

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

Helena, Montana
February 9, 2007

Senate Chambers
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Rev. George Harper, United Methodist Church. Pledge of Allegiance to the Flag.

Roll Call. Senator Gillan excused. Quorum present.

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

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

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

MOTIONS

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the Senate recess and jointly convene with the House for the State of the Education address.

2007 State of Education Address
State Superintendent Linda McCulloch

Good afternoon. I'm so very pleased to be here with you today.

Thank you, President Cooney, Speaker Sales, Senator Williams, Senator Stapleton, and Representative Parker for bringing us together to focus on Montana's children and their future. Thank you, Rev. Harper for your good words.

I'd also like to recognize my colleagues and friends in the Executive and Judicial branches of Montana Government, Clerk of the Supreme Court, the Public Service Commissioner, the Board of Public Education and the First Lady of Montana, Nancy Schweitzer.

And a very special thank you to my husband Bill for being here with me and supporting my dedication to Montana's kids.

I would like to take a moment to thank some folks who you don't see everyday in our schools, but who spend every single day working to make our schools even better. They are my co-workers, my friends at the Office of Public Instruction. These are the folks who don't receive the first grade hugs, but really deserve them. Please help me say thanks to my deputy, Bud Williams and all the good hard-working folks at the Office of Public Instruction.

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I begin my State of Education Address with sincere words of thanks for the thousands of committed teachers, administrators, school staff and trustees. You work tirelessly, helping Montana's children learn and prepare for their futures. Simply put, you change lives.

Would all educators, school staff or trustees in the audience, both on the floor and in the gallery, please stand so we may recognize you? From all of us here, and from all Montanans, thank you!

I'd like to specifically thank the students who are watching this address live, using video streaming technology or local access television. One of those schools is Havre High School. Please join me in greeting Mr. John Ita's U.S. Government Class and Mr. Jim Magera's Local History and American Indian Culture classes.

This is the fourth time I have come to share with you my thoughts on the State of Education in Montana. It will also be my last address to this joint body as State Superintendent.

How time flies. You can't help but be a little reflective on where we've come from as Montanans and about our hopes for the future.

I thought it would be interesting to see how the Superintendent of Public Instruction saw the State of Education a hundred years ago. In 1906 the State of Education came in the form of a 500 page report. What I found was quite startling and more than a little disturbing. The Superintendent of Public Instruction in 1906 was a man. I had always been lead to believe that one of the more sensible Montana traditions has always been electing women as State Superintendent. Of course in 1906 women did not, yet, have the right to vote.

Then State Superintendent W.E. Harmon reported, "There are in Montana many good schools where good salaries are paid to well prepared, competent teachers. The school houses are well built and well equipped for the best work. The school grounds are sightly and the school is the pride of the community."

Superintendent Harmon understood that public education demands that we can't stand still. He knew that a growing Montana needed a public school system that could prepare our students for the demands of a constantly changing economy.

Superintendent Harmon saw the connection between the quality of the education we could provide our children depended on the quality of the teacher in the classroom. He noted that "better trained, more experienced and more highly educated teachers" were in high demand. He argued, that in order to keep the best teachers, salaries need to be competitive. Sound familiar?

Within Superintendent Harmon's report was an observation that gets to why public education has been so successful in Montana. He put it quite eloquently in just two sentences. "Montana has the right sentiment. It seeks to give every child an opportunity to obtain an education. Montana has the right sentiment. It seeks to give every child an opportunity to obtain an education." That is the passion that has driven public education for the past one hundred years in Montana.

It fundamentally recognizes that when we maximize our investment in every child who enters the school house door it will come back to us many times more and in ways we cannot even imagine.

It is why Montana students consistently perform among the top students in the country. Last May, the National Assessment of Educational Progress released the results of the 2006 national science tests. These "NAEP Tests" are known as the national "gold standard" for academic achievement.

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Both Montana 4th and 8th grade students scored within just 1 point of the top state science scores in the country.

Our 8th grade science scores were just one point behind top ranked North Dakota, ranking Montana second in the nation. Our 4th grade students were one point behind top ranking New Hampshire.

Our Montana schools do a significantly better job in closing the academic "achievement gap" for our low income students. Nationally there is a 27 point "achievement gap" for science scores between 4th grade high and low income students. In Montana this achievement gap is only 16 points. The same pattern holds true for 8th grade Montana low income students.

These results didn't happen in a vacuum. Montana students do well in science because of the quality of science education provided by Montana's teachers. At both the state and national level, officials across the country are calling for a renewed emphasis on science and math teaching.

I applaud both Governor Schweitzer and First Lady Nancy Schweitzer for their special efforts to make science both fun and interesting for Montana kids. Thank you, Nancy, and please thank the Governor for me.

The First Family knows in order for Montana schools to remain leaders in science education, and for Montana to have a workforce ready to fill the jobs of tomorrow, we can't afford to stand still. We must constantly strive to improve student learning. I am confident that with sufficient resources, Montana students and teachers are up to the challenge.

In my first State of Education speech in 2001, I said Montana was at a "fork in the road." I noted our children have boundless potential and through the dedication of parents, teachers, community members and school trustees our schools are among the best in the nation.

But the quality of our public schools was being severely tested. The combination of stagnant state funding, declining student enrollments, and steadily rising costs were pushing schools to the breaking point.

School boards were struggling just to keep "above water." Tight budgets were forcing painful choices to be made daily, at the same time the demands on our schools were steadily increasing. Schools were asked to do a great deal more, but with fewer resources.

There were no "time outs" for schools. Everyday, kids still came to school expecting the best we could offer.

At the 2003 Legislature schools were still at that "fork in the road" and the state budget situation was grim. If that wasn't enough, it was also the first year that President Bush's No Child Left Behind Act went into effect. Schools were faced with a whole new labyrinth of federal regulations without the needed federal dollars to meet those new demands and expectations.

When the 2005 Legislature convened it was clear a choice had to be made. I am proud to say that the Legislature had the courage to choose the challenging but rewarding road toward a better future for our children.

At no other time in Montana history has the Legislature devoted so much time and energy on the fundamental issues and questions surrounding public education.

In the end, the Legislature, for the first time, produced a definition for providing a quality education for our children. It's a definition reflecting our best aspirations for our children and is deeply rooted in Montana "common sense."

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Montanans, through their elected Legislature, decided:

A quality education must include high academic standards set forth by the Board of Public Education.
A quality education must provide assessments to make sure our children are succeeding.
It must address the needs of Montana's low-income children, at-risk youth, and special needs students -- both challenged and gifted.
It must reflect the needs of our American Indian students.
It must allow us to recruit and retain high-quality teachers.
It must allow us to provide kids with textbooks, library materials, and the technology they need to be competitive in the global economy.
It must provide safe school buildings and buses.
It must implement Indian Education for All, as defined by the Montana State Constitution.
And finally, it must be a quality education that will continue to adapt as times change.

And, with this new definition, came the down-payment: a substantial increase in state funding to make this dream a reality.

In December 2005, the Legislature met in special session for the sole purpose of addressing school funding. Once again, I am proud to say the Legislature resisted the temptation to go backwards and instead continued to strike out on the road to a better public education for Montana's kids.

Four brand-new components were added to the school funding system. Two of the new components established Montana's commitment to improve the academic performance of students-at-risk and American Indian students.

A third component provides for ongoing funding for schools to implement Indian Education for All, so all Montana students can gain a better appreciation and understanding of the contributions of American Indian cultures, history, and contemporary issues.

And the fourth component recognizes the need to recruit and retain quality educators with a quality educator payment.

And again, along with these changes in the school funding system, came substantial funding increases to begin to address these critical needs.

And so here we are today, 29 days into the 2007 Legislative Session and a good deal further down our road together. We've come a long way, but education, by its very nature, is a continuing journey. A journey that demands we meet our responsibility to educate the next generation so that they and we can have a better life.

It is essential for 145,416 students that we continue to travel down our "road to a quality education." Ninety-three percent 93% of our students attend Montana's public schools. Montana parents rely on our public schools to educate their children – to make sure their children do better than they did, achieve more than they achieved, and learn more than they have. We must keep moving forward down this road. To go backwards would be devastating.

A child only passes through third grade once or tenth grade once, they depend on us to make sure we provide them with a quality education that year and every year they attend our schools. Even as far back as 1906 the value of public education was not in question.

You and I know there is still work to be done...important work. Let's take a look at some of that work.

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Full-Time Kindergarten

You've had access to a lot of information already on Full-Time Kindergarten. Simply put, the single best way we can improve student achievement in school is Full-Time Kindergarten. I'll continue to twist your arms one-by-one or one committee at a time.

Already the Senate has acted. My deep appreciation goes out to the Senate Democrats and the majority of the Senate Republicans who have now cast votes in support of Full-Time Kindergarten. Montana kids now await the action of the House. I know you won't let them down. Please join me in thanking Senator Williams and Representative Grinde for their leadership.

Quality Educators

My thanks to Representative Branae for sponsoring HB 152 which addresses the need to recruit and retain quality educators by increasing the Quality Educator Component. In addition, HB 152 utilizes the inflation adjustment for all school funding components, allowing school districts some mechanism to ensure that inflation is taken into account when planning budgets for the next school year. Please help me say thanks to Representative Branae.

Indian Education for All

The 2005 Legislature, for the first time, put substantial resources into meeting our Constitutional responsibility to recognize "the distinct and unique cultural heritage of American Indians and is committed in our educational goals to the preservation of their cultural integrity."

We are well on our way to helping all Montana schools meet this responsibility. The Office of Public Instruction is making incredible progress in developing curriculum materials and providing educators the necessary training to integrate Indian Education for All into their classrooms.

The Montana Legislature is leading the nation in this effort. Montana is recognized by all states that serve American Indian students as breaking ground in Indian Education for All. The Governor of South Dakota, a Republican, has proposed Indian Education for All Legislation in their current Session for their students. Their State Superintendent is citing Montana as their example.

We cannot end our efforts just as they are beginning. Our kids – all of our kids – deserve better.

Meth Education

Through a partnership with Attorney General Mike McGrath and the Office of Public Instruction we have developed a Meth Prevention toolkit for schools. I applaud the Attorney General for his leadership in combating this devastating drug that has found its way into all of our Montana communities. Mike – you have my admiration and my thanks!

Teen Suicide Prevention

Teen suicide is a deep and dark wound on our Montana communities. Montana has one of the highest teen suicide rates in the country. More than 10% of our Montana High School Students have attempted suicide. In a classroom of 20 students, that's 2 of your students who have attempted suicide. Representative Bill Jones has begun to address the need to focus some help for our schools in this area. Thank you, Representative Jones for your leadership and courage to tackle this very serious issue – I applaud you!

To close my last State of Education Address, I'd like to leave you with a memory of my elementary school days. It will explain to you why I have given you an apple for each of my four Education Addresses. First, you must promise me you will not touch the apple until I have left the House Chamber.

When I was in elementary school and our teachers had a birthday or won a special award, we really didn't have

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the money to buy them a present. So we would throw them a "fruit roll." We'd pick a fruit roll captain and we'd all bring a round fruit to school – bananas and pears didn't work and oranges were hard to get, but apples were plentiful. We would hide the apples in our desks when we got to school.

At some time during the day when the teacher was writing on the chalkboard and had his/her back to us, the fruit roll captain would yell "fruit roll" and we would all roll our apples down the aisles toward the teacher. Since the floors in our school were all wooden everyone in the school would hear the apples rolling and would know that some teacher got a fruit roll. All the teachers would run to our classroom and help the teacher pick up the fruit to take home to share with their family. It's one of my fondest memories of elementary school. Over the years I've come to realize how unique this was as I've not heard of many people talk about having fruit rolls in their elementary schools.

Several years into my teaching career I shared this story with a few of my students one fall day when the lunchroom served apples. Several months went by and in May during Teachers' Appreciation week I had fourth graders in my library. I turned around to pick up materials for what was to be a really brilliant lesson on the Dewey Decimal System, and I heard one of the students yell "fruit roll!" Rolling up the aisle came 20 apples. I'm not sure I ever got around to teaching that brilliant lesson on the Dewey Decimal System that day.

That evening I called up my third grade teacher, Mrs. Bradds, who I hadn't seen since I was a kid. She answered the phone and I said, "Mrs. Bradds, it's Linda Harman." That was my maiden name, same name you'll remember as the Montana State Superintendent in 1906. She answered, "Why hello, Linda." Just like I'd seen her yesterday. I told her I was now a teacher. She sounded pleased and I thought hid her shock very well. I then said, "Mrs. Bradds, my students threw me a fruit roll today." Without missing a beat, she said, "Well, of course they did, Linda."

Like it happens every day!

So you see, for me an apple is not just the symbol for teachers. An apple reminds me of our students and the promise a quality education holds for their future. For me an apple is the symbol of public education and all that it has given me during my life.

Each of my 145,416 students must have a quality education to guide them through the rest of their lives. My students are depending on you to keep moving education down the path that will guarantee a quality education for them. Montana cannot build a first-class economy with a second-class school system. Continuing down the road to a quality education is not just about my kids, it's about all of us --- it's about the future of Montana.

Thank you for your time today!

The Senate reconvened at 1:56 p.m.

Roll Call.

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

Nays: Balyeat, Esp, Jackson, Shockley.

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Total 4

Absent or not voting: None.

Total 0

Excused: Laible.

Total 1

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Pease, Chairman): 2/8/2007
SB 222, do pass. Report adopted.
SB 302, do pass. Report adopted.
SB 414, do pass. Report adopted.
HB 23, be concurred in. Report adopted.

JUDICIARY (Laslovich, Chairman): 2/8/2007
SB 323, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ISSUANCE;"

Insert: "REQUIRING A PRIOR CERTIFICATE HOLDER TO REPORT CERTAIN INFORMATION TO THE DEPARTMENT OF JUSTICE FOR 2 YEARS FOLLOWING THE TERMINATION OF A CERTIFICATE OF PUBLIC ADVANTAGE;"

2. Page 2, line 8.

Following: "issuance."

Insert: "For 2 years immediately following the termination of a certificate of public advantage, the prior certificate holder shall, on an annual basis, report to the department information regarding:

- (a) quality of health care;
- (b) access to health care;
- (c) patient safety;
- (d) patient satisfaction;
- (e) health care service changes, additions, and deletions; and
- (f) cost comparisons based on similarly situated health care facilities."

And, as amended, do pass. Report adopted.

SB 350, introduced bill, be amended as follows:

1. Page 1, line 10 through line 11.

Following: "if" on line 10

Strike: remainder of line 10 through "offense," on line 11

2. Page 1, line 12.

Following: "device"

Strike: "that is capable of contacting law enforcement or medical assistance"

Insert: "to obstruct, prevent, or interfere with:"

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(a) the report to any law enforcement agency of any actual criminal offense;
(b) the report to any law enforcement agency of any actual bodily injury or property damage; or
(c) a request made to any governmental agency or to any hospital, doctor, or other medical provider for necessary ambulance or emergency medical assistance"

3. Page 1, line 15.

Following: "(3)"

Strike: "(a)"

4. Page 1, line 16.

Following: "device"

Strike: "before, during, or after the commission of a misdemeanor"

5. Page 1, line 18 through line 20.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

TAXATION (Elliott, Chairman):

2/13/2007

SB 242, introduced bill, be amended as follows:

1. Title, line 7.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 12.

Following: "(1)"

Insert: "(a)"

Strike: "With"

Insert: "Subject to subsection (1)(b), with"

3. Page 3, line 15.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

4. Page 1.

Following: line 21

Insert: "(b) Nothing in this subsection (1) may be construed to allow the department to disclose any information obtained from the internal revenue service of the department of the treasury of the United States or from another state."

5. Page 3.

Following: line 5

Insert: "(7) For the purposes of this section, "publicly held corporation" means a reporting corporation subject to the federal Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq., whose shares are publicly traded on a national exchange, such as the New York stock exchange, NASDAQ, or the American stock exchange, and that has a market capitalization of \$2 billion or more."

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6. Page 3, line 8.

Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to returns filed on or after January 1, 2008."

And, as amended, do pass. Report adopted.

SB 470, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:	2/8/2007
HB 264 , introduced by Heinert	
House bill passed and transmitted to the Senate for concurrence:	2/8/2007
HB 290 , introduced by Bergren	
House bill passed and transmitted to the Senate for concurrence:	2/8/2007
HB 292 , introduced by Stahl	
House bill passed and transmitted to the Senate for concurrence:	2/8/2007
HB 357 , introduced by Cohenour	
House bill passed and transmitted to the Senate for concurrence:	2/8/2007
HB 361 , introduced by Kottel	
House bill passed and transmitted to the Senate for concurrence:	2/8/2007
HB 363 , introduced by Ward	
House bill passed and transmitted to the Senate for concurrence:	2/8/2007
HB 485 , introduced by Kottel	

FIRST READING AND COMMITMENT OF BILLS

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

SB 446, introduced by Perry, referred to Natural Resources and Energy.

SB 447, introduced by Perry, referred to Judiciary.

SB 448, introduced by Wanzenried, referred to Natural Resources and Energy.

SB 449, introduced by Gillan, referred to Highways and Transportation.

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

HB 264, introduced by Heinert, referred to Fish and Game.
HB 290, introduced by Bergren, referred to Local Government.
HB 292, introduced by Stahl, referred to State Administration.
HB 357, introduced by Cohenour, referred to State Administration.
HB 361, introduced by Kottel, referred to Judiciary.
HB 363, introduced by Ward, referred to Education and Cultural Resources.
HB 485, introduced by Kottel, referred to Business, Labor, and Economic Affairs.

**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 Gillan in the chair.

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

SB 99 - Senator Harrington moved **SB 99** do pass. Motion **carried** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 26

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 78 - Senator Cobb moved **SB 78**, second reading copy, be amended as follows:

1. Page 2, line 26.
Following: "condition"
Insert: "the"
Following: "access"
Insert: ", as described in subsection (1),"

Amendment adopted unanimously.

SB 78 - Senator Larson moved **SB 78**, as amended, do pass. Motion carried as follows:

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Yeas: Balyeat, Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 31

Nays: Bales, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Gillan 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:

HJR 3 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, 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 45

Nays: Black, Esp, Jent, McGee.
Total 4

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SB 117 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.
Total 45

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Nays: Kaufmann, O'Neil, Smith, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SB 173 passed as follows:

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

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SB 365 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SB 372 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton,

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Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Mr. President.
Total 43

Nays: Juneau, Kaufmann, Moss, Smith, Weinberg, Williams.
Total 6

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

MOTIONS

SEN. VICKI COCCHIARELLA, SD 47, HELENA moved **SB 44** be referred to Business, Labor Committee.
Motion carried.

SEN. CAROL JUNEAU, SD 8, BROWNING moved **SB 390** have the following sponsors added to it:
Williams, Pease, Smith, Wanzenried, Kaufmann, Sands, Henry, Augare, Campbell, Erickson, Hamilton, and
Pomnichowski. Motion carried.

SEN. STEVE GALLUS, SD 37, BUTTE moved to place **SB 132** on second reading for the 30st Legislative day.
Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8 a.m., Saturday, February 10, 2007. Motion
carried.

Senate adjourned at 3:28 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate