

**SENATE JOURNAL
60TH LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 3, 2007

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brueggeman, Harrington, Stapleton, excused.

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

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington, Stapleton.
Total 3

Quorum present.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:	2/2/2007
HB 120 , introduced by Henry	
House bill passed and transmitted to the Senate for concurrence:	2/2/2007
HB 171 , introduced by Hamilton	
House bill passed and transmitted to the Senate for concurrence:	2/2/2007
HB 225 , introduced by Koopman	
House bill passed and transmitted to the Senate for concurrence:	2/2/2007
HB 247 , introduced by Windy Boy	
House bill passed and transmitted to the Senate for concurrence:	2/2/2007
HB 251 , introduced by Stoker	

SENATE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - FEBRUARY 3, 2007

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

HB 260, introduced by Reinhart

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

HB 281, introduced by McGillvray

MOTIONS

SEN. DAN WEINBERG, SD 2, WHITEFISH referred **SB 118** to Finance and Claims Committee. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 422, introduced by Gebhardt, Wanzenried, referred to Highways and Transportation.

SB 423, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

SB 424, introduced by Moss, referred to Judiciary.

SB 425, introduced by Jackson, Black, J. Peterson, Noonan, Musgrove, Heinert, Lambert, Keane, Hamilton, Cordier, referred to Natural Resources and Energy.

SB 426, introduced by Jent, K. Peterson, O'Neil, Laslovich, referred to Judiciary.

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

HB 120, introduced by Henry, referred to Public Health, Welfare and Safety.

HB 171, introduced by Hamilton, referred to Fish and Game.

HB 247, introduced by Windy Boy, referred to Judiciary.

HB 251, introduced by Stoker, referred to Judiciary.

HB 260, introduced by Reinhart, Ankney, referred to State Administration.

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

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

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

SB 125 - Senator Williams moved consideration of **SB 125** be passed for the day. Motion carried.

SB 236 - Senator Gallus moved **SB 236** do pass. Motion carried with Senator Lind voting nay.

SB 224 - Senator Shockley moved **SB 224** do pass. Motion carried as follows:

SENATE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - FEBRUARY 3, 2007

Yeas: Bales, Balyeat, Black, Cobb, Curtiss, Elliott, Essmann, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Laible, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Williams, Mr. President.
Total 32

Nays: Barkus, Brown, Cocchiarella, Esp, Gallus, Gebhardt, Kaufmann, Kitzenberg, Larson, McGee, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg.
Total 16

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 68 - Senator Williams moved **SB 125** be placed at the bottom of the board. Motion carried.

SB 204 - Senator Ryan moved **SB 204** do pass. Motion carried unanimously.

SB 225 - Senator Moss moved **SB 225** do pass. Motion carried with Senator Curtiss, Stapleton voting nay.

HB 21 - Senator Elliott moved **HB 21** be concurred in. Motion carried with Senator Esp voting nay.

SB 68 - Senator Cobb moved **SB 68**, second reading copy, be amended as follows:

1. Page 3, line 9.

Strike: "the board or"

2. Page 3, line 16.

Following: "documents"

Insert: ", except as provided in subsections (2)(g) and (2)(h)"

3. Page 4, line 5.

Strike: "or"

4. Page 4, line 7.

Following: "inception"

Insert: ";

(g) describes any restrictions on withdrawals of investments from each alternative investment fund;

(h) relates to how the portfolio will be invested and priced and by whom and, if disputed, how pricing will be verified;

(i) is the alternative investment fund's prospectus; or

(j) is audit returns.

(3) Subsection (1) does not apply to the powers and duties of the legislative auditor under Title 5, chapter 13"

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jent, Kaufmann, Kitzenberg, Laible, Lewis, Lind, McGee, Moss, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Stapleton,

SENATE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - FEBRUARY 3, 2007

Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg.
Total 30

Nays: Balyeat, Brown, Gallus, Gillan, Hansen, Hawks, Jackson, Juneau, Larson, Laslovich, Murphy, Pease, Schmidt, Squires, Story, Wanzenried, Williams, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 68 - Senator Wanzenried moved **SB 68**, as amended, do pass. Motion carried as follows:

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

Nays: Elliott, Essmann, Jent, O'Neil, Weinberg.
Total 5

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

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

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 161 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: None.
Total 0

SENATE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - FEBRUARY 3, 2007

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 205 passed as follows:

Yeas: Bales, Balyeat, Black, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 32

Nays: Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Jackson, Kaufmann, Laible, McGee, O'Neil, Peterson, Smith, Stapleton, Steinbeisser, Story.
Total 16

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 74 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: O'Neil, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 193 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: None.
Total 0

SENATE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - FEBRUARY 3, 2007

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 136 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 177 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

SB 181 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: None.
Total 0

SENATE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - FEBRUARY 3, 2007

Absent or not voting: None.
Total 0

Excused: Brueggeman, Harrington.
Total 2

MOTIONS

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to place **SB 68** in the Finance and Claims Committee. Motion carried.

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, February 5, 2007. Motion carried.

Senate adjourned at 9:29 a.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate