

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

Helena, Montana
February 14, 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. Senator Schmidt excused. Quorum present.

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

Nays: Balyeat, Esp, Gebhardt, Hansen, Jackson, O'Neil, Shockley.
Total 7

Absent or not voting: None.
Total 0

Excused: Schmidt.
Total 1

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):
SB 254, introduced bill, be amended as follows:

2/14/2007

1. Title, page 1, line 6.

Following: "BARGAINING;"

Insert: "REQUIRING SECRET BALLOTS;"

2. Page 1, line 14 through line 15.

Following: "a" on line 14

Strike: "governmental body"

Insert: "state agency, as defined in 18-5-602,"

3. Page 1, line 16.

Strike: "governmental body"

Insert: "state agency, as defined in 18-5-602"

4. Page 1.

Following: line 24

Insert: "(3) The process used in subsection (2) must provide for a secret balloting by employees.

(4) A third party mutually agreed upon by the union and the contracted employer shall check authorization cards and shall keep individual cards confidential."

Renumber: subsequent subsection

5. Page 3, line 11.

Strike: "governmental body"

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "state agency, as defined in 18-5-602,"

6. Page 3, line 12.

Strike: "governmental body"

Insert: "state agency, as defined in 18-5-602"

And, as amended, do pass. Report adopted.

SB 333, do pass. Report adopted.

SB 380, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Strike: "AND" on line 4 through "ALCOHOL" on line 5

2. Title, line 6 through line 7.

Following: "POSITIVE;" on line 6

Insert: "AND"

Strike: "OR" on line 6 through "ALCOHOL" on line 7

3. Title, line 7 through line 14.

Strike: "; REQUIRING" on line 7 through "MCA" on line 14

4. Page 1, line 18.

Strike: "and alcohol"

5. Page 1, line 20 through line 21.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

6. Page 1, line 25 through line 27.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

7. Page 1, line 30 through page 2, line 1.

Strike: subsection (e) in its entirety

Renumber: subsequent subsection

8. Page 2, line 7.

Following: "nurse,"

Insert: "or"

Strike: ", or breath alcohol technician"

9. Page 2, line 9.

Following: "drug test"

Strike: "or positive" through the second "test"

10. Page 2, line 11.

Strike: "or alcohol"

11. Page 2, line 12.

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Following: "nurse,"
Insert: "or"

12. Page 2, line 13.
Following: "person"
Strike: ", or" through "technician"

13. Page 2, line 10.
Strike: "shall"
Insert: "may"

14. Page 2, line 15.
Following: "nurse,"
Insert: "or"
Strike: ", or breath alcohol technician,"

15. Page 2, line 16.
Following: "person"
Strike: ", or breath alcohol technician"

16. Page 2, line 17.
Following: "nurse,"
Insert: "or"
Following: "person"
Strike: ", or breath alcohol technician"

17. Page 2, line 19 through line 20.
Following: "2]."
Strike: "Failure" on line 19 through "violation." on line 20

18. Page 2, line 22.
Strike: "Suspension" through "-- report"
Insert: "Recording"

19. Page 2, line 23.
Strike: "or alcohol"
Strike: "hearing" through "suspension"
Insert: "petition to clear record"
Strike: "(a)" through "receives"
Insert: "The department shall record on a Montana-licensed commercial motor vehicle operator's motor vehicle record"

20. Page 2, line 24.
Following: "person,"
Strike: "breath alcohol technician,"

21. Page 2, line 25.
Strike: "that"
Insert: "when"

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

22. Page 2, line 26.

Strike: "or a positive" through "confirmation test"

Strike: "or alcohol"

23. Page 2, line 27 through line 30.

Strike: ", the department" on line 27 through "operator" on line 30

24. Page 2.

Following: line 30

Insert: "(2) The department shall remove the information recorded under subsection (1) if, after 1 year, the Montana-licensed commercial motor vehicle operator petitions the department to remove the information and provides written documentation of satisfactory participation in or successful completion of a drug treatment or education program."

25. Page 3, line 1 through page 4, line 25.

Strike: page 3, line 1, through page 4, line 25, in their entirety

26. Page 4, line 27 through page 6, line 19.

Strike: sections 3 through 5 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Pease, Chairman):

2/14/2007

SB 121, do pass. Report adopted.

SB 422, do pass. Report adopted.

LOCAL GOVERNMENT (Gillan, Chairman):

2/14/2007

SB 102, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "NATURAL"

Following: "DISASTERS"

Insert: ", "

Strike: "AND OTHER"

Following: "INCIDENTS"

Insert: ", "

2. Title, line 7.

Strike: "POLITICAL SUBDIVISIONS IN OTHER STATES"

Insert: "FIRE PROTECTION SERVICES, EMERGENCY MEDICAL CARE PROVIDERS, AND LOCAL GOVERNMENT SUBDIVISIONS"

3. Title, lines 9 through 11.

Strike: "REQUIRING" on line 9 through "ASSISTANCE;" on line 11

4. Title, line 12.

Strike: "10-3-205, 10-3-207, AND"

5. Title, line 13.

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Following: "10-3-209,"

Insert: "10-3-1102, AND 10-3-1103,"

6. Page 1, lines 19 and 20.

Strike: "natural" on line 19

Following: "emergencies" on line 19

Strike: "or" on line 19 through "persons" on line 20

7. Page 1, line 30 through page 2, line 1.

Strike: "political" on page 1, line 30 through "Montana" on page 2, line 1

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

8. Page 2, lines 4 and 5.

Strike: "or" on line 4

Insert: "and"

Strike: "has" on line 4 through "term" on line 5

Insert: "have the meanings provided"

9. Page 2, lines 27 and 28.

Strike: "political" on line 27 through "Montana" on line 28

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

10. Page 3, lines 5 and 6.

Strike: "natural" on line 5

Following: "emergencies" on line 5

Strike: "or" on line 5 through "persons" on line 6

11. Page 3, lines 17 and 18.

Strike: "political" on line 17 through "Montana" on line 18

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

12. Page 3, line 22.

Strike: "or"

Insert: "and"

13. Page 3, lines 27 and 28.

Strike: "natural" on line 27

Following: "emergencies" on line 27

Strike: "or" on line 27 through "persons" on line 28

14. Page 4, lines 9 and 10.

Strike: "political" on line 9 through "Montana" on line 10

Insert: "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

15. Page 4, lines 21 and 22.

Strike: "in" through "Montana"

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "pursuant to Title 10, chapter 3, part 11,"

16. Page 4, lines 27 and 28.

Strike: "or" through "10-3-205(3)"

17. Page 5, lines 6 through page 8, line 2.

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

18. Page 8, line 29 through line 30.

Strike: "body" on line 29 through "Montana" on line 30

Insert: "bodies of fire protection services, emergency medical care providers, and local government subdivisions of any other state or the United States pursuant to part 11 of this chapter"

19. Page 9.

Following: line 17

Insert: "**Section 7.** Section 10-3-1102, MCA, is amended to read:

"**10-3-1102. Purpose.** It is the purpose of this part to permit one or more fire protection services, emergency medical care providers, or local government subdivisions of this state to enter into mutual aid agreements, on the basis of mutual advantage, with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States in order to facilitate and coordinate efficient, cooperative ~~firefighting~~ efforts directed toward protection of life and property in areas transcending state boundaries that, due to geographic remoteness, population sparsity, and economic or other factors, are in need of ~~such~~ those services.""

Insert: "**Section 8.** Section 10-3-1103, MCA, is amended to read:

"**10-3-1103. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Emergency medical care provider" means a local government subdivision or other entity, whether public or private, licensed by the state to provide emergency medical services pursuant to Title 50, chapter 6.

(2) "Fire protection service" means a ~~paid or volunteer fire department, fire company,~~ governmental fire agency organized under Title 7, chapter 33, or other another fire suppression entity organized under the laws of this state, any ~~party~~ other state, or an agency of the government of the United States.

(3) "Local government subdivision" means the local governmental entity, other than state government, including but not limited to incorporated towns and cities, townships, and counties.

(4) "Mutual aid agreement" or "agreement" means an agreement, consistent with the purposes of this part, by one or more fire protection services, emergency medical care providers, or local government subdivisions of this state with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States.

(5) "Party emergency service" means a fire protection service, emergency medical care provider, local government subdivision, or agency of the United States that is a party to a mutual aid agreement as ~~set forth~~ provided in this part.""

And, as amended, do pass. Report adopted.

SB 103, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

Strike: "CHANGING" on line 6 through "REQUIRED;" on line 8

2. Page 2, line 1.

Strike: "40% or more of the"

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

3. Page 2, lines 3 and 4.

Strike: "registered" on line 3 through "district" on line 4

Insert: "the owners of more than 50% of the area of the privately owned lands included within the proposed district who constitute a majority of the real property owners of the area"

4. Page 2, line 5.

Following: "(2)"

Insert: "(a)"

5. Page 2.

Following: line 5

Insert: "(b) A city or town may withdraw from a district 2 years after providing to the board of county commissioners notice of intent to withdraw."

6. Page 2, lines 11 and 12.

Strike: "registered voter residing"

Insert: "real property owner"

7. Page 2, lines 25 and 26.

Strike: "registered voter who resides" on line 25

Insert: "real property owner"

Strike: "and who" on line 25 through "district" on line 6

Strike: "voter's" on line 26

Insert: "owner's"

8. Page 6, line 23.

Strike: "Registered voters residing in"

Insert: "Real property owners of"

9. Page 6, line 25.

Strike: "40% or more"

Insert: "more than 50%"

Strike: "registered voters"

Insert: "real property owners"

10. Page 7, line 8.

Strike: "40%" through "voters"

Insert: "more than 50% of the real property owners"

11. Page 7, line 28.

Strike: "40% or more of the"

12. Page 7, line 30.

Strike: "registered voters residing in"

Insert: "the owners of more than 50% of the real property of the area of privately owned lands included within the entire original district who constitute a majority of the real property owners in"

13. Page 8, line 18.

Strike: "40% or more of the"

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

14. Page 8, lines 19 and 20.

Strike: "registered voters who reside"

Insert: "the owners of more than 50% of the area of privately owned lands of the adjacent area proposed to be annexed who constitute a majority of the real property owners"

15. Page 8, line 30.

Strike: "at" through "in"

Insert: "a majority of the real property owners of"

16. Page 9, line 4.

Following: "(4)"

Insert: "(a)"

17. Page 9.

Following: line 5

Insert: "(b) A city or town may withdraw from the district territory that has been annexed under this section 2 years after providing to the board of county commissioners notice of intent to withdraw."

18. Page 9, line 11.

Strike: "40% or more of the"

19. Page 9, lines 12 and 13.

Strike: "registered voters residing"

Insert: "the owners of more than 50% of the privately owned lands of an area that is part of an organized fire district who constitute a majority of real property owners"

20. Page 9, line 19.

Strike: "40% or more of the"

21. Page 9, lines 20 and 21.

Strike: "registered voters residing in"

Insert: "the owners of more than 50% of the area of the privately owned lands included within either district affected who constitute a majority of the real property owners of"

22. Page 10, line 9.

Strike: "40% or more of the"

23. Page 10, lines 10 and 11.

Strike: "registered voters residing in the"

Insert: "the owners of more than 50% of the area of the privately owned lands included within the fire district who constitute a majority of real property owners of the"

And, as amended, do pass. Report adopted.

SB 299, do pass. Report adopted.

SB 301, do pass. Report adopted.

TAXATION (Elliott, Chairman):

2/14/2007

SB 76, introduced bill, be amended as follows:

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

1. Title, line 7.

Strike: "ALL"

Insert: "CERTAIN"

2. Title, line 13.

Following: "15-31-511,"

Insert: "17-1-132,"

3. Page 1, line 22.

Following: "auditor,"

Insert: "the"

4. Page 1, line 23.

Following: "analyst"

Insert: "pursuant to 5-12-303"

Strike: "upon request"

Insert: "pursuant to 17-7-111"

5. Page 1, line 24.

Following: "law."

Insert: "The legislative fiscal analyst and the office of budget and program planning may disclose state return information to each other."

6. Page 1.

Following: line 26

Insert: "(3) Income tax information held by the department, the legislative auditor, the legislative fiscal analyst, and the office of budget and program planning are solely for their official use and are not a public record."

Renumber: subsequent subsections

7. Page 2, line 6.

Strike: "and tax records"

8. Page 2.

Following: line 16

Insert: "(3) (a) The department of revenue shall make Montana individual income tax information available by removing names, addresses, and social security numbers and substituting in their place a state accounting record identifier number. Except for the purposes of complying with federal law, the department may not alter the data in any other way.

(b) The department of revenue shall provide the name and address of a taxpayer on written request of the legislative fiscal analyst when the values on the requested return, including estimated payments, are considered necessary by the legislative fiscal analyst to properly analyze state revenue and are of a sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the effect of the return or payments on the analysis being performed."

Renumber: subsequent subsections

9. Page 2, line 24.

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Following: "disclosure"

Insert: "or if the department of revenue notifies the fiscal analyst that specified records or information may contain confidential information"

10. Page 2, line 27.

Following: "[section 1],"

Insert: "17-7-111,"

11. Page 2, line 29.

Strike: "knowingly or purposely"

12. Page 3, line 22 through line 23.

Strike: "\$1,000" on line 22 through "both" on line 23

Insert: "\$500"

13. Page 4, line 11.

Strike: "The"

Insert: "On written request to the director or a designee of the director, the"

14. Page 4, line 27.

Following: "5-12-303"

Insert: ", "

Strike: "and"

Following: "[section 1]"

Insert: ", and 17-7-111"

15. Page 5, line 8.

Strike: "knowingly or purposely"

16. Page 6, line 10.

Strike: "The"

Insert: "On written request to the director or a designee of the director, the"

Following: "shall"

Strike: "on request"

17. Page 6, line 16.

Following: "planning"

Insert: ", as provided in [section 1] or 17-7-111"

18. Page 6, line 19 through line 20.

Strike: "\$1,000" on line 19 through "both" on line 20

Insert: "\$500"

19. Page 6, line 24.

Insert: "**Section 5.** Section 17-1-132, MCA, is amended to read:

"17-1-132. Access to information. (1) The budget director ~~shall have~~ has the power to demand and receive from every department, officer, board, commission, or institution, at any time, any and all information requested.

(2) The budget director may investigate and examine the costs and revenue of state government activities and may examine and obtain copies of the records, books, and files of any state agency, including confidential

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

records.

(3) When confidential records and information are obtained from a state agency, the budget director and staff are subject to the same penalties for unauthorized disclosure of the confidential records and information as are provided for under the laws administered by the state agency. The budget director shall develop policies to prevent the unauthorized disclosure of confidential records and information obtained from state agencies.

(4) This section does not authorize publication or public disclosure of information if the law prohibits publication or disclosure or if the department of revenue notifies the budget director that specified records or information may contain confidential information."

Renumber: subsequent sections

20. Page 9.

Following: lines 13 through 17

Strike: subsection (6) in its entirety

Insert: "(6) (a) The department of revenue shall make Montana individual income tax information available by removing names, addresses, and social security numbers and substituting in their place a state accounting record identifier number. Except for the purposes of complying with federal law, the department may not alter the data in any other way.

(b) The department of revenue shall provide the name and address of a taxpayer on written request of the budget director when the values on the requested return, including estimated payments, are considered necessary by the budget director to properly analyze state revenue and are of a sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the effect of the return or payments on the analysis being performed."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 253, introduced by Ross

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 291, introduced by Ross

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 328, introduced by Stahl

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 426, introduced by Ross

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 433, introduced by Wiseman

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 437, introduced by Gallik

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 449, introduced by Pomnichowski

House bill passed and transmitted to the Senate for concurrence: 2/13/2007

HB 532, introduced by Jacobson

House joint resolution passed and transmitted to the Senate for concurrence: 2/13/2007

HJR 13, introduced by Ankney

FIRST READING AND COMMITMENT OF BILLS

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

SB 481, introduced by Wanzenried, referred to Judiciary.

SB 482, introduced by Essmann, Arntzen, referred to Judiciary.

SB 483, introduced by Elliott, referred to Taxation.

SB 484, introduced by Essmann, referred to Education and Cultural Resources.

SB 485, introduced by Brueggeman, referred to State Administration.

SB 486, introduced by Shockley, Laslovich, referred to Judiciary.

SB 487, introduced by Story, referred to Taxation.

SB 488, introduced by Ryan, referred to Education and Cultural Resources.

SB 489, introduced by Cocchiarella, referred to State Administration.

SB 490, introduced by Moss, referred to Business, Labor, and Economic Affairs.

SB 491, introduced by Moss, referred to State Administration.

SB 492, introduced by Gebhardt, referred to Taxation.

SB 493, introduced by Kitzenberg, referred to Highways and Transportation.

SB 494, introduced by Perry, referred to Taxation.

SB 495, introduced by Smith, Campbell, Juneau, Small-Eastman, J. Tropila, Augare, Pease, Kitzenberg, Windy Boy, referred to Business, Labor, and Economic Affairs.

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

SJR 12, introduced by Brueggeman, Dickenson, Williams, Campbell, French, Reinhart, Erickson, Henry, Wilmer, Cohenour, Wanzenried, Schmidt, Phillips, Jacobson, Smith, Hamilton, Gillan, McAlpin, Cordier, Noonan, Larson, Furey, referred to Education and Cultural Resources.

SJR 13, introduced by Smith, Steinbeisser, Bales, L. Jones, Stahl, Reinhart, referred to Agriculture, Livestock and Irrigation.

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

HB 433, introduced by Wiseman, referred to State Administration.

HB 437, introduced by Gallik, referred to Public Health, Welfare and Safety.

HB 449, introduced by Pomnichowski, referred to Public Health, Welfare and Safety.

HB 532, introduced by Jacobson, referred to State Administration.

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

**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 McGee in the chair.

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

SB 270 - Senator Larson moved **SB 270** do pass. Motion carried unanimously.

SB 285 - Senator Cooney moved **SB 285** do pass. Motion carried as follows:

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

Total 43

Nays: Barkus, Esp, Larson, Ryan, Stapleton, Weinberg.

Total 6

Absent or not voting: Brueggeman.

Total 1

Excused: None.

Total 0

SB 364 - Senator Story moved **SB 364** do pass. Motion carried unanimously.

SB 367 - Senator Lind moved **SB 367** do pass. Motion carried unanimously.

SB 287 - Senator Weinberg moved **SB 287**, second reading copy, be amended as follows:

1. Page 13, lines 21 through 27.

Strike: subsection (3) in its entirety

Insert: "(3) A hospital, as soon as practical after the arrival of an individual reasonably believed dead or near death, shall make a reasonable search of the individual for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift if there is not immediately available any other source of that information."

2. Page 13, line 29.

Strike: "(3)(a)"

Insert: "(3)"

3. Page 16, lines 21 through 26.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

4. Page 17, line 13.

Following: "(2)"

Strike: "The"

Insert: "For the purpose of expediting an anatomical gift, the"

5. Page 17, line 30.

Following: "death,"

Insert: "the collection of evidence, or the description, documentation, or interpretation of injuries on the body,"

6. Page 17, line 30.

Following: "attorney"

Strike: "shall"

Insert: "may"

7. Page 18, lines 3 through 11.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

8. Page 18, line 12.

Following: "recovery"

Strike: "under subsection (6)"

9. Page 18, line 18.

Following: "(4)"

Strike: ", "

Insert: "or"

Strike: ", or (6)"

10. Page 18, lines 21 through 24

Strike: subsection (9) in its entirety

Amendment adopted unanimously.

SB 287 - Senator Bales moved **SB 287**, as amended, do pass. Motion carried unanimously.

SB 275 - Senator Kitzenberg moved **SB 275** do pass. Motion **failed** as follows:

Yeas: Essmann, Gillan, Hawks, Juneau, Kaufmann, Kitzenberg, Moss, Pease, Schmidt, Weinberg, Williams, Mr. President.

Total 12

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Jackson, Jent, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried.

Total 38

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 275 - Senator Williams moved **SB 275** be indefinitely postponed. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Jackson, Jent, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.
Total 40

Nays: Gallus, Gillan, Hawks, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Mr. President.
Total 9

Absent or not voting: Shockley.
Total 1

Excused: None.
Total 0

SB 319 - Senator Cocchiarella moved **SB 319** do pass. Motion carried with Senator Ryan voting nay.

SB 291 - Senator Perry moved **SB 291** do pass. Motion carried with Senator Williams voting nay.

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

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 342 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

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Excused: None.
Total 0

HB 470 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, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: Juneau.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 189 passed as follows:

Yeas: Cobb, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, 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, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 215 passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 34

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Essmann, Gebhardt, Jackson, Laible, Larson, McGee, Murphy, O'Neil, Perry, Shockley, Steinbeisser.
Total 16

Absent or not voting: None.

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Total 0

Excused: None.

Total 0

SB 56 passed as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 302 passed as follows:

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

Total 44

Nays: Cocchiarella, Juneau, Kaufmann, Pease, Smith, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

SEN. DAN HARRINGTON, SD 38, BUTTE moved to suspend the rules to allow for the drafting of a joint resolution urging Taiwan's participation in WHO. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, 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 49

SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Friday, February 15, 2007. Motion carried.

Senate adjourned at 3:11 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate