

**SENATE JOURNAL
60TH LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 24, 2007

Senate Chambers
State Capitol

Senate convened at 2:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Essmann excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, 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 41

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

Total 8

Absent or not voting: None.

Total 0

Excused: Essmann.

Total 1

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

4/24/2007

HJR 57, be concurred in. Report adopted.

HJR 828, be amended as follows:

1. Page 1, line 18.

Following: "who are"

Strike: "not"

2. Page 1, line 24.

Strike: "are entitled" through "allowed for"

Insert: "may not be"

3. Page 1, line 27 through line 28.

Strike: "capture" on line 27 through "use, and" on line 28

4. Page 2, line 3.

Strike: "capture" through "use, and"

5. Page 2, line 5.

Strike: "economic"

Strike: "effects"

Insert: "benefits"

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6. Page 2, line 7.

Following: ";"

Insert: "and"

7. Page 2, line 9.

Strike: "; and"

Insert: "."

8. Page 2, line 10.

Strike: subsection (h) in its entirety

9. Page 5, line 2.

Following: "AND"

Insert: ", in the 2009 biennium,"

And, as amended, be concurred in. Report adopted.

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

4/23/2007

HJR 47, be concurred in. Report adopted.

HJR 48, be concurred in. Report adopted.

HJR 52, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 24, 2007

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 185** sponsored by Senator Hawks on April 24, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 24, 2007

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, Montana 59620
Dear Senator Cooney:

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Please be informed that I have signed **Senate Bill 369** sponsored by Senator Smith on April 24, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 23, 2007

The Honorable Scott Sales
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 729, "AN ACT REVISING ADVERTISING AND PUBLICATION REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS; PROVIDING THAT A NEWSLETTER OR OTHER PUBLICATION PRODUCED BY A LOCAL GOVERNMENT IS NOT CONSIDERED A NEWSPAPER FOR COUNTY ADVERTISING PURPOSES; AND AMENDING SECTION 7-5-2411, MCA."

HB 729 was introduced at the request of the Montana Association of Counties to correct an inconsistency in statute created in 2005, when the legislature, through enactment of HB 474, amended Mont. Code Ann. § 7-1-2121, concerning the publication of notices in newspapers by non-municipal local governments, but inadvertently left unchanged another statute concerning legal advertising in newspapers by counties, Mont. Code Ann. § 7-5-2411, which conflicted with the changes made by HB 474.

As introduced this session, HB 729 corrected the inconsistency. However, amendments were added to HB 729 that perpetuate the problem the counties sought to rectify.

Working with the interested parties, I have prepared the enclosed amendments for your consideration. With these amendments, the two sections of law, Mont. Code Ann. §§ 7-1-2121 and 7-5-2411, will not conflict. That was the goal of HB 729 as introduced. I have discussed my proposed amendment with the sponsor of the bill, Representative Raser, who has expressed her support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

August 27, 2008 (3:53pm)

1. Title, line 5.

Following: "COMMISSIONERS"

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Insert: "AND CERTAIN OTHER UNITS OF LOCAL GOVERNMENT"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 7-1-2121 AND"

3. Page 1, line 11.

Following: line 10

Insert: "Section 1. Section 7-1-2121, MCA, is amended to read:

"7-1-2121. Publication and content of notice -- proof of publication. Unless otherwise specifically provided, whenever a local government unit other than a municipality is required to give notice by publication, the following applies:

(1) Publication must be in a newspaper meeting the qualifications of subsections (2) and (3), except that in a county where ~~no a~~ newspaper ~~meets~~ does not meet these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the notice in three public places in the county, designated by resolution of the governing body.

(2) (a) The newspaper must ~~be~~:

(i) be of general circulation;

(ii) be published at least once a week; ~~and~~

(iii) be published in the county where the hearing or other action will take place; and

(iv) have, prior to July 1 of each year, submitted to the clerk and recorder a sworn statement that includes:

(A) circulation for the prior 12 months;

(B) a statement of net distribution;

(C) itemization of the circulation that is paid and that is free; and

(D) the method of distribution.

(b) A newspaper of general circulation does not include a newsletter or other document produced or published by the local government unit.

(3) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.

(4) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.

(5) The notice must be published twice, with at least 6 days separating each publication.

(6) The published notice must contain:

(a) the date, time, and place of the hearing or other action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(d) any other information required by the specific section requiring notice by publication.

(7) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105 through 2-3-107.

(8) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice."

Renumber: subsequent section

4. Page 1, line 18.

Following: "1"

Insert: "and"

5. Page 1, lines 19 through 26.

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Strike: subsections (d) and (e) in their entirety

Insert: "(d) prior to July 1 of each year, has submitted to the clerk and recorder a sworn statement that includes:

- (i) circulation for the prior 12 months;
- (ii) a statement of net distribution;
- (iii) itemization of the circulation that is paid and that is free; and
- (iv) the method of distribution."

April 23, 2007

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Scott Sales
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Cooney and Speaker Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill (SB) 27, "AN ACT CLARIFYING THE RIGHT OF A GRANDPARENT TO HAVE CONTACT WITH A GRANDCHILD IN LIGHT OF DECISIONS BY THE U.S. SUPREME COURT AND THE MONTANA SUPREME COURT; AMENDING SECTION 40-9-102, MCA; AND PROVIDING AN APPLICABILITY DATE."

SB 27 amends the current statute establishing the standards to be applied by a court when a grandparent petitions for contact with a grandchild. The genesis of the bill was a 2006 decision by the Montana Supreme Court, which set forth the steps a court must take in reviewing a petition for grandparent-grandchild contact. My proposed amendment is intended to establish a standard for use by the courts that puts greater focus on the best interests of the child when faced with these difficult questions.

My proposed amendment incorporates the language used by the Montana Supreme Court in *Polasek v. Omura*, 2006 MT 103, ¶ 15 to determine parental "fitness." In that case, the Court stated that a district court must "first inquire whether the child's parent is fit; that is, the court must determine whether the parent 'adequately cares for his or her children.'" My proposed amendment incorporates this standard for parental fitness in the context of grandparent-grandchild rights being addressed in the bill. If the parent is "fit," i.e., "adequately cares for his or her child," a grandparent must overcome, by clear and convincing evidence, the presumption that the parent's wishes are in the best interests of the child, as required in *Polasek*.

My concern with the bill as delivered to me is that the standard for determining parental fitness was taken from parental termination proceedings, and that standard is inappropriate in these grandparent-grandchild contact cases. Most important, the standard contained in the bill delivered to me may not really be in the child's "best interests." In these difficult cases, involving disputes between family members of multiple generations, our mutual goal should always be the "best interests of the child."

I have discussed my proposed amendment with the sponsor of the bill, Senator Esp, and he has indicated his support. A copy of the amendment is attached to this letter for your consideration.

Sincerely,

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BRIAN SCHWEITZER
GOVERNOR

4. Page 1, line 17.

Strike: "must"

Insert: "may"

4. Page 1, line 23.

Following: line 22

Insert: "WHEREAS, the United States Supreme Court held in *Troxel v. Granville*, 530 U.S. 57 (2000), that parents are presumed to act in their child's best interests; and"

5. Page 2, line 27.

Strike: "(5)"

Insert: "(7)"

6. Page 3, line 7.

Following: "COURT."

Insert: "Fitness must be determined on the basis of whether the parent adequately cares for the parent's child."

7. Page 3, line 8 through line 10.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

April 23, 2007

The Honorable Scott Sales
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 353, "AN ACT PROVIDING FOR THE RECORDING AND TRANSCRIPTION BY A PEACE OFFICER OF A TELEPHONIC APPLICATION BY THE PEACE OFFICER FOR A SEARCH WARRANT; AND AMENDING SECTION 46-5-222, MCA."

HB 353 authorizes peace officer to record a transcribe a telephonic application for a search warrant. My proposed amendment is intended to correct an inconsistency in statute. Under Mont. Code Ann. § 46-5-220, a peace officer, the city or county attorney, or the attorney general may apply for a search warrant. However, as amended, Mont. Code Ann. § 46-5-222 refers to applications for warrants made only by peace officers. My proposed amendment to subsection (3)(c) of 46-5-222 corrects this inconsistency. It also uses the same language found in subsection (3)(b) of current law referring to telephonic applications for search warrants made to judges.

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I have discussed my proposed amendment with the sponsor of the bill, Representative McGillvray, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 51**

Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 51** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 51** (reference copy -- salmon) be amended as follows:

1. Page 11, line 22.

Strike: "2008"

Insert: "2009"

2. Page 11, line 24.

Strike: "and"

3. Page 11, line 26.

Following: "interface"

Insert: "; and

(c) identification of enforcement mechanisms"

4. Page 11, line 27 through line 28.

Strike: subsection (3) in its entirety

5. Page 12, line 19.

Strike: "2008"

Insert: "2009"

6. Page 13, line 5.

Strike: "2008"

Insert: "2009"

For the Senate:

Hawks, Chairman
Moss
Laible

For the House:

Koopman, Chairman
Vincent
Dickenson

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 96**

Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 96** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 96** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Following: "TO THE"

Insert: "PETITIONER, WITH REVIEW BY THE"

2. Title, line 8.

Following: "DIVISION"

Insert: "AND APPROVAL BY THE ATTORNEY GENERAL FOR INITIATED MEASURES AND PREPARATION BY THE ATTORNEY GENERAL FOR REFERRED MEASURES"

3. Page 2, line 12 through line 13.

Strike: "LEGISLATIVE" on line 12 through "DIVISION'S" on line 13

Insert: "petitioner's

Following: "statements"

Insert: "for initiated measures and the attorney general's ballot statements for referred measures"

4. Page 2, line 17.

Strike: "LEGISLATIVE SERVICES DIVISION'S"

Insert: "petitioner's"

5. Page 2, lines 21 and 22.

Strike: "A QUALIFIED ELECTOR"

Insert: "the lead petitioner"

6. Page 2, line 24.

Following: "COURT."

Insert: "If a lead petitioner has not been designated in accordance with this section or if the parties to the proceeding agree, the proceeding must be referred to the district court for Lewis and Clark County."

7. Page 2.

Following: line 27

Insert: "(4) As used in this section, "lead petitioner" means an individual designated by the petitioner or petitioners on a form provided by the secretary of state.

Renumber: subsequent subsection

8. Page 9, line 11.

Following: "state"

Insert: "together with draft ballot statements intended to comply with 13-27-312"

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9. Page 9, line 14.

Following: "issue"

Insert: "and statements"

10. Page 9, line 15.

Following: "text"

Insert: "and statements"

Following: "consistency,"

Insert: "and"

11. Page 9, line 16.

Following: "division"

Insert: ", the requirements of 13-27-312"

12. Page 9, line 18.

Following: "text"

Insert: "and statements"

13. Page 9, line 20.

Following: "text"

Insert: "and revisions to the statements to make them consistent with any recommendations for change to the text and the requirements of 13-27-312"

14. Page 9, line 28.

Following: "issue"

Insert: "and ballot statements"

15. Page 10, line 1.

Following: "text"

Insert: "or a ballot statement"

16. Page 10, line 3.

Following: "issue"

Insert: "and statements"

Following: "to"

Insert: "the"

Following: "sufficiency"

Insert: "of the issue and for approval of the petitioner's ballot statements"

17. Page 10, lines 3 and 4.

Strike: "TO THE LEGISLATIVE SERVICES DIVISION"

18. Page 10, line 4.

Strike: "preparation of ballot statements"

Insert: "a determination"

Following: "13-27-312"

Insert: "whether a fiscal note is necessary"

19. Page 10, line 19.

Strike: "LEGISLATIVE SERVICES DIVISION"

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Insert: "petitioner, as approved by the attorney general and"

20. Page 10, line 23 through line 24.

Strike: "LEGISLATIVE" on line 23 through "DIVISION" on line 24

Insert: "petitioner, reviewed by the legislative services division, and approved by the attorney general"

21. Page 14, line 25.

Strike: "HARASSMENT"

Insert: "**Physical prevention of obtaining signatures or physical intimidation**"

22. Page 14, line 26.

Strike: "HARASS"

Insert: "physically prevent an individual from obtaining signatures or attempting to obtain signatures on a petition for a ballot issue"

Following: the second "OR"

Insert: "physically"

23. Page 14, lines 27 and 28.

Strike: "MEASURE" on line 27 through "MEASURE" on line 28

Insert: "issue"

24. Page 16, line 7.

Following: "issue"

Insert: "**and statements**"

25. Page 16, line 8.

Strike: "**statements --**"

Following: "issue"

Insert: "and statements"

26. Page 16, line 13.

Following: "section"

Insert: "and shall determine whether the ballot statements comply with the requirements of this section"

27. Page 16, line 17.

Strike: "LEGISLATIVE SERVICES DIVISION shall prepare"

Insert: "attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall review the ballot statements to determine if they contain the following matters"

28. Page 16, line 24.

Strike: "SEND"

Insert: "return"

29. Page 16, line 25.

Strike: "SECRETARY OF STATE"

Insert: "attorney general"

30. Page 16, line 26.

Strike: "LEGISLATIVE SERVICES DIVISION"

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Insert: "attorney general"

31. Page 17, line 26.

Strike: "LEGISLATIVE" through "SHALL"

Insert: "attorney general shall also"

Following: "state"

Insert: "the petitioner's"

32. Page 17, line 27.

Strike: "prepared pursuant to"

Insert: "that comply with the requirements of"

Strike: "and THE"

Insert: ". If the attorney general determines in writing that a ballot statement clearly does not comply with the requirements of this section, the attorney general shall prepare a statement that complies with the requirements of this section, forward that statement to the secretary of state as the approved statement, and provide a copy to the petitioner. The"

33. Page 18, line 1.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

Following: "has"

Insert: "approved or"

34. Page 18, line 5.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

35. Page 18, line 7.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

36. Page 18, line 10.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

37. Page 18, line 28.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "approved petitioner"

38. Page 18, line 30.

Strike: "formulated"

Insert: "approved"

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

39. Page 19, line 8.

Following: "statement"

Insert: "petitioner"

Strike: "formulated"

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Insert: "approved"

40. Page 19, line 8 through line 9.

Strike: "LEGISLATIVE" on line 8 through "DIVISION" on line 9

Insert: "attorney general"

41. Page 19, line 18.

Strike: "LEGISLATIVE SERVICES DIVISION'S ballot statements"

Insert: "petitioner's ballot statements approved by the attorney general"

42. Page 19, line 27.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

43. Page 19, line 29.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

44. Page 20, line 8.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

45. Page 20, line 18.

Strike: "LEGISLATIVE SERVICES DIVISION"

Insert: "attorney general"

46. Page 20, line 21.

Strike: "LEGISLATIVE SERVICES DIVISION'S"

Insert: "petitioner's"

Following: "statements"

Insert: ", as approved by the attorney general,"

47. Page 23, line 16.

Strike: "LEGISLATIVE SERVICES DIVISION'S"

Insert: "attorney general's"

For the Senate:

Williams, Chairman
Laslovich
Laible

For the House:

Everett, Chairman
Kottel
Butcher

FREE CONFERENCE COMMITTEE
on **Senate Bill 118**

Report No. 1, April 23, 2007

SENATE JOURNAL
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Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 118** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 118** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "MCA"

Strike: "; REPEALING"

Insert: ", AND"

2. Title, line 8.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 2, line 11.

Following: "2008;"

Insert: "and"

4. Page 2, lines 12 through 14.

Strike: "between" on line 12

Insert: "beginning"

Following: "2009" on line 12

Strike: ", and" on line 12 through "day" on line 15

5. Page 3, line 13 through line 17.

Strike: sections 4 and 5 in their entirety

Insert: "**Section 4.** Section 20, Chapter 390, Laws of 2003, is amended to read:
"Section 20. Termination. [This act] terminates June 30, ~~2005~~ 2009."

Insert: "**Section 5.** Section 4, Chapter 606, Laws of 2005, is amended to read:
"Section 4. Section 20, Chapter 390, Laws of 2003, is amended to read:
"Section 20. Termination. [This act] terminates June 30, ~~2005~~ ~~2007~~ 2009."

Insert: "**Section 6.** Section 7, Chapter 606, Laws of 2005, is amended to read:
"Section 7. Termination. [This act] terminates June 30, ~~2007~~ 2009."

Renumber: subsequent section

6. Page 3.

Following: line 19

Insert: "NEW SECTION. **Section 8. Termination.** [Sections 1 through 3] terminate June 30, 2009."

For the Senate:

Cobb, Chairman
Laslovich
Wanzenried

For the House:

Everett, Chairman
Campbell
Wells

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 227**

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Report No. 1, April 23, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 227** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 227** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

Following: "~~CONFERENCE;~~"

Insert: "PROVIDING THAT A PARTY AT THE PARTY'S DISCRETION MAY APPEAR IN CERTAIN JUSTICE'S COURT PRETRIAL PROCEEDINGS BY TELEPHONE CONFERENCE;"

2. Title, line 13.

Following: "~~25-31-710;~~"

Insert: "25-31-710,"

3. Page 5.

Following: line 8

Insert: "**Section 6.** Section 25-31-710, MCA, is amended to read:

"25-31-710. Pretrial conferences or hearings -- appearance by telephone conference. (1) ~~At the discretion of the court, a~~ A party or the party's attorney may make an appearance by telephone conference in a pretrial conference or other hearing under this chapter if:

(a) the party does not need to or intend to offer evidence at the pretrial conference or hearing; ~~and~~
(b) the party does not reside within the county in which the case is filed or the party's or the party's attorney's principal place of business is not located in that county; and

(c) at least 10 days before the pretrial conference or other hearing, the party or the party's attorney intending to appear by telephone conference provides written notice to the court and to all parties or the attorneys for the parties.

(2) The party requesting the telephone conference is responsible for arranging the telephone conference and paying the associated costs.""

Renumber: subsequent section

For the Senate:

Laslovich, Chairman
Shockley
Jent

For the House:

Koopman, Chairman
Kerns
Raser

FREE CONFERENCE COMMITTEE
on **Senate Bill 276**

Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 276** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **Senate Bill 276** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.

Following: "BY"

Insert: ":

(A)"

2. Page 1, line 23 through line 24.

Following: "PRODUCER"

Insert: ";

Strike: "by" on line 23 through "state." on line 24

Insert: "(B) a person licensed under Title 37, chapter 19, parts 3 and 4, if that person also is licensed as a life insurance producer in this state.

(d)"

3. Page 1, line 25.

Strike: "this"

4. Page 2, line 5 through line 8.

Strike: "AND" on line 5 through "." on line 8

Insert: "(b) the applicant may designate the beneficiary, including but not limited to a funeral director, mortician, mortuary, or undertaker, if the applicant has an insurable interest in the life of the insured; and

(c) subject to the provisions of [section 2] and this section, the beneficiary may use the proceeds for any purpose."

5. Page 4, line 5 through line 6.

Strike: "WITH" on line 5 through "in" on line 6

Insert: "except as permitted by"

6. Page 9, line 2 through line 5.

Strike: "CLEARLY" on line 2 through "PURPOSE" on line 5

Insert: "comply with [section 1]"

7. Page 9, line 8.

Strike: "(4)"

Insert: "(5)"

For the Senate:

Steinbeisser, Chairman
J. Tropila
Larson

For the House:

Mendenhall, Chairman
Boggio
Reinhart

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 160**

Report No. 1, April 24, 2007

SENATE JOURNAL
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Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 160** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 160** (reference copy -- salmon) be amended as follows:

1. Page 1, line 12.

Strike: "\$446,987"

Insert: "\$822,774.07"

2. Page 1, line 13.

Following: "interest"

Insert: "plus interest"

3. Page 1, line 19.

Following: "interest"

Insert: "plus interest"

4. Page 1, line 22.

Strike: "\$5.40"

Insert: "\$5.94"

5. Page 1, line 23.

Strike: "\$14,242.87"

Insert: "\$14,500.19"

6. Page 1, line 24.

Strike: "\$737.95"

Insert: "\$761.97"

7. Page 1, line 25.

Strike: "\$5,881.98"

Insert: "\$6,060.68"

8. Page 1, line 26 through line 28.

Strike: lines 26 through 28 in their entirety

Renumber: subsequent subsections

9. Page 1, line 29.

Strike: "STATE SPECIAL REVENUE FUND"

Strike: "\$9.26"

Insert: "\$10.40"

10. Page 1, line 30.

Strike: "STATE SPECIAL REVENUE FUND"

11. Page 2, line 1.

Strike: "\$17.06"

Insert: "\$19.24"

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12. Page 2, line 2.

Following: "SCHOOLS"

Insert: "common schools"

Strike: "STATE SPECIAL REVENUE FUND"

13. Page 2, line 3.

Strike: "CAPITOL LAND GRANT PROJECTS FUND ("

Following: "BUILDINGS"

Strike: ")"

Strike: "\$25,848.25"

Insert: "\$29,149.38"

14. Page 2, line 12.

Strike: "TRANSFERRED"

Insert: "appropriated"

15. Page 2, line 13.

Following: the first "SCHOOLS"

Insert: "common schools"

Strike: "STATE SPECIAL REVENUE FUND"

16. Page 2, line 14.

Following: line 13

Insert: "common schools"

For the House:

Musgrove, Chairman
R. Ripley
R. Stoker

For the Senate:

Wanzenried, Chairman
Laible
Hawks

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 304**

Report No. 1, April 24, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 304** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 304** (reference copy -- salmon) be amended as follows:

1. Title, line 5 through line 7.

Following: "ISSUES" on line 5

Strike: " " on line 5 through "MONTANA" on line 7

2. Title, line 9.

Strike: "APPROPRIATIONS"

Insert: "AN APPROPRIATION"

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3. Page 12, line 28 through page 13, line 8.
Strike: subsection (3) in its entirety

For the House:

Furey, Chairman
L. Jones
D. Barrett

For the Senate:

Kaufmann, Chairman
Lind
Perry

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 715**

Report No.1, April 23, 2007

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 715** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 715** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "PROJECTS"

Insert: "OR RENEWABLE RESOURCE RESEARCH AND DEVELOPMENT PROJECTS"

2. Page 1, line 29.

Following: "projects"

Insert: ", "

Strike: "or"

3. Page 1, line 30.

Following: "projects"

Insert: ", or renewable resource research and development projects"

4. Page 2, line 7.

Strike: "20%"

Insert: "30%"

5. Page 2, line 8.

Following: "development"

Insert: "or renewable resource research and development"

6. Page 2, line 10.

Following: "DEVELOPMENT"

Insert: "or renewable resource research and development"

7. Page 3, line 12.

Insert: "(11) For the purposes of this section: (a) "clean coal research and development" means research and development of projects that would advance the efficiency, environmental performance, and cost-competitiveness of using coal as an energy source well beyond the current level of technology used in commercial service;

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(b) "renewable resource research and development" means research and development that would advance:

- (i) the use of any of the sources of energy listed in 69-8-1003(6) to produce electricity; and
- (ii) the efficiency, environmental performance, and cost competitiveness of using renewable resources as an energy source well beyond the current level of technology used in commercial service."

For the House:

A. Olson, Chairman
Driscoll
Himmelberger

For the Senate:

Wanzenried, Chairman
Lind
Gebhardt

MESSAGES FROM THE OTHER HOUSE

House joint resolution passed and transmitted to the Senate for concurrence:	4/23/2007
HJR 46 , introduced by Sands	
Conference Committee Report No.1 adopted:	4/23/2007
SB 404 , introduced by Lind	
Conference Committee Report No.1 adopted:	4/23/2007
SB 121 , introduced by Elliott	
Conference Committee Report No.1 adopted:	4/23/2007
SB 12 , introduced by Williams	
Conference Committee Report No.1 adopted:	4/23/2007
HB 687 , introduced by W. Jones	
Senate amendments to House bill concurred in:	4/23/2007
HB 3 , introduced by Franklin	
Senate amendments to House bill concurred in:	4/23/2007
HB 39 , introduced by McNutt	
Senate amendments to House bill concurred in:	4/23/2007
HB 69 , introduced by McNutt	
Senate amendments to House bill concurred in:	4/23/2007
HB 257 , introduced by Lake	
Senate amendments to House bill concurred in:	4/23/2007

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HB 330, introduced by Bergren

Senate amendments to House bill concurred in: 4/23/2007

HB 798, introduced by Lambert

Senate bill concurred in and returned to the Senate: 4/23/2007

SB 411, introduced by Laible

Senate joint resolution concurred in and returned to the Senate: 4/23/2007

SJR 16, introduced by Lind

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/23/2007

SB 524, introduced by Wanzenried

Senate bill concurred in and returned to the Senate: 4/23/2007

SB 281, introduced by Balyeat

Senate bill concurred in and returned to the Senate: 4/23/2007

SB 514, introduced by Balyeat

Senate amendments to House bill concurred in: 4/23/2007

HB 831, introduced by McNutt

Conference Committee Report No.1 adopted: 4/24/2007

SB 118, introduced by Cobb

Conference Committee Report No.1 adopted: 4/24/2007

SB 227, introduced by Laslovich

Free Conference Committee Report No.1 adopted: 4/24/2007

SB 147, introduced by Shockley

Free Conference Committee Report No.1 adopted: 4/24/2007

SB 365, introduced by Story

Free Conference Committee Report No.1 adopted: 4/24/2007

SB 49, introduced by Esp

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MOTIONS

SEN. GARY PERRY, SD 35, MANHATTAN moved to take **HB 695** from Judiciary Committee table and placed on second reading the 88th Legislative day. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. DAVID WANZENRIED, SD 49, MISSOULA moved to Suspend the Rules to accept **SB 524**. Motion carried as follows:

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

Total 42

Nays: Balyeat, Barkus, Brown, Esp, Gebhardt, McGee, Shockley, Stapleton.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the appointment of a free conference to dissolve the conference committee on **HB 592**. The President appoints Senators Schmidt, Chair, M. Tropila, Steinbeisser. Motion carried unanimously.

**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 Cocchiarella in the chair.

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

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SB 227 - Conference Committee Report No. 1 - Senator Laslovich moved the Conference Committee report to **SB 227** be adopted. Motion carried unanimously.

HJR 61 - Senator Elliott moved **HJR 61** be concurred in. Motion carried as follows:

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

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Stapleton.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 27 - Governor's Amendments - Senator Esp moved Governor's amendments to **SB 27** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella 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 127, as amended by the House, concurred in as follows:

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

Nays: Curtiss, Esp, Gebhardt, Jackson, McGee, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 822 concurred in as follows:

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

Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Elliott, Esp, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Shockley, Stapleton, Story.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 59 concurred in as follows:

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

Total 45

Nays: Esp, Gebhardt, Lewis, McGee, Squires.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

SEN. CAROLYN SQUIRES, SD 48, MISSOULA moved **SR 10** nominations. Motion carried as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 11:00 a.m., Wednesday, April 25, 2007. Motion carried.

Senate adjourned at 2:43 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate