

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

Helena, Montana
February 20, 2007

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Bales excused. Quorum present.

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, 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.

Total 41

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

Total 7

Absent or not voting: None.

Total 0

Excused: Bales, Mr. President.

Total 2

MOTIONS

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the Senate Democrats recess for caucus. Motion carried. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans recess for caucus. Motion carried.

The Senate reconvened at 1:30 p.m.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, 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 45

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

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):

2/20/2007

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

SB 419, introduced bill, be amended as follows:

1. Page 1, line 11 through line 30.

Strike: subsections (1) through (4) in their entirety

Insert: "A health insurance issuer that issues or renews an individual or a group health insurance policy, certificate, or membership contract under which an individual's or employee's dependents are eligible for coverage may not terminate coverage on the basis of the age of an unmarried dependent, as defined in 33-22-140(5)(b), prior to the dependent reaching 26 years of age. Except as otherwise provided by law, the continuation of the coverage of the dependent, as defined in 33-22-140(5)(b), is at the option of the covered employee."

2. Page 5, line 18.

Strike: "provide an option"

Following: "1."

Strike: "for the insured to"

3. Page 5, line 19.

Following: the first "dependent"

Insert: ", as defined in 33-22-140(5)(b),"

4. Page 7, line 8.

Strike: "covered by"

Insert: "eligible for coverage under"

Following: "child's employer"

Insert: "for which the child's premium contribution amount is no greater than the premium amount for coverage as a dependent under a parent's individual or group health plan"

5. Page 13, line 17.

Strike: "covered by"

Insert: "eligible for coverage under"

Following: "child's employer"

Insert: "for which the child's premium contribution amount is no greater than the premium amount for coverage as a dependent under a parent's individual or group health plan"

And, as amended, do pass. Report adopted.

SB 466, do pass. Report adopted.

FINANCE AND CLAIMS (Schmidt, Chairman):

2/20/2007

SB 112, do pass. Report adopted.

SB 243, do pass. Report adopted.

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

2/20/2007

SB 145, introduced bill, be amended as follows:

1. Title, lines 9 and 10.

Strike: "PROVIDING" on line 9 through "CIRCUMSTANCES;" on line 10

2. Title, line 18.

Following: "SECTIONS"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Insert: "45-6-203,"

3. Page 2.

Following: line 10

Insert: "**Section 2.** Section 45-6-203, MCA, is amended to read:

"45-6-203. Criminal trespass to property. (1) Except as provided in 15-7-139₂ and 70-16-111, and section 7], a person commits the offense of criminal trespass to property if the person knowingly:

(a) enters or remains unlawfully in an occupied structure; or

(b) enters or remains unlawfully in or upon the premises of another.

(2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both."

Renumber: subsequent sections

4. Page 2, line 14.

Following: " ; "

Insert: "and"

5. Page 2, line 15.

Strike: "(ii)" through "and"

Renumber: subsequent subsection

6. Page 4, line 27.

Following: "ownership."

Insert: "No fees may be collected for this purpose except fees provided for in 76-13-201."

7. Page 5, line 4.

Following: "owners or"

Insert: "local"

Following: "agencies"

Insert: "organized under Title 7, chapter 33,"

8. Page 5, line 16.

Following: "necessary"

Insert: ", subject to confirmation by the local county government,"

9. Page 5, line 18.

Strike: "6"

Insert: "7"

10. Page 5, line 25.

Following: "duties"

Insert: ", and the provisions of 45-6-203 do not apply to a firewarden acting within the course and scope of the firewarden's duties"

11. Page 5, lines 26 and 27.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

12. Page 6, line 6.

Following: "department"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Insert: "in those areas where a recognized agency is available"

13. Page 7, line 4.

Following: "nonflammable"

Insert: "area or"

14. Page 8, line 7.

Strike: "All"

Insert: "Before each wildfire season, all"

15. Page 10, line 3.

Strike: "may"

Insert: "must"

16. Page 10, line 4.

Strike: the first "or"

Insert: "and"

17. Page 10, line 24.

Strike: "15"

Insert: "16"

18. Page 13, line 6.

Strike: "6"

Insert: "7"

19. Page 13, line 8.

Strike: "6"

Insert: "7"

20. Page 13, lines 9 and 10.

Strike: "15" in both places

Insert: "16" in both places

21. Page 14, line 4.

Following: "nonflammable"

Insert: "area or"

And, as amended, do pass. Report adopted.

SB 376, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "Horse,"

Insert: "Koocanusa,"

2. Page 2, line 10 through line 20.

Strike: subsections (4) and (5) in their entirety

Insert: "(4)(a) Subject to subsections (4)(b) and (4)(c), the department may lease up to 1 million acre-feet of

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

water from the reservoirs identified in subsection (3)(b) to water users for beneficial uses in Montana.

(b) The department may lease up to 50,000 acre-feet of water from the reservoirs identified in subsection (3)(b) to water users for beneficial uses outside Montana.

(c) The total amount of water leased under this subsection (4) may not exceed 1 million acre-feet."

Renumber: subsequent subsections

3. Page 2, line 22.

Strike: "(8)"

Insert: "(7)"

4. Page 2, line 24.

Strike: "(7)"

Insert: "(6)"

And, as amended, do pass. Report adopted.

SB 391, introduced bill, be amended as follows:

1. Page 2, line 27.

Following: "(b)"

Strike: "Unless" through "should"

Insert: "The board shall provide compelling evidence that conservation easements granted pursuant to this section comply with the multiple-use management concept provided for in 77-1-203 and"

2. Page 2, line 30.

Following: "part 8"

Insert: ", that were in place prior to the easement being issued"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Weinberg, Chairman):

2/20/2007

SB 186, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 29.

Following: "20-6-701,"

Insert: "with 25 or more employees,"

3. Page 1, line 30.

Following: "provide"

Insert: "only to insurers or associations specifically identified by the district"

4. Page 2, following line 4.

Insert: "(b) Any insurer or association that receives summary health information and large claim information shall provide a fair and reasonable bid and may not refuse to provide coverage to the district as part of the group or association. "

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Renumber: subsequent subsection

5. Page 2, following line 14.

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 246, do pass. Report adopted.

SB 288, introduced bill, be amended as follows:

1. Title, line 5.

Following: "ADOLESCENT"

Strike: "OR OUTDOOR"

Following: "RESIDENTIAL"

Insert: "OR OUTDOOR"

2. Page 2, line 21.

Following: "unsuitable"

Insert: "by the board"

3. Page 2, line 29.

Following: "(1)"

Insert: "(a)"

4. Page 2, line 30 through page 3, line 2.

Following: "shall"

Strike: "provide" on page 2, line 30 through "check" on page 3, line 2

Insert: "submit fingerprints for the purpose of fingerprint checks"

5. Page 3.

Following: line 3

Insert: "(b) Each manager and worker affiliated with the program who will have direct access to a program participant shall sign a release of information to the board. The program is responsible to the department of justice for the payment of all fees associated with the criminal background check.

(c) Upon completion of the criminal background check, the department of justice shall forward to the board, as authorized in 44-5-303, all criminal justice information, as defined in 44-5-103, that involves the conviction of a criminal offense in any jurisdiction concerning any manager or worker affiliated with the program who will have direct access to a program participant.

(d) At the conclusion of any background check required by this section, the criminal background check report must be provided to the board, but the board may not receive the fingerprint card of the person. Upon receipt of the criminal background check report, the department of justice shall promptly destroy the fingerprint card of the person."

6. Page 3, line 4 through line 5.

Strike: subsection (2) in its entirety

Insert: "(2) If any manager or worker affiliated with the program who will have direct access to a program participant has a history of criminal convictions, then pursuant to 37-1-203, the program has the opportunity to demonstrate to the board that the person is sufficiently rehabilitated to warrant the public trust. If the board determines that the person is not sufficiently rehabilitated, the board may deny the license."

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

7. Page 6, line 12.

Following: "rehabilitation,"

Insert: "secondary care of chemical dependency,"

8. Page 6, line 14.

Following: "dysfunctions"

Strike: ", "

Insert: "or"

Following: "impairments"

Strike: ", or chemical dependency"

And, as amended, do pass. Report adopted.

SB 289, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "FOR"

Insert: "ASTHMA,"

Following: "ALLERGIES"

Insert: ", OR ANAPHYLAXIS"

2. Page 1, line 11.

Following: "asthma"

Insert: "asthma, severe allergy, or anaphylaxis"

3. Page 1, line 26.

Following: "asthma"

Strike: "or"

Insert: ", "

Following: "allergies"

Insert: ", or anaphylaxis"

4. Page 2, line 6.

Following: "necessary to"

Strike: "administer the"

Insert: "self-administer the asthma, severe allergy, or anaphylaxis"

5. Page 2, line 20.

Following: "self-administration of"

Insert: "asthma, severe allergy, or anaphylaxis"

6. Page 2, line 21.

Following: "medication"

Insert: "expires or the"

7. Page 2, line 23.

Following: "asthma"

Strike: "or"

Insert: ", "

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Following: "allergies"

Insert: ", or anaphylaxis"

8. Page 3, line 2.

Following: "nurse,"

Insert: "asthma, severe allergy, or anaphylaxis"

9. Page 3, line 4.

Following: "asthma"

Insert: ", severe allergy,"

10. Page 3, line 8.

Following: "asthma"

Strike: "and"

Insert: ", severe"

Following: "allergy"

Insert: ", or anaphylaxis"

And, as amended, do pass. Report adopted.

SB 354, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "3"

Insert: "4"

2. Page 1, line 12.

Strike: "three insurers"

Insert: "top five insurers or third-party administrators"

3. Page 1, line 13.

Following: "state"

Insert: "in January 2007"

4. Page 1, line 14.

Following: "services."

Insert: "This January 2007 conversion factor is applicable for state fiscal years 2008, 2009, 2010, 2011, 2012, and 2013. In state fiscal year 2014 and for each state fiscal year thereafter, the conversion factor is the weighted average of the conversion factors used by the top five insurers or third-party administrators providing disability insurance to the most beneficiaries within the state who use the resource-based relative value scale to determine fees for covered services."

5. Page 1, line 26.

Following: "reimbursement."

Insert: "(1)"

6. Page 1, line 27.

Following: "multiplying"

Insert: "a percentage of"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

7. Page 1, line 28.

Following: "service"

Insert: "times any applicable policy adjusters"

8. Page 1, following line 28.

Insert: "(2)(a) For state fiscal years 2008 and 2009, the percentage of the conversion factor will be determined by the appropriation of the 2007 legislature for physician reimbursement.

(b) For state fiscal year 2010, the 2009 percentage of the conversion factor will be increased by a minimum of 6%.

(c) For state fiscal year 2011, the 2010 percentage of the conversion factor will be increased by a minimum of 6%.

(d) For state fiscal year 2012, the 2011 percentage of the conversion factor will be increased by a minimum of 6%.

(e) For state fiscal year 2013, the 2012 percentage of the conversion factor will be increased by a minimum of 6%.

(f) For state fiscal year 2014 and for each state fiscal year thereafter, the percentage of the conversion factor will be equivalent, at a minimum, to state fiscal year 2013."

9. Page 1, line 29.

Insert: "NEW SECTION. Section 3. Providing conversion factors to department. The top five insurers or third-party administrators shall provide their standard conversion factors to the department, which may be used only for the purpose of determining average conversion rates and which must remain confidential."

Renumber: subsequent sections

10. Page 2, line 3.

Strike: "3"

Insert: "4"

11. Page 2, line 5.

Strike: "3"

Insert: "4"

And, as amended, do pass. Report adopted.

SB 397, do pass. Report adopted.

SJR 19, be adopted. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman):

2/20/2007

SB 431, do pass. Report adopted.

HJR 6, be concurred in. Report adopted.

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

2/20/2007

SB 145, introduced bill, be amended as follows:

1. Title, lines 9 and 10.

Strike: "PROVIDING" on line 9 through "CIRCUMSTANCES;" on line 10

2. Title, line 18.

Following: "SECTIONS"

Insert: "45-6-203,"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

3. Page 2.

Following: line 10

Insert: "Section 2. Section 45-6-203, MCA, is amended to read:

"45-6-203. Criminal trespass to property. (1) Except as provided in 15-7-139₂ and 70-16-111, and section 7], a person commits the offense of criminal trespass to property if the person knowingly:

(a) enters or remains unlawfully in an occupied structure; or

(b) enters or remains unlawfully in or upon the premises of another.

(2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both."

Renumber: subsequent sections

4. Page 2, line 14.

Following: " ; "

Insert: "and"

5. Page 2, line 15.

Strike: "(ii)" through "and"

Renumber: subsequent subsection

6. Page 4, line 27.

Following: "ownership."

Insert: "No fees may be collected for this purpose except fees provided for in 76-13-201."

7. Page 5, line 4.

Following: "owners or"

Insert: "local"

Following: "agencies"

Insert: "organized under Title 7, chapter 33,"

8. Page 5, line 16.

Following: "necessary"

Insert: ", subject to confirmation by the local county government,"

9. Page 5, line 18.

Strike: "6"

Insert: "7"

10. Page 5, line 25.

Following: "duties"

Insert: ", and the provisions of 45-6-203 do not apply to a firewarden acting within the course and scope of the firewarden's duties"

11. Page 5, lines 26 and 27.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

12. Page 6, line 6.

Following: "department"

Insert: "in those areas where a recognized agency is available"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

13. Page 7, line 4.

Following: "nonflammable"

Insert: "area or"

14. Page 8, line 7.

Strike: "All"

Insert: "Before each wildfire season, all"

15. Page 10, line 3.

Strike: "may"

Insert: "must"

16. Page 10, line 4.

Strike: the first "or"

Insert: "and"

17. Page 10, line 24.

Strike: "15"

Insert: "16"

18. Page 13, line 6.

Strike: "6"

Insert: "7"

19. Page 13, line 8.

Strike: "6"

Insert: "7"

20. Page 13, lines 9 and 10.

Strike: "15" in both places

Insert: "16" in both places

21. Page 14, line 4.

Following: "nonflammable"

Insert: "area or"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Weinberg, Chairman):

2/20/2007

SB 246, do pass. Report adopted.

SB 288, introduced bill, be amended as follows:

1. Title, line 5.

Following: "ADOLESCENT"

Strike: "OR OUTDOOR"

Following: "RESIDENTIAL"

Insert: "OR OUTDOOR"

2. Page 2, line 21.

Following: "unsuitable"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Insert: "by the board"

3. Page 2, line 29.

Following: "(1)"

Insert: "(a)"

4. Page 2, line 30 through page 3, line 2.

Following: "shall"

Strike: "provide" on page 2, line 30 through "check" on page 3, line 2

Insert: "submit fingerprints for the purpose of fingerprint checks"

5. Page 3.

Following: line 3

Insert: "(b) Each manager and worker affiliated with the program who will have direct access to a program participant shall sign a release of information to the board. The program is responsible to the department of justice for the payment of all fees associated with the criminal background check.

(c) Upon completion of the criminal background check, the department of justice shall forward to the board, as authorized in 44-5-303, all criminal justice information, as defined in 44-5-103, that involves the conviction of a criminal offense in any jurisdiction concerning any manager or worker affiliated with the program who will have direct access to a program participant.

(d) At the conclusion of any background check required by this section, the criminal background check report must be provided to the board, but the board may not receive the fingerprint card of the person. Upon receipt of the criminal background check report, the department of justice shall promptly destroy the fingerprint card of the person."

6. Page 3, line 4 through line 5.

Strike: subsection (2) in its entirety

Insert: "(2) If any manager or worker affiliated with the program who will have direct access to a program participant has a history of criminal convictions, then pursuant to 37-1-203, the program has the opportunity to demonstrate to the board that the person is sufficiently rehabilitated to warrant the public trust. If the board determines that the person is not sufficiently rehabilitated, the board may deny the license."

7. Page 6, line 12.

Following: "rehabilitation,"

Insert: "secondary care of chemical dependency,"

8. Page 6, line 14.

Following: "dysfunctions"

Strike: ", "

Insert: "or"

Following: "impairments"

Strike: ", or chemical dependency"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

2/20/2007

SB 91, introduced bill, be amended as follows:

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

1. Page 1, line 11.

Following: "use."

Insert: "(1) A constituent services account is an account established by a person holding a public office in which funds are deposited and used for expenses in representing constituents or for travel or expenses related to the individual's elected position. A public official may establish an account by filing an appropriate form with the commissioner."

Renumber: subsequent subsections

2. Page 1, line 12.

Following: "account."

Insert: "No other funds may be deposited into a constituent services account. Deposits and disbursements from the account are subject to the recordkeeping requirements of Title 13."

3. Page 1, line 13.

Strike: "may"

Insert: "must"

4. Page 1, lines 14 through 16.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

5. Page 1, lines 18 and 19.

Following: "must" on line 18

Strike: remainder of line 18 through "and" on line 19

And, as amended, do pass. Report adopted.

SB 96, introduced bill, be amended as follows:

1. Title, line 15.

Following: "SIGNATURES;"

Insert: "ALLOWING AN INDIVIDUAL TO SIGN AND SUBMIT A PETITION AND AN AFFIDAVIT ON THE INDIVIDUAL'S OWN BEHALF ONLY;"

2. Page 2, line 7.

Following: "(3)"

Insert: "(a)"

3. Page 2, line 9.

Following: line 8

Insert: "(b)(i) In an original proceeding under subsection (3)(a), the petitioner and the attorney general shall certify the absence of factual issues or shall stipulate to and file any factual record necessary to the supreme court's consideration of the attorney general ballot statements or legal sufficiency.

(ii) If the parties to an original proceeding under subsection (3)(a) fail to make the certification or stipulation required by subsection (3)(b)(i), the supreme court shall refer the proceeding to the district court in and for the county of Lewis and Clark for development of a factual record and an order that addresses the issues provided in 13-27-316(3). Any party may appeal the order of the district court to the supreme court by filing a notice of appeal within 5 days of the date of the order of the district court."

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

4. Page 14, line 6.

Following: "signatures."

Insert: "(1)"

Strike: "An"

Insert: "Except as provided in subsection (2), an"

5. Page 14.

Following: line 23

Insert: "(2) (a) An individual may directly submit the individual's own signature by submitting an affidavit, in substantially the form provided in this subsection (2)(a). The affidavit must appear on the petition signed by the individual or be attached to the sheet submitted to the county official.

I swear that I, the undersigned, have signed the petition to which this affidavit is attached, that I am a Montana elector who is registered at the address listed below, and that I knew the contents of the petition before signing the petition.

(Signature of signatory on petition)

(Date on which signatory signed the petition)

(Address of signatory)

(b) An individual submitting a petition and affidavit under this subsection (2) may submit the petition and affidavit in person at the office of the county official or by United States mail."

And, as amended, do pass. Report adopted.

SB 172, introduced bill, be amended as follows:

1. Page 2, line 22.

Strike: "by"

Insert: "of"

And, as amended, do pass. Report adopted.

SB 443, do pass. Report adopted.

SB 459, introduced bill, be amended as follows:

1. Page 3, line 21.

Following: "bidder" on line 21

Insert: ", if any,"

And, as amended, do pass. Report adopted.

SR 3, be adopted. Report adopted.

SR 5, be adopted. Report adopted.

TAXATION (Elliott, Chairman):

2/20/2007

SB 416, do pass. Report adopted.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/20/2007
HB 40, introduced by Gallik

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 198, introduced by W. Jones

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 214, introduced by Windy Boy

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 256, introduced by Lake

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 305, introduced by Thomas

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 1310, introduced by Dutton

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 389, introduced by Barrett

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 427, introduced by Bergren

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 467, introduced by K. Peterson

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 468, introduced by McGillvray

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 496, introduced by French

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 521, introduced by Arntzen

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 522, introduced by Sinrud

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 523, introduced by Sinrud

House bill passed and transmitted to the Senate for concurrence: 2/20/2007
HB 633, introduced by Dutton

House joint resolution passed and transmitted to the Senate for concurrence: 2/20/2007
HJR 19, introduced by Morgan

MOTIONS

SEN. KELLY GEBHARDT, SD 23, ROUNDUP moved his vote on **SB 140** be changed from "no" to "yes".
Motion carried.

SEN. DONALD STEINBEISSER, SD 19, SIDNEY moved his vote on **SB 128** be changed from "yes" to "no".
Motion carried.

SEN. VICKI COCCHIARELLA, SD 47, MISSOULA moved to re-refer **SB 541** to Business, Labor and Economic Affairs Committee. Motion carried.

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to re-refer **SB 231** to Finance and Claims Committee. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 545, introduced by Smith, Small-Eastman, Boggio, Juneau, Stahl, Pease, Bales, Kitzenberg, Bixby, Ankney, referred to Judiciary.

SB 546, introduced by Esp, Sands, referred to Judiciary.

SB 547, introduced by Perry, Sands, Ankney, Curtiss, Pease, Williams, Bales, Juneau, Stapleton, Jent, Wanzenried, Moss, Laslovich, Cooney, McGee, Brown, Barkus, Laible, Gillan, referred to Judiciary.

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

SJR 24, introduced by Laslovich, referred to Judiciary.

SJR 25, introduced by J. Peterson, Ryan, Black, Hawks, Kitzenberg, McGee, Story, referred to Education and Cultural Resources.

SJR 26, introduced by Laible, referred to Local Government.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 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 Laslovich in the chair.

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

SB 22 - Senator Weinberg moved **SB 22** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387 - Senator Squires moved **SB 387** do pass. Motion carried unanimously.

SB 142 - Senator Lind moved **SB 142** do pass. Motion carried unanimously.

SB 264 - Senator Kaufmann moved **SB 264** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 - Senator Kaufmann moved **SB 19**, second reading copy, be amended as follows:

1. Page 2, line 17.

Strike: "20"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Insert: "30"

Amendment **not** adopted as follows:

Yeas: Cobb, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.
Total 19

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Jackson, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.
Total 30

Absent or not voting: None.
Total 0

Excused: Esp.
Total 1

SB 19 - Senator Kaufmann moved **SB 19**, second reading copy, be amended as follows:

1. Page 2, line 29

Strike: "attempt to negotiate"

Insert: "negotiate in good faith"

Amendment **not** adopted as follows:

Yeas: Elliott, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 19

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 - Senator Shockley moved **SB 19** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Jackson, Jent, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.
Total 39

Nays: Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Smith, Squires, Wanzenried, Williams.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 347 - Senator Shockley moved **SB 347** do pass. Motion carried unanimously.

SB 321 - Senator Brueggeman moved **SB 321** do pass. Motion carried as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 37

Nays: Bales, Barkus, Brown, Curtiss, Esp, Gebhardt, McGee, O'Neil, Perry, Peterson, Stapleton, Story, M.Tropila.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 453 - Senator Essmann moved **SB 453** do pass. Motion carried with Senator McGee, Shockley voting nay.

SB 440 - Senator J. Tropila moved **SB 440** do pass. Motion carried unanimously.

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 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:

SB 140 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.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 206 passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, 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 45

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

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 446 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 51 passed as follows:

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

Total 33

Nays: Bales, Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Jackson, Lewis, McGee, O'Neil, Perry,

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Peterson, Steinbeisser, Story, Tash.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 110 passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 39

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Jackson, O'Neil, Peterson, Story.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 147 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 276 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, 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, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 45

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Nays: Cocchiarella, Esp, Squires, Stapleton, Story.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 434 passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 38

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, Larson, McGee, O'Neil, Peterson, Story.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 37

Nays: Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Laible, McGee, Murphy, O'Neil, Peterson, Steinbeisser, Tash.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.
Total 35

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Nays: Curtiss, Esp, Gallus, Gebhardt, Jackson, Juneau, Kaufmann, Kitzenberg, O'Neil, Perry, Smith, Stapleton, Story, Weinberg, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate reconvened at 7:30 p.m.

Roll call: Senator Cobb excused. Quorum present

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, 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 43

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

Total 5

Absent or not voting: None.

Total 0

Excused: Cobb, Schmidt.

Total 2

**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:

SB 31 - Senator Esp moved **SB 31** do pass. Motion carried unanimously.

SB 103 - Senator Lind moved **SB 103**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "ALLOWING"

Insert: "CERTAIN"

2. Title, line 15.

Strike: "A CITY OR TOWN"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Insert: "CERTAIN CITIES AND TOWNS"

3. Page 1, line 30.

Following: "incorporated"

Insert: "third-class"

4. Page 2, line 6.

Strike: "Cities"

Insert: "Third-class cities"

5. Page 2, line 7.

Following: "A"

Insert: "third-class"

6. Page 2, line 14.

Following: "incorporated"

Insert: "third-class"

7. Page 2, line 17.

Following: "incorporated"

Insert: "third-class"

8. Page 3, line 6.

Following: "incorporated"

Insert: "third-class"

9. Page 6, line 23.

Following: "incorporated"

Insert: "third-class"

10. Page 8, line 22.

Following: "incorporated"

Insert: "third-class"

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

11. Page 9, line 5.

Following: "incorporated"

Insert: "third-class"

12. Page 9, line 13.

Following: "incorporated"

Insert: "third-class"

13. Page 9, line 15.

Following: "A"

Insert: "third-class"

14. Page 11, line 1.

Following: "incorporated"

Insert: "third-class"

Amendment adopted unanimously.

SB 103 - Senator Juneau moved **SB 103**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "REQUIRED;"

Insert: "CHANGING THOSE WHO MAY PETITION FOR CREATION, ANNEXATION, DIVISION, AND DISSOLUTION OF RURAL FIRE DISTRICTS FROM FREEHOLDERS TO REGISTERED VOTERS AND CHANGING THE PERCENTAGE OF PETITIONERS REQUIRED;"

2. Page 2, line 4 through line 5.

Strike: "THE OWNERS" on line 4 through "AREA" on line 5

Insert: "40% or more of the registered voters residing in the proposed district"

3. Page 2, line 15.

Strike: "REAL PROPERTY OWNER"

Insert: "registered voter residing"

4. Page 2, line 28.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Strike: "REAL PROPERTY OWNER"

Insert: "registered voter who resides"

5. Page 2, line 29.

Following: "district"

Insert: "and who owns parcels of land in the proposed district"

Strike: "OWNER'S"

Insert: "voter's"

6. Page 6, line 26.

Strike: "REAL PROPERTY OWNERS OF"

Insert: "Registered voters residing in"

7. Page 6, line 28.

Strike: "MORE THAN 50%"

Insert: "40% or more"

8. Page 6, line 29.

Strike: "REAL PROPERTY OWNERS"

Insert: "registered voters"

9. Page 7, line 11.

Strike: "MORE THAN 50% OF THE REAL PROPERTY OWNERS"

Insert: "40% or more of the registered voters"

10. Page 8, line 4 through line 6.

Strike: "THE OWNERS" on line 4 through "OWNERS" on line 6

Insert: "40% or more of the registered voters residing"

11. Page 8, line 26 through line 27.

Strike: "THE OWNERS" on line 26 through "OWNERS" on line 27

Insert: "40% or more of the registered voters who reside"

12. Page 9, line 8 through line 9.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Strike: "A MAJORITY OF THE REAL PROPERTY OWNERS OF"

Insert: "at least 40% of the registered voters residing in"

13. Page 9, line 24 through line 25.

Strike: "THE OWNERS" on line 24 through "OWNERS" on line 25

Insert: "40% or more of the registered voters residing"

14. Page 10, line 4 through line 5.

Strike: "THE OWNERS" on line 4 through "OWNERS OF" on line 5

Insert: "40% or more of the registered voters residing in"

15. Page 10, line 26 through line 27.

Strike: "THE OWNERS" on line 26 through "OWNERS OF" on line 27

Insert: "40% or more of the registered voters residing in"

Amendment **not** adopted as follows:

Yeas: Gillan, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Schmidt, Smith, Wanzenried, Weinberg, Williams, Mr. President.

Total 16

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

Total 33

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

SB 103 - Senator Lind moved **SB 103** do pass as amended. Motion carried as follows:

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

Total 42

Nays: Gallus, Harrington, Juneau, Kaufmann, Lind, Squires, Weinberg.

Total 7

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SB 442 - Senator Kaufmann moved **SB 442** do pass. Motion carried unanimously.

SB 231 - Senator Tropila, J. moved **SB 231**, second reading copy, be amended as follows:

1. Page 1, line 11 through line 13.

Strike: line 11 through line 13 in their entirety

2. Page 3, line 7.

Strike: "November"

Insert: "December"

Amendment adopted unanimously.

SB 231 - Senator Tropila, J. moved **SB 231**, do pass, as amended. Motion carried on voice vote, Senators Barkus, Black, Balyeat, O'neil, Laible, Brown, and Ryan voting no.

SB 254 - Senator Wanzenried moved **SB 254** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, 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, Brueggeman, Cobb, Curtiss, 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 397 - Senator Gillan moved **SB 397** do pass. Motion carried unanimously.

SJ 19 - Senator Gillan moved **SJ 19** do pass. Motion carried on voice vote; Senators Esp, O'Neil voting no.

SB 317 - Senator Lewis moves **SB 317** do pass. Motion carried as follows:

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

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

Essmann, Gallus, 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, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Cobb, Esp, Gebhardt, Smith.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 443 - Senator Squires moved **SB 443** do pass. Motion carried on voice vote; Senators McGee, Story voting no.

SB 418 - Senator Weinberg moved **SB 418** do pass. Motion carried on voice vote; Senators Barkus, Balyeat, Brown, McGee, Shockley voting no.

SB 218 - Senator Lind moved **SB 218** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 37

Nays: Balyeat, Barkus, Brown, Curtiss, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Peterson, Stapleton, Steinbeisser.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Wednesday, February 21, 2007. Motion carried.

Senate adjourned at 10:08 p.m.

SENATE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2007

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate