.

Senate recessed 1:58 p.m.

Senate reconvened 2:40 p.m.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

9/5/2007

HB 1, introduced by Callahan

FIRST READING AND COMMITMENT OF BILLS

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

HB 1, introduced by Callahan, referred to Finance and Claims.

Senate Majority Leader Williams moved the Senate recess and reconvene at the call of the Chair. Motion carried.

Senate recessed 2:42 p.m.

Senate reconvened 4:35 p.m.

Roll was called:

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

Total 40

Nays: Brown, Essmann, Lind, McGee, O'Neil, Shockley.

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Total 6

Absent or not voting: None.
Total 0

Excused: Balyeat, Gebhardt, Ryan, Steinbeisser.
Total 4

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Cooney, Chairman):
HB 1, be concurred in. Report adopted.
HB 4, be concurred in. Report adopted.
HB 3, be concurred in, as amended. Report adopted.

9/5/2007

1. Title, line 9.
Following: "DATES"
Insert: "AND A TERMINATION DATE"

2. Page 4, line 12.
Insert: "NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2009."

**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 Laslovich in the chair.

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

HB 4 - Senator Schmidt moved **HB 4** be concurred in. Motion carried unanimously.

HB 3 - Senator Williams moved **HB 3** be concurred in. Motion carried, Senators Esp, Story voting no.

HB 1 - Senator Cobb moved his amendment to **HB 1** be separated into three separate amendments. Motion carried unanimously.

HB 1 - Senator Cobb moved **HB 1**, second reading copy, be amended as follows:

3. Page 4.

Following: line 22

Insert: "(5) The following amounts are appropriated from the state general fund for the current biennium to the department of natural resources and conservation:

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(a) \$545,000 for fuel reduction on state and private land, including 1 FTE for management purposes;

(b) \$200,000 for development of an additional 10 wildland fire engines for the county co-op program;
and

(c) \$186,000 for 1.6 FTE for seasonal helicopter pilots and 3.4 FTE for seasonal positions to fully support wildland fire engines."

Amendment **not adopted** as follows:

Yeas: Black, Brueggeman, Cobb, Curtiss, Elliott, Harrington, Laible, Laslovich, Lewis, Lind, Peterson, Story, Tash, J.Tropila, M.Tropila.

Total 15

Nays: Bales, Brown, Cocchiarella, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, McGee, Moss, Murphy, O'Neil, Pease, Perry, Schmidt, Shockley, Smith, Squires, Stapleton, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: Balyeat, Barkus, Gebhardt, Ryan, Steinbeisser.

Total 5

HB 1 - Senator Cobb moved **HB 1**, second reading copy, be amended as follows:

2. Title, page 1, line 11.

Strike: "AND FOR"

Following: "ACTIVITIES"

Insert: ", WILDLAND FIRE ENGINES, FUEL REDUCTION, AND SEASONAL EMPLOYEES"

Amendment **not adopted** as follows:

Yeas: Black, Brueggeman, Cobb, Curtiss, Elliott, Gallus, Juneau, Laible, Laslovich, Lewis, Lind, McGee, Smith, Tash, J.Tropila.

Total 15

Nays: Bales, Brown, Cocchiarella, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Larson, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: Balyeat, Barkus, Gebhardt, Ryan, Steinbeisser, Story.

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Total 6

HB 1 - Senator Cobb moved **HB 1**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

Following: "SUPPRESSION"

Insert: ", "

Amendment **not adopted** as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gillan, Juneau, Laible, Larson, Laslovich, Lewis, Lind, Moss, Tash, J.Tropila.

Total 18

Nays: Bales, Esp, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: Balyeat, Barkus, Gebhardt, Ryan, Steinbeisser, Story.

Total 6

HB 1 - Senator Wanzenried moved **HB 1** be concurred in. Motion carried; Senators Cobb, Elliott, Esp, O'Neil voting no.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich 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:

HB 4 concurred in as follows:

Yeas: Bales, 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, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: Balyeat, Barkus, Gebhardt, Ryan, Steinbeisser.
Total 5

HB 3 concurred in, as amended, as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 42

Nays: Esp, O'Neil, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: Balyeat, Barkus, Gebhardt, Ryan, Steinbeisser.
Total 5

HB 1 concurred in as follows:

ANNOUNCEMENTS

President Cooney called for the Senate to stand at ease.
President Cooney called to Senate to order 6:12 p.m.

MOTIONS

Senator Cobb moved the Senate adjourn sine die. Motion carried unanimously.

Senate adjourned sine die 6:25 p.m.