

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

Helena, Montana
January 10, 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. **SEN. JIM SHOCKLEY, SD 45, VICTOR** excused. Quorum present

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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

MOTIONS

SEN. DAN WEINBERG, SD 2, WHITEFISH moved **SB 24** be placed in Natural Resources Committee.
Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 224, introduced by Shockley, referred to Judiciary.

SB 225, introduced by Moss, referred to Education and Cultural Resources.

SB 226, introduced by Moss, referred to Public Health, Welfare and Safety.

SB 227, introduced by Laslovich, referred to Judiciary.

SB 228, introduced by Laslovich, referred to Judiciary.

SB 229, introduced by Laslovich, referred to Public Health, Welfare and Safety.

SB 230, introduced by J. Tropila, referred to Business, Labor, and Economic Affairs.

SB 231, introduced by J. Tropila, referred to Taxation.

SB 232, introduced by McGee, referred to State Administration.

SB 233, introduced by Elliott, referred to Taxation.

SB 234, introduced by Williams, referred to Business, Labor, and Economic Affairs.

SB 235, introduced by Gallus, Bergren, Jopek, Villa, Windy Boy, Noonan, Barkus, Elliott, referred to State

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Administration.

SB 236, introduced by Gallus, Bergren, Jopek, Lange, referred to Public Health, Welfare and Safety.

SB 237, introduced by Brueggeman, referred to Highways and Transportation.

**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 Brueggeman in the chair.

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

SB 39 - Senator Brown moved **SB 39** 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

SB 40 - Senator Cocchiarella moved **SB 40** do pass. Motion carried 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 21 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

SB 88 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, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

REPORTS OF STANDING COMMITTEES

Correctly printed: **SB 29, SB 30, SB 39, SB 73, SB 84, SB 140, SB 184, SB 224, SB 225, SB 226, SB 227, SB 228, SB 229, SB 230, SB 231, SB 232, SB 233, SB 234, SB 235, SB 236, SB 237.**
Correctly engrossed: **SB 29.**

HIGHWAYS AND TRANSPORTATION (Pease, Chairman): 1/10/2007
SB 29, do pass. Report adopted.
SB 30, do pass. Report adopted.

JUDICIARY (Laslovich, Chairman): 1/10/2007
SB 27, introduced bill, be amended as follows:

1. Title, line 7.

Following: "A"

Strike: "CUSTODIAL"

Insert: "FINDING THAT CONTACT IS IN THE BEST INTERESTS OF THE CHILD AND THE PRESUMPTION IN FAVOR OF A FIT"

2. Title, line 8.

Following: "BE"

Strike: "SHOWN TO BE AN UNFIT PARENT"

Insert: "REBUTTED"

3. Title, line 9 through line 10.

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Strike: "IN THE BEST" on line 9 through "CHILD" on line 10

4. Page 1, line 29.

Following: the first "parent"

Strike: "or" through "neglect"

Insert: "and in the case of an objecting fit parent that the presumption in favor of the parent's wishes has been rebutted"

5. Page 2, line 16 through line 17.

Following: "only" on line 16

Strike: remainder of line 16 through "and" on line 17

Following: "child" on line 17

Insert: "and the presumption in favor of the parent's wishes has been rebutted"

6. Page 2, line 28.

Strike: "(a)"

Strike: "custodial"

Insert: "fit"

7. Page 2, line 30.

Strike: "objecting parent is an unfit parent and that the"

Following: "contact"

Insert: "with the grandparent"

Following: "child"

Insert: "and that the presumption in favor of the parent's wishes has been rebutted"

8. Page 3, line 1 through line 2.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

SB 73, do pass. Report adopted.

LOCAL GOVERNMENT (Gillan, Chairman):

1/10/2007

SB 84, do pass. Report adopted.

SB 184, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/10/2007

HB 46, introduced by Gallik

HB 48, introduced by Jacobson

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 1 p.m., Thursday, January 11, 2007. Motion carried.

Senate adjourned at 1:21 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate