

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

Helena, Montana
February 5, 2007

Senate Chambers
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Schmidt, Gillian, Elliott, and Brueggeman excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 40

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

Absent or not voting: None.
Total 0

Excused: Brueggeman, Elliott, Gillan, Schmidt.
Total 4

MOTIONS

SEN. GREG LIND, SD 50, MISSOULA moved **SB 118** have Senators Lind and Weinberg added as sponsors. Motion carried.

SEN. CHRISTINE KAUFMANN, SD 41, HELENA moved **SB 423** be moved to Natural Resources and Energy Committee. Motion carried.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 2/5/2007

HB 149, introduced by Jopek

House bill passed and transmitted to the Senate for concurrence: 2/5/2007

HB 255, introduced by Clark

House bill passed and transmitted to the Senate for concurrence: 2/5/2007

HB 257, introduced by Lake

House bill passed and transmitted to the Senate for concurrence: 2/5/2007

HB 322, introduced by Sinrud

House bill passed and transmitted to the Senate for concurrence: 2/5/2007

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HB 470, introduced by Olson

House joint resolution passed and transmitted to the Senate for concurrence:

2/5/2007

HJR 5, introduced by Lange

MESSAGES FROM THE GOVERNOR

Governor Brian Schweitzer notified the Senate that **HB 41** - introduced by Shannon Augare has been signed and delivered to the Secretary of State on February 5, 2007.

FIRST READING AND COMMITMENT OF BILLS

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

SB 427, introduced by Hawks, referred to Local Government.

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

HB 149, introduced by Jopek, referred to Judiciary.

HB 255, introduced by Clark, referred to Business, Labor, and Economic Affairs.

HB 322, introduced by Sinrud, referred to Judiciary.

HB 470, introduced by Olson, referred to Taxation.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

2/6/2007

SB 324, introduced bill, be amended as follows:

1. Page 1, line 15 through line 16.

Strike: "measuring" on line 15 through "characteristics" on line 16

Insert: "stressing an aquifer by removing or adding water at a known rate and measuring the resultant change in hydraulic head for the purpose of determining the aquifer's hydraulic properties near the tested well"

And, as amended, do pass. Report adopted.

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

2/5/2007

SB 118, do pass. Report adopted.

SB 132, introduced bill, be amended as follows:

1. Title, page 1, line 4

Following: "AN ACT PROVIDING"

Strike: "AN EXEMPTION TO"

Insert: "FOR INFORMED CONSENT AND A WAIVER OF"

2. Page 1, lines 19 through 21

Following: "state" on line 19

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Strike: remainder of line 19 through line 21 in their entirety

Insert: "or a waiver of the medical certificate requirement as provided in 40-1-203."

3. Page 1, line 24

Strike: "medical certificate exemption"

Insert: "waiver of medical certificate requirement"

4. Page 2, lines 4 through 7

Following: "file" on line 4

Strike: "remainder of line 4 through line 7 in their entirety"

Insert: "an informed consent form acknowledging receipt and understanding of written rubella immunity information and declining rubella immunity testing. Filing of an informed consent form will effect a waiver of the requirement for a blood test for rubella immunity. Informed consent must be recorded on a form provided by the department and must be signed by both applicants. The informed consent form must include:"

5. Page 2, line 9.

Following: "status;"

Strike: "and"

6. Page 2, line 11.

Following: "pregnancy"

Strike: " _"

Insert: "; and"

7. Page 2.

Following: Line 11

Insert: "(d) contact information indicating where applicants may obtain additional information regarding rubella and rubella immunity testing."

And, as amended, do pass. Report adopted.

SB 162, do pass. Report adopted.

SB 206, do pass. Report adopted.

**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 Moss 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 Harrington moved **SB 125** do pass. Motion carried unanimously.

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SB 127 - Senator Williams moved consideration of **SB 127** be passed for the day. Motion carried.

SB 296 - Senator Weinberg moved **SB 296** do pass. Motion carried with Senator Stapleton, Curtiss, McGee voting nay.

SB 328 - Senator Steinbeisser moved **SB 328** do pass. Motion carried unanimously.

SB 153 - Senator Cocchiarella moved **SB 153** do pass. Motion carried unanimously.

SB 271 - Senator Brown moved **SB 271** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Essmann, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 34

Nays: Balyeat, Curtiss, Esp, Gallus, Gebhardt, Hansen, Jackson, Juneau, Laible, Murphy, O'Neil, Ryan, Stapleton.
Total 13

Absent or not voting: None.
Total 0

Excused: Cobb, Elliott, Gillan.
Total 3

SB 305 - Senator Laslovich moved **SB 305** do pass. Motion carried unanimously.

SB 261 - Senator Lewis moved **SB 261** do pass. Motion carried unanimously.

SB 245 - Senator McGee moved **SB 245** do pass. Motion carried on voice vote, Senator Balyeat voting no.

SB 33 - Senator Steinbeisser moved **SB 33** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Harrington 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 236 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 45

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Nays: Essmann, Lind, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: Elliott, Gillan.
Total 2

SB 224 passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Essmann, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.
Total 37

Nays: Balyeat, Barkus, Brown, Cocchiarella, Curtiss, Esp, Gallus, Gebhardt, McGee, Smith, Weinberg.
Total 11

Absent or not voting: None.
Total 0

Excused: Elliott, Gillan.
Total 2

SB 204 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: Elliott, Gillan.
Total 2

SB 225 passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 41

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Nays: Balyeat, Barkus, Esp, Gebhardt, O'Neil, Stapleton, Steinbeisser.
Total 7

Absent or not voting: None.
Total 0

Excused: Elliott, Gillan.
Total 2

HB 21 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Elliott, Gillan.
Total 2

MOTIONS

SEN. KEN HANSEN, SD 17, HARLEM moved his vote on **SB 271** be changed from "yes" to "no". Motion carried.

LEGISLATIVE ADMINISTRATION (Smith, Chairman):

2/5/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 10:00 a.m., Saturday, February 3, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Lindsay Crosby, Bozeman
	Hannah Harper, Helena
	Jon Hamm, Great Falls
	Sydney Best, Great Falls
	Mitzi Scheerer, Bozeman
	Kari Sinnema, Manhattan
	Elizabeth McGee, Laurel

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 5, 2007:

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TITLE

NAME

Pages:

Michael Steinbeisser, Sidney
Eric Wendt-Oakley, Billings
Nicole Hardy, Livingston
Yvette Waters, Belgrade
Douglas Waite, Great Falls
Kelsey Mulcahy, Missoula
Hilary Gourneau, Poplar

Report Adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Tuesday, February 6, 2007. Motion carried.

Senate adjourned at 2:34 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate