

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

Helena, Montana  
February 23, 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. Senators Ryan and Jent were excused. Quorum present.

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

Nays: Balyeat, Esp, Jackson, Lind, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Jent, Ryan.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 467**, introduced bill, be amended as follows:

2/23/2007

1. Title, line 5 through line 6.

**Strike:** "INCREASING" on line 5 through "MEMBERSHIP;" on line 6

**Insert:** "ADDING LEGISLATIVE LIAISONS TO THE BOARD;"

2. Title, line 7.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 2-18-103"

3. Title, line 8.

**Strike:** "AND AN APPLICABILITY DATE"

4. Page 1, line 19.

**Strike:** "nine"

**Insert:** "six"

5. Page 1, line 20.

**Strike:** "nine"

**Insert:** "six"

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6. Page 1, line 21.

**Strike:** "up to five voting"

**Insert:** "nine"

7. Page 1, line 27 through page 2, line 1.

**Strike:** subsections (b), (c), and (d) in their entirety

8. Page 2, line 7.

**Strike:** "."

9. Page 2.

**Following:** line 7

**Insert:** "(b) seven members who will provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representatives of:"

(i) the financial community;

(ii) small business;

(iii) agriculture; and

(iv) labor; and

(c) two ex officio nonvoting legislative liaisons to the board, of which one must be a senator appointed by the president of the senate and one must be a representative appointed by the speaker of the house. The liaisons may not be from the same political party. Preference in appointments is to be given to legislators who have a background in investments or finance. The legislative liaisons shall serve from appointment through each even-numbered calendar year and may attend all board meetings. Legislative liaisons appointed pursuant to this subsection (3)(c) are entitled to compensation and expenses, as provided in 5-2-302, to be paid by the legislative council."

10. Page 2, line 9 through line 15.

**Strike:** subsection (5) in its entirety

11. Page 2, line 17 through page 3, line 18.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

12. Page 3, line 22 through line 28.

**Strike:** section 4 in its entirety

And, as amended, do pass. Report adopted.

**SB 489**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ALL"

**Insert:** "CERTAIN"

2. Page 1, line 17.

**Strike:** "Public"

**Insert:** "Except as provided in subsection (2), up to 25 percent of public"

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3. Page 1, line 30.

**Following:** "~~stock.~~"

**Insert:** "Public retirement system assets may be invested in private corporate capital stock, and the restrictions in subsection (1) on the percentage that may be invested in private capital stock do not apply."

4. Page 2, line 1.

**Strike:** "state compensation insurance fund"

5. Page 2, line 3.

**Following:** "use"

**Strike:** "in the" through "organization"

6. Page 2, line 4 through line 5.

**Strike:** "The" on line 4 through "assets." on line 5

7. Page 2, line 13.

**Following:** "funds"

**Insert:** "presently restricted to fixed income investments"

8. Page 2, line 14.

**Following:** "funds"

**Insert:** "presently restricted to fixed income investments"

And, as amended, do pass. Report adopted.

**SB 535**, do pass. Report adopted.

**SB 537**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "this chapter"

**Insert:** "Title 37, chapter 61"

2. Page 1, line 22.

**Strike:** "this chapter"

**Insert:** "Title 37, chapter 61"

3. Page 5, line 29.

**Strike:** the first "37"

**Insert:** "30"

**Strike:** the first "61"

**Insert:** "14"

**Strike:** the second "37"

**Insert:** "30"

**Strike:** the second "61"

**Insert:** "14"

And, as amended, do pass. Report adopted.

**SB 541**, do pass. Report adopted.

**SB 542**, do pass. Report adopted.

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**SJR 17**, be adopted. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman): 2/23/2007  
**SB 284**, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 2/23/2007  
**SB 449**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "FOR"

**Insert:** "CERTAIN"

2. Page 1, line 20.

**Following:** "2-15-102"

**Insert:** ", but does not include the office of the governor, the attorney general, or the highway patrol"

3. Page 1, line 22.

**Strike:** "transportation"

**Insert:** "administration"

**Strike:** "2-15-2501"

**Insert:** "2-15-1001"

4. Page 1, line 24 through line 25.

**Strike:** "the state" on line 24 through "2-17-412" on line 25

**Insert:** "all state vehicles that are owned by the state of Montana except those used in the service of the governor, the attorney general, or the highway patrol"

5. Page 1, line 28.

**Strike:** "the department of administration and"

6. Page 1, line 29 through line 30.

**Strike:** "agency's" on line 29 through "standard;" on line 30

**Insert:** "vehicle purchased on or after January 1, 2008, meets or exceeds the CAFE standard."

7. Page 2, lines 1 through 4.

**Strike:** subsections (a) through (d)

8. Page 2, line 5.

**Strike:** "adjust the standards provided in subsection (1) for vehicles"

**Insert:** "exempt certain vehicles from the CAFE standard"

9. Page 2, line 10.

**Following:** ";"

**Strike:** "or"

10. Page 2, line 11.

**Strike:** "."

**Insert:** "; or"

11. Page 2.

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**Following:** line 11

**Insert:** "(f) vehicles using alternative fuels."

12. Page 2, line 15.

**Strike:** "average"

13. Page 2, line 15 through line 16.

**Strike:** "to" on line 15 through "[section 2]" on line 16

14. Page 2, line 24.

**Strike:** "1 through 4"

**Insert:** "2 and 3"

15. Page 2, line 26.

**Strike:** "of administration"

And, as amended, do pass. Report adopted.

**SB 516**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/23/2007

**SB 309**, introduced bill, be amended as follows:

1. Title, lines 5 through 10.

**Following:** "DISASTER" on line 5

**Strike:** remainder of line 5 through "INCIDENT" on line 6

**Following:** "INCIDENT;" on line 6

**Strike:** remainder of line 6 through "INCIDENT;" on line 8

**Insert:** "AND"

**Following:** "ENFORCEMENT" on line 8

**Strike:** remainder of line 8 through "DATE" on line 10

2. Page 1, line 14 through page 2, line 2.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 2, line 5.

**Strike:** "or the occurrence of an incident"

4. Page 2, line 6.

**Following:** "person"

**Insert:** "acting or"

5. Page 2, line 8 through line 9.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) After a violation of subsection (1) has occurred, the party injured by a confiscation action may bring an action for damages in a court having jurisdiction.

(3) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.

(b) The term does not include the taking of a firearm from a person:

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- (i) in self-defense;
- (ii) possessing a firearm while the person is committing a felony or misdemeanor; or
- (iii) who may not lawfully possess the firearm because of a prior criminal conviction."

6. Page 2, line 11 through page 15, line 12.

**Strike:** sections 3 through 18 in their entirety

**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [section 1]."

And, as amended, do pass. Report adopted.

**SB 346**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "A PERSON WHO"

**Insert:** "PUBLIC"

**Following:** "CONTRACTS"

**Strike:** remainder of line 4 through "ILLEGAL" on line 5

**Insert:** "AND SUBCONTRACTS WITH A PERSON WHO KNOWINGLY EMPLOYS OR CONTRACTS WITH AN UNAUTHORIZED"

2. Title, line 6.

**Strike:** "ILLEGAL"

**Insert:** "UNAUTHORIZED"

3. Page 1, line 9 through line 10.

**Following:** "that"

**Strike:** remainder of line 9 through "illegal" on line 10

**Insert:** "an employer is prohibited from employing an unauthorized"

4. Page 1, line 11 through line 21.

**Strike:** line 11 through line 21 in their entirety

**Insert:** "WHEREAS, public agencies should take reasonable means to require those with whom they contract and subcontract to comply with federal law."

5. Page 1, line 25.

**Strike:** "illegal"

**Insert:** "unauthorized"

6. Page 1, line 26.

**Following:** "not"

**Strike:** "employ or contract with"

7. Page 1, line 27 through page 2, line 2.

**Following:** "agency," on line 27

**Strike:** remainder of line 27 through page 2, line 2

**Insert:** "knowingly employ or contract with:

(a) an unauthorized alien, as defined in 8 U.S.C. 1324a(h)(3), or with a person whom the contractor or subcontractor should have known was an unauthorized alien; or

(b) another person who knowingly employs an unauthorized alien or a person whom the employer or

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contractor should have known was an unauthorized alien.

(2) A person who contracts with a public agency or the subcontractor of a person who contracts with a public agency who violates subsection (1) is in material breach of the contract. In the event of a breach, the public agency may pursue all legal contract remedies, including but not limited to terminating the contract or subcontract. In addition, the public agency may prohibit the contractor or subcontractor from bidding on a contract or contracting with the public agency for a period not to exceed 3 years.

(3) A contract of a public agency must expressly state the requirements of this section.

(4) A public agency terminating a contract pursuant to subsection (2) shall report the termination to the legislative audit division, provided for in 5-13-301, at the end of the calendar year in which the contract was terminated. The report must state the number and type of contracts terminated and the number of unauthorized aliens employed by the person contracting with the public agency or another person contracting with that person."

8. Page 2, line 4.

**Strike:** "illegal"

**Insert:** "unauthorized"

**Strike:** "-- void contract"

9. Page 2, line 5.

**Following:** "An"

**Insert:** "unauthorized"

**Following:** "alien"

**Strike:** remainder of line 5 through "deportable"

**Insert:** ", as defined in 8 U.S.C. 1324 a(h)(3),"

10. Page 2, line 9.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 393**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "WHICH"

**Strike:** "CUSTODY"

**Insert:** "PARENTING"

2. Title, line 6.

**Following:** "OF"

**Strike:** "CUSTODY"

**Insert:** "PARENTING"

3. Page 1, line 17.

**Following:** line 16

**Strike:** "dissolution of their marriage regarding custody of minor children"

**Insert:** "parenting of a minor child"

**Following:** "mediation"

**Insert:** "of the parenting dispute"

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4. Page 1, line 18.

**Following:** "finds"

**Strike:** "that the case is not appropriate for mediation."

**Insert:** ":

(a) that participation in parenting mediation would result in the imposition of a cost to a party whose filing or appearance fees have been waived pursuant to 25-10-404;

(b) that requiring parenting mediation would constitute a financial hardship to either party;

(c) that there is no facilitative mediator with the qualifications stated in 40-4-307 in the county in which either party resides;

(d) that the parties have previously participated in mediation of the parenting dispute; or

(e) that the required parenting mediation is prohibited by subsection (5).

(3)"

5. Page 1, line 18.

**Following:** "purposes of"

**Insert:** "mandatory parenting"

6. Page 1, line 19.

**Following:** "over the"

**Strike:** "custody of or visitation with"

**Insert:** "parenting of"

7. Page 1, line 20.

**Following:** "of a"

**Strike:** "visitation agreement"

**Insert:** "parenting plan"

8. Page 1, line 22.

**Following:** "making"

**Insert:** "parenting"

**Following:** "decisions"

**Strike:** "about child custody and visitation"

9. Page 1, line 24.

**Following:** "of"

**Strike:** "custody and visitation"

**Insert:** "parenting"

10. Page 1, line 26.

**Following:** "of"

**Strike:** "custody and visitation"

**Insert:** "parenting"

11. Page 1, line 27.

**Following:** line 26

**Insert:** "(4) A letter from the mediator addressed to the parties is sufficient proof of participation in a mediation under this part."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.



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**SB 404**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Strike:** "EMERGENCY" on line 4 through "MCA" on line 5

**Insert:** "FIREFIGHTERS"

2. Page 1, line 9 through page 2, line 3.

**Strike:** section 1 through section 3 in their entirety

**Insert:** "NEW SECTION. **Section 1. Liability of firefighters.** (1) A firewarden, firefighter, or officer or employee of a state or governmental fire agency is not liable for any civil damages for acts or omissions while fighting fires other than damages occasioned by gross negligence or by willful or wanton acts or omissions.

(2) For the purposes of this section, "governmental fire agency" means a fire protection entity organized under Title 7, chapter 33."

**Insert:** "NEW SECTION. **Section 2. Legal representation for firefighters.** The department shall provide legal representation to its employees who fight fires for any criminal prosecution arising from an act or omission on a fire."

**Insert:** "NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 2]."

And, as amended, do pass. Report adopted.

**SB 480**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "agreement"

**Insert:** "or a written addendum to the rental agreement"

And, as amended, do pass. Report adopted.

**SB 481**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "40-1-202"

**Insert:** ", "

**Strike:** "AND"

**Following:** "40-1-203, "

**Insert:** "AND 40-1-208, "

2. Page 3, line 6.

**Following:** line 5

**Insert:** "**Section 4.** Section 40-1-208, MCA, is amended to read:

**"40-1-208. Penalties.** (1) An applicant for a marriage license, a physician or other person authorized by rule of the department of public health and human services to issue a medical certificate, or a person in charge of or authorized to make reports or statements for a laboratory who misrepresents the person's identity or any of the facts called for by the certificate form prescribed by 40-1-203 through 40-1-205, a licensing officer who issues a marriage license without having received the certificate form, if required, or who has reason to believe that any of the facts on the certificate form have been misrepresented and nevertheless issues a marriage license, or any person

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who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.

(2) Medical certificates, laboratory statements or reports, certificates acknowledging the rights and obligations of marriage, and applications referred to in 40-1-203 through 40-1-209 are confidential and may not be divulged to or open to inspection by any person other than state or local health officers or their representatives. A person who divulges the information or opens to inspection the certificates, statements, reports, or applications, without authority, to any person not entitled to the material by law is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 486**, introduced bill, be amended as follows:

1. Page 1, line 3.

**Following:** line 2

**Insert:** "BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE"

2. Title, line 6.

**Following:** ";

**Insert:** "REVISING THE PENALTY;"

3. Page 1, line 12.

**Following:** "knowingly"

**Insert:** ", with the use of physical force or contact,"

4. Page 1, line 14 through line 15.

**Following:** "term" on line 14

**Strike:** remainder of line 14 through "or more than" on line 15

**Insert:** "not to exceed"

And, as amended, do pass. Report adopted.

**SB 545**, do pass. Report adopted.

**SB 547**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

2/23/2007

**SB 338**, do pass. Report adopted.

**SB 339**, do pass. Report adopted.

**SJR 26**, be adopted. Report adopted.

**SJR 160**, introduced joint resolution, be amended as follows:

1. Page 1.

**Following:** line 8

**Insert:** "WHEREAS, Montana's senior citizens and persons with disabilities rely on human service agencies and public transportation systems for essential transportation to work, health care services, and recreation; and

WHEREAS, these transportation services and systems can be expanded by using state funding, known as Transportation Assistance for the Disabled and Elderly or TransADE, to match increases in federal transit funding; and

WHEREAS, this expansion of service addresses coordinated transportation options available to Montana's

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transit-dependent residents."

And, as amended, be adopted. Report adopted.

**SJR 451**, introduced joint resolution, be amended as follows:

1. Title, line 4.

**Strike:** "MUNICIPALITIES"

**Insert:** "A LOCAL GOVERNMENT"

2. Title, lines 5 and 6.

**Following:** "AUTHORIZING" on line 5

**Strike:** remainder of line 5 through "ON" on line 6

**Insert:** "LOCAL GOVERNMENTS TO EXECUTE A LIEN ON DEBRIS REMOVAL"

**Following:** "PROCEEDS;"

**Strike:** "AND"

3. Title, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 1, lines 15 and 16.

**Following:** "A" on line 15

**Strike:** remainder of line 15 through "other" on line 16

**Insert:** "local government may execute a lien on the portion of insurance proceeds for debris removal if it is determined that the underlying property is worth less than the cost of debris removal and an"

5. Page 1, line 21 through page 2, line 7.

**Strike:** sections 2 and 3 in their entirety

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

**Insert:** "NEW SECTION. Section 3. Applicability. [This act] applies to insurance policies entered into or renewed on or after [the effective date of this act]."

And, as amended, be adopted. Report adopted.

**SJR 503**, introduced joint resolution, be amended as follows:

1. Page 2, line 10.

**Strike:** "except" through "(7)(d)."

2. Page 2, line 25.

**Strike:** "all"

**Insert:** "the owners of"

**Strike:** "owners"

And, as amended, be adopted. Report adopted.

**SJR 527**, introduced joint resolution, be amended as follows:

1. Page 1, line 14.

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**Following:** the first "chapter"

**Insert:** "or on lots within incorporated cities and towns"

And, as amended, be adopted. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/23/2007

**SB 195**, introduced bill, be amended as follows:

1. Title, line 5 through line 14.

**Strike:** "ELIMINATING" on line 5 through "MCA" on line 14

**Insert:** "ELIMINATING THE REQUIREMENT THAT A PUBLIC UTILITY FUNCTIONALLY SEPARATE ITS ELECTRICITY SUPPLY, RETAIL TRANSMISSION, RETAIL DISTRIBUTION, AND REGULATED AND UNREGULATED RETAIL ENERGY SERVICES IN MONTANA; AND AMENDING SECTION 69-8-204, MCA"

2. Page 1, line 18 through page 20, line 18

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 69-8-204, MCA, is amended to read:

**"69-8-204. Public utility -- functional separation, divestiture, and nondiscrimination.** ~~(1) To the extent that a public utility is vertically integrated, a public utility shall functionally separate the public utility's electricity supply, retail transmission, retail distribution, and regulated and unregulated retail energy services operations in the state of Montana, upon application to and approval from the commission.~~

~~(2)~~(1) Public utilities shall:

(a) prevent undue discrimination in favor of their own power supply, other services, divisions, or affiliates, if any;

(b) prevent any other forms of self-dealing that could result in noncompetitive electricity prices to customers; and

(c) grant customers and their electricity suppliers access to the public utility's retail transmission and distribution system on a nondiscriminatory basis at rates, terms, and conditions of service comparable to the use of the retail transmission and distribution system by the public utility and the public utility's affiliates.

~~(2)~~(2) The provisions of this section are satisfied if the public utility adopts and complies with a code of conduct consistent with the federal energy regulatory commission approved code of conduct pursuant to 18 CFR, part 37, and commission rules and orders.""

And, as amended, do pass. Report adopted.

**SB 452**, introduced bill, be amended as follows:

1. Page 2, line 15.

**Following:** "forest"

**Insert:** "management"

2. Page 2.

**Following:** line 25

**Insert:** "(8) "Ranches" and "farms" mean agricultural lands as provided for in 15-7-202."

**Renumber:** subsequent subsections

3. Page 2, line 28.

**Strike:** the second "and"

**Insert:** "products and continued generation of"

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4. Page 3.

**Following:** line 5

**Insert:** "(b) promote historical uses of property, including common ranching, farming, and timber harvest activities;"

**ReNUMBER:** subsequent subsections

5. Page 3, line 13 through line 15.

**Strike:** "Historical" on line 13 through "property." on line 15

6. Page 3, line 27.

**Strike:** "a timber interest"

**Insert:** "forest landowners"

7. Page 3, line 28.

**Strike:** "an"

**Strike:** "interest"

**Insert:** "landowners"

8. Page 5.

**Following:** line 18

**Insert:** "(5) Funds in this account may not be used for fee simple title acquisitions of working ranches and farms."

9. Page 6.

**Following:** line 6

**Insert:** "(h) provision for lost property tax revenue for affected political subdivisions;"

**ReNUMBER:** subsequent subsections

And, as amended, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

2/23/2007

**SB 378**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Strike:** "REQUIRING" on line 6 through "CODE;" on line 7

2. Page 1, line 16 through line 21.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If a term is not defined in this chapter, the term has the same meaning as it does when used in a comparable context in the internal revenue code."

3. Page 1, line 27 through page 2, line 2.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If a term is not defined in this chapter, the term has the same meaning as it does when used in a comparable context in the internal revenue code."

And, as amended, do pass. Report adopted.

**SB 483**, do pass. Report adopted.

**SB 533**, introduced bill, be amended as follows:

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1. Title, line 8.

**Strike:** "AND"

**Insert:** ", "

2. Title, line 8.

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

3. Page 1.

**Following:** line 25

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2009."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 175</b> , introduced by Bergren	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 176</b> , introduced by Wilmer	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 332</b> , introduced by Thomas	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 491</b> , introduced by Sinrud	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 514</b> , introduced by Caferro	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 597</b> , introduced by Stoker	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 619</b> , introduced by Sinrud	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007
<b>HB 636</b> , introduced by Bixby	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/22/2007

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**HB 689**, introduced by Olson

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/22/2007

**HJR 26**, introduced by Callahan

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 36**, introduced by Lambert

**MOTIONS**

**SEN. VERDELL JACKSON, SD 5, KALISPELL** moved to take **SB 377** out of committee and placed on second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. KEITH BALES, SD 20, OTTER** moved **SB 407** be brought back to second reading on the 43rd Legislative day. Motion **carried** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 28

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. ROY BROWN, SD 25, BILLINGS** moved **SB 310** be brought back to second reading on the 43rd Legislative day. Motion **carried** as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved **SB 267** be brought back to second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved **SB 86** be brought back to second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Nays: Brueggeman, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1



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**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved **SB 476** be brought back to second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. DON RYAN, SD 10, GREAT FALLS** moved to bring **SB 458** out of committee and placed on the 43rd Legislative day agenda. Motion **failed** as follows:

Yeas: Cocchiarella, Gallus, Hansen, Harrington, Kaufmann, Lind, Ryan, Smith, Weinberg, Mr. President.  
Total 10

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.  
Total 39

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to change his vote on **SB 479** from "yes" to "no". Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

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

**SB 96** - Senator Williams moved **SB 96** do pass. Motion carried with Senator Balyeat, McGee, Gebhardt, Esp voting nay.

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**SB 91** - Senator Williams moved **SB 91**, second reading copy, be amended as follows:

1. Page 1, line 23.

**Strike:** "an annual report"

**Insert:** "semiannual reports"

**Following:** "by"

**Strike:** "a"

2. Page 1, line 24.

**Strike:** "date"

**Insert:** "the dates"

**Strike:** "report"

**Insert:** "reports"

Amendment adopted as follows:

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

Total 28

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Gebhardt, Hawks, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

**SB 91** - Senator Williams moved **SB 91**, as amended, do pass. Motion carried as follows:

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

Total 34

Nays: Bales, Barkus, Black, Brown, Curtiss, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Peterson, Steinbeisser, Tash.

Total 14

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

**SB 172** - Senator J. Tropila moved **SB 172** do pass. Motion carried unanimously.

**SB 479** - Senator Elliott moved **SB 479** do pass. Motion carried with Senators Barkus, O'Neil voting nay.

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**SB 524** - Senator Wanzenried moved **SB 524**, second reading copy, be amended as follows:

1. Page 4, line 21.

**Strike:** "purposely, knowingly, or negligently"

Amendment adopted unanimously.

**SB 524** - Senator Wanzenried moved **SB 524**, as amended, do pass. Motion carried unanimously.

**SB 376** - Senator Jackson moved **SB 376**, second reading copy, be amended as follows:

1. Title, page 1, line 14.

**Strike:** "NO"

**Insert:** "A"

Amendment adopted unanimously.

**SB 376** - Senator Jackson moved **SB 376**, as amended, do pass. Motion carried unanimously.

**SB 523** - Senator Laslovich moved **SB 523** do pass. Motion carried unanimously.

**SB 253** - Senator Cooney moved **SB 253**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "PRACTICES;"

**Insert:** "AUTHORIZING THE COUNTY ATTORNEY TO INVESTIGATE AND PROSECUTE ALLEGED FALSE SWEARING IN REGARD TO CERTAIN CAMPAIGN ADVERTISING MATERIAL THAT IS SWORN TO BE TRUTHFUL AND VERIFIABLE;"

2. Title, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 13-37-111, 13-37-113, 13-37-124, AND"

3. Page 1.

**Following:** line 19

**Insert:** "(3)(a) Any person who believes that the content of a script filed pursuant to this section is either untrue or unverifiable may bring the matter to the attention of the county attorney of Lewis and Clark County or the county attorney of the county in which the person is a resident.

(b) The county attorney may investigate the alleged falsification or unverifiability of the script and, if the county attorney determines that sufficient evidence exists to justify a criminal prosecution, shall file a cause of action.

(c) An allegation of violation of subsection (1) may not be filed with, investigated by, or prosecuted by the commissioner of political practices."

**Renumber:** subsequent subsection

4. Page 1.

**Following:** line 21

**Insert:** "Section 2. Section 13-37-111, MCA, is amended to read:

"**13-37-111. Investigative powers and duties -- recusal.** (1) ~~The~~ Except as provided in [section 1], the commissioner is responsible for investigating all of the alleged violations of the election laws contained in

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chapter 35 of this title or this chapter and in conjunction with the county attorneys is responsible for enforcing these election laws.

(2) The commissioner may:

(a) investigate all statements filed pursuant to the provisions of chapter 35 of this title or this chapter and shall investigate alleged failures to file any statement or the alleged falsification of any statement filed pursuant to the provisions of chapter 35 of this title or this chapter. Upon the submission of a written complaint by any individual, the commissioner shall investigate any other alleged violation of the provisions of chapter 35 of this title, this chapter, or any rule adopted pursuant to chapter 35 of this title or this chapter.

(b) inspect any records, accounts, or books that must be kept pursuant to the provisions of chapter 35 of this title or this chapter that are held by any political committee or candidate, as long as the inspection is made during reasonable office hours; and

(c) administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, bank account statements of a political committee or candidate, or other records that are relevant or material for the purpose of conducting any investigation pursuant to the provisions of chapter 35 of this title or this chapter.

(3) If the commissioner determines that considering a matter would give rise to the appearance of impropriety or a conflict of interest, the commissioner is recused from participating in the matter.

(4) (a) If the commissioner is recused pursuant to this section, the commissioner shall appoint a deputy, subject to subsection (4)(b).

(b) The deputy:

(i) may not be an employee of the office of the commissioner;

(ii) must have the same qualifications as specified for the commissioner in 13-37-107;

(iii) with respect to only the specific matter from which the commissioner is recused, has the same authority, duties, and responsibilities as the commissioner would have absent the recusal; and

(iv) may not exercise any powers of the office that are not specifically related to the matter for which the deputy is appointed.

(5) The appointment of the deputy is effectuated by a contract between the commissioner and the deputy. The contract must specify the deputy's term of appointment, which must be temporary, the matter assigned to the deputy, the date on which the matter assigned must be concluded by the deputy, and any other items relevant to the deputy's appointment, powers, or duties."

**Insert: "Section 3.** Section 13-37-113, MCA, is amended to read:

**"13-37-113. Hiring of attorneys -- prosecutions.** The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute violations of chapter 35 of this title or this chapter. Any attorney retained or hired shall exercise the powers of a special attorney general, and the attorney may prosecute, subject to the control and supervision of the commissioner and the provisions of [section 1], 13-37-124, and 13-37-125, any criminal or civil action arising out of a violation of any provision of chapter 35 of this title or this chapter. All prosecutions must be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:

(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of chapter 35 of this title or this chapter;

(2) attend and give advice to a grand jury when cases involving criminal violations of chapter 35 of this title or this chapter are presented;

(3) draw and file indictments, informations, and criminal complaints;

(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating chapter 35 of this title or this chapter; and

(5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter."

**Insert: "Section 4.** Section 13-37-124, MCA, is amended to read:

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**"13-37-124. Consultation and cooperation with county attorney.** (1) ~~Whenever~~ Except as provided in [section 1], whenever the commissioner determines that there appears to be sufficient evidence to justify a civil or criminal prosecution under chapter 35 of this title or this chapter, the commissioner shall notify the county attorney of the county in which the alleged violation occurred and shall arrange to transmit to the county attorney all information relevant to the alleged violation. If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after receiving notification of the alleged violation, the commissioner may then initiate the appropriate legal action.

(2) A county attorney may, at any time prior to the expiration of the 30-day time period specified in subsection (1), waive the right to prosecute, and the waiver authorizes the commissioner to initiate the appropriate civil or criminal action.

(3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has been committed by the county attorney of a county. In this instance, the commissioner is authorized to directly prosecute any alleged violation of chapter 35 of this title or this chapter.

(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution must be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner, except those paid to or imposed by a justice's court, must be deposited in the state general fund.""

**Renumber:** subsequent sections

Amendment adopted unanimously.

**SB 253** - Senator Cooney moved **SB 253**, as amended, do pass. Motion carried as follows:

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

Total 44

Nays: Barkus, Cobb, Essmann, Gebhardt.

Total 4

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

**SB 431** - Senator Lind moved **SB 431** do pass. Motion carried unanimously.

**SB 289** - Senator Gallus moved **SB 289** do pass. Motion carried unanimously.

**SB 478** - Senator Weinberg moved **SB 478** do pass. Motion carried unanimously.

**SJR 23** - Senator Harrington moved **SJR 23** be adopted. Motion carried unanimously.

**SJR 22** - Senator Cocchiarella moved **SJR 22** be adopted. Motion carried unanimously.

**SB 306** - Senator Harrington moved **SB 306** do pass. Motion **carried** as follows:

Yeas: Brown, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Juneau, Kaufmann, Larson,

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Lind, Moss, Pease, Perry, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Peterson, Stapleton, Story.

Total 21

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

Senator Williams moved the committee rise, report, beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate recess at 3:28 p.m. and reconvene at 7:00 p.m. this evening. Motion carried.

7:00 p.m.

Roll Call. Quorum present.

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

Total 40

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

Total 7

Absent or not voting: None.

Total 0

Excused: Elliott, Esp, Jent.

Total 3

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

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

**SB 320** - Senator Gillan moved **SB 320** do pass. Motion **failed** as follows:

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Yeas: Brown, Cocchiarella, Essmann, Gillan, Hawks, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Ryan, Schmidt, Story, Weinberg, Williams, Mr. President.  
Total 17

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Gallus, Gebhardt, Hansen, Harrington, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried.  
Total 31

Absent or not voting: None.  
Total 0

Excused: Esp, Jent.  
Total 2

**SB 145** - Senator Shockley moved consideration of **SB 145** be passed for the day. Motion carried.

**SJR 11** - Senator Black moved **SJR 11** be adopted. Motion carried with Senator Gebhardt, Squires, Esp voting nay.

**SB 286** - Senator Cooney moved consideration of **SB 286** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 463** - Senator Kitzenberg moved **SB 463** do pass. Motion carried as follows:

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

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 383** - Senator Laslovich moved **SB 383** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 43

Nays: Balyeat, Curtiss, Jackson, Shockley, Steinbeisser, Mr. President.  
Total 6

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Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 536** - Senator Perry moved **SB 536** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 28

Nays: Black, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 461** - Senator Bales moved **SB 461** do pass. Motion carried unanimously.

**SJR 7** - Senator Lind moved **SJR 7** be adopted. Motion carried with Senator Esp voting nay.

**SB 359** - Senator Cocchiarella moved **SB 359** do pass. Motion carried with Senator Balyeat, Gillan, O'Neil, Esp, Black voting nay.

**SB 459** - Senator Elliott moved **SB 459** do pass. Motion carried unanimously.

**SB 286** - Senator Cooney moved consideration of **SB 286** be passed for the day. Motion carried.

**SB 320** - Senator Williams moved **SB 320** be **indefinitely postponed**. Motion carried as follows:

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

Nays: Gallus, Gebhardt, Gillan, Hawks, Kitzenberg, Lind, Moss, Schmidt, Mr. President.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1



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**SB 465** - Senator Cocchiarella moved **SB 465** do pass. Motion carried with Senator Wanzenried voting nay.

**SB 485** - Senator Brueggeman moved **SB 485** do pass. Motion carried unanimously.

**SJR 12** - Senator Brueggeman moved **SJR 12** be adopted. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, 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 42

Nays: Balyeat, Curtiss, Esp, Jackson, Laible, Lewis.

Total 6

Absent or not voting: None.

Total 0

Excused: Gallus, Jent.

Total 2

**SB 64** - Senator Cobb moved **SB 64** do pass. Motion carried as follows:

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

Total 31

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: None.

Total 0

Excused: Jent, Stapleton.

Total 2

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Brueggeman 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 466** passed as follows:

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

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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: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 113** passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Brown, Esp, McGee, O'Neil, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 168** passed as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 416** passed as follows:

Yeas: Bales, Cobb, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann,

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Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Lind, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 273** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, 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 47

Nays: Brown, Smith.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 411** passed as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 424** passed as follows:

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

Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Tash.

Total 17

Paired: Jent, Aye; Murphy, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 49** passed as follows:

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

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 300** passed as follows:

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

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Larson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Tash.

Total 21

Paired: Jent, Aye; Murphy, No.

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved **SR 4** do pass. Motion **carried** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, 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 47

Nays: Curtiss, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, February 24, 2007. Motion carried.

Senate adjourned at 9:35 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate