

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 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. All members present, except Senator Ryan, excused. Quorum present.

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

Total 43

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

Total 6

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Laslovich, Chairman):

2/12/2007

**SB 283**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

**Strike:** "MOTOR"

**Insert:** "RENTAL"

**Strike:** "; REGULATING" on line 5 through "MCA" on line 7

2. Page 1, line 11 through p. 4, line 13.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Disclosure of recording device on rental vehicle -- definitions. (1) (a) Except as provided in subsection (1)(b), a rental vehicle entity that rents a rental vehicle equipped with a global positioning system or a satellite navigation system to a person in this state shall disclose in the rental agreement the presence and purpose of the system.

(b) A rental vehicle entity that uses event data recorders only to track lost or stolen vehicles or provide navigational services is not required to provide the disclosure in subsection (1)(a).

(2) As used in this section:

(a) "rental agreement" means a written agreement setting forth the terms and conditions governing the use of a rental vehicle that is provided by a rental vehicle entity for the rental of a rental vehicle for a period of not more than 90 days;

(b) "rental vehicle" means a light vehicle, a motorcycle, a motor-driven cycle, a quadricycle, a motorboat, a sailboat, or an off-highway vehicle, any of which is used under a rental agreement by a person other than the owner

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of the vehicle;

(c) "rental vehicle entity" means a business entity that provides rental vehicles to the public without a driver, pilot, or operator under a rental agreement for a fee."

**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, and the provisions of Title 61 apply to [section 1]."

And, as amended, do pass. Report adopted.

**SB 342**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 98</b> , introduced by Harrington	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 209</b> , introduced by Essmann	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 211</b> , introduced by Larson	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 213</b> , introduced by Cobb	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 222</b> , introduced by Esp	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 269</b> , introduced by Larson	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 308</b> , introduced by J. Peterson	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 379</b> , introduced by Laslovich	
<b>Senate bill</b> concurred in and returned to the Senate:	2/12/2007
<b>SB 386</b> , introduced by Shockley	

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**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 406**, introduced by Bales

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 414**, introduced by Laslovich

**MOTIONS**

**SEN. DAN WEINBERG, SD 2, WHITEFISH** moved do pass consideration until the 33rd Legislative day on **SB 287**. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 455**, introduced by Ryan, referred to Finance and Claims.

**SB 456**, introduced by Ryan, referred to Education and Cultural Resources.

**SB 457**, introduced by Ryan, referred to Education and Cultural Resources.

**SB 458**, introduced by Ryan, referred to Education and Cultural Resources.

**SB 459**, introduced by Elliott, Black, Tash, McGee, J. Peterson, Wanzenried, Laslovich, Story, Perry, Brueggeman, referred to State Administration.

**SB 460**, introduced by Esp, referred to Business, Labor, and Economic Affairs.

**SB 461**, introduced by Bales, Kasten, Lambert, Gebhardt, Ankney, referred to Natural Resources and Energy.

**SB 462**, introduced by Kitzenberg, referred to Education and Cultural Resources.

**SB 463**, introduced by Kitzenberg, referred to Highways and Transportation.

**SB 464**, introduced by Weinberg, referred to Taxation.

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

**SJR 11**, introduced by Black, referred to Finance and Claims.

**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 Tash in the chair.

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

**SB 335** - Senator Tash moved **SB 335** do pass. Motion **carried** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Mr. President.

Total 38

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Nays: Balyeat, Juneau, Kaufmann, Larson, Lind, O'Neil, Shockley, Squires, Wanzenried, Weinberg, Williams.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**SB 384** - Senator Wanzenried moved **SB 384** do pass. Motion carried unanimously.

**HB 23** - Senator Laslovich moved **HB 23** be concurred in. Motion carried unanimously.

**SB 132** - Senator Gallus moved **SB 132** do pass. Motion **carried** as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Essmann, Gallus, Hansen, Harrington, Jackson, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hawks, Juneau, Laible, Lind, McGee, Perry, Peterson, Ryan, Squires, Stapleton, Steinbeisser, Story, Tash, Wanzenried.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 323** - Senator Laslovich moved **SB 323** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 40

Nays: Cocchiarella, Kaufmann, Moss, Ryan, Schmidt, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 350** - Senator Perry moved **SB 350** do pass. Motion carried as follows:

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

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Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Cobb, Larson, McGee, Murphy, Ryan, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 121** - Senator Elliott moved **SB 121** do pass. Motion carried with Senators Jackson, Shockley, Balyeat voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Tash moved the Committee of the Whole report be adopted. Report adopted with Senator Wanzenried voting nay.

**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 211** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Steinbeisser, Story.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 406** 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.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 386** 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, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: O'Neil, Ryan.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 222** passed as follows:

Yeas: Bales, Balyeat, 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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Barkus, Shockley, Stapleton.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 414** passed as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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,

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Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Bales, Esp, Essmann, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 379** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, 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, Mr. President.  
Total 48

Nays: Juneau, Stapleton.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 98** passed as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Bales, Brown, McGee, Murphy, Shockley, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 213** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila,

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Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 269** passed as follows:

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

Nays: Curtiss, McGee, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 308** 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 209** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,



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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

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

2/12/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 10, 2007:

TITLE

NAME

Pages:

Michael Steinbeisser, Sidney  
Doug Waite, Great Falls  
Eric Wendt, Billings  
Nicole Hardy, Livingston  
Kelsey Mulcahy, Missoula  
Hilary Gourneau, Poplar  
Yvette Waters, Belgrade

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 12, 2007:

TITLE

NAME

Pages:

Gavin Mathis, Belgrade  
Michelle Rausch, Victor  
Allison Kendall, Plains  
Jacob Fern, Whitefish  
Brandon Mourich, Billings  
Steve Carey, Boulder  
Brenna Howard, Great Falls

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, February 13, 2007. Motion

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carried.

Senate adjourned at 3:17 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate