

**SENATE JOURNAL
60TH LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 17, 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. Senator Elliott excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, 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, Gebhardt, Jackson, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: Elliott.
Total 1

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):
SB 440, introduced bill, be amended as follows:

2/17/2007

1. Title, line 5 through line 6.
Strike: "AND IN" on line 5 through "BOARD" on line 6
Strike: "SECTIONS" on line 6
Insert: "SECTION"
Strike: "AND 53-2-1204"

2. Page 2, line 16 through line 24.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Laslovich, Chairman):
SB 31, introduced bill, be amended as follows:

2/17/2007

1. Page 1, line 11.
Following: line 10
Insert: "WHEREAS, the Legislature recognizes that the right of parents to the custody and control of their children is based upon the liberties secured by the United States and Montana Constitutions and that a parent's right to that

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custody and control is therefore normally supreme to the interests of other persons; and

WHEREAS, the Legislature also recognizes a growing phenomenon in which absent or otherwise unavailable parents have temporarily surrendered the custody and care of a child to a grandparent or other caretaker relative for a lengthy period of time; and

WHEREAS, the Legislature finds that a caretaker relative frequently offers a child a loving, stable, and secure environment in which to live, make friends, and attend school, which is an environment not provided by a parent who temporarily abandons a child; and

WHEREAS, a child is deprived of that caring and safe environment when a parent returns to claim the child with little or no notice to the caretaker relative; and

WHEREAS, this situation, which in some instances has occurred multiple times with the same child, is disruptive to the more stable life offered by the caretaker relative and may violate the child's rights ensured by Article II, section 15, of the Montana Constitution, such as the right under Article II, section 3, of the Montana Constitution of seeking safety, health, and happiness; and

WHEREAS, for these reasons, it is the purpose of [this act] to exercise the Legislature's police powers for the health and welfare of children who have been abandoned by their parents to the care of relatives and to create a procedure, applicable in limited situations caused by the voluntary surrender of a child by a parent, under circumstances indicating abandonment, whereby a child in the care of a relative may remain with that relative while the issue of abandonment by the parent is reviewed and determined by a court of law; and

WHEREAS, the Legislature believes that this temporary infringement on the right of a parent to the custody and control of a minor child is justified by the possibility of abandonment by the parent, because the welfare of the child is at stake, and because of the likely violation of the child's rights ensured by Article II, section 15, of the Montana Constitution."

2. Page 1, line 14 through page 2, line 9.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 3, line 17 through line 18.

Following: "relative," on line 17

Strike: remainder of line 17 through "resides," on line 18

4. Page 3, line 18.

Following: the first "and"

Strike: "to the local and state offices of"

Insert: "may be provided to"

5. Page 3, line 29.

Following: "department"

Strike: "shall"

Insert: "may"

6. Page 4, line 12.

Following: line 11

Insert: "(c) During or after the 14-day period established under subsection (5)(a), the caretaker relative may commence a parenting plan proceeding under 40-4-211 or petition the court to be appointed the guardian of the minor under 72-5-225."

7. Page 4, line 13 through line 15.

Following: "known" on line 13

Strike: remainder of line 13 through "chapter" on line 15

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8. Page 4, line 17 through line 18.

Following: "relative" on line 17

Strike: remainder of line 17 through "considered by the court" on line 18

9. Page 4, line 20.

Following: "based"

Strike: "only"

10. Page 4, line 20 through line 21.

Following: "nonabandonment" on line 20

Strike: remainder of line 20 through "relative" on line 21

11. Page 4, line 30.

Following: line 29

Insert: "(9) As used in this section, the following definitions apply:

(a) "Caretaker relative" or "relative" means an individual related to a child by blood, marriage, or adoption by another individual and who has care and custody of a child but who is not a parent, foster parent, stepparent, or legal guardian of the child.

(b) "Parent" means a biological or adoptive parent or other legal guardian of a child."

12. Page 5, line 1.

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

13. Page 5, line 2.

Following: "Title" in two places

Strike: "41, chapter 3"

Insert: "40, chapter 9"

Strike: "[sections 1 and 2]"

Insert: "[section 1]"

14. Page 2, line 5.

Strike: "2(8)(b)"

Insert: "1(8)(b)"

15. Page 5, line 7.

Strike: "2(8)"

Insert: "1(8)"

16. Page 5, line 10.

Following: "relative"

Strike: ", all as defined in [section 1],"

And, as amended, do pass. Report adopted.

SB 49, introduced bill, be amended as follows:

1. Title, line 10.

Following: "PROVIDING"

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Insert: "AN EFFECTIVE DATE AND"

2. Page 1, line 11.

Following: line 10

Insert: "WHEREAS, the Legislature recognizes that the rights of parents to the custody and control of a child are based upon liberties secured by the United States and Montana Constitutions and that a parent's rights to that custody and control of a child are therefore normally supreme to the interests of other persons; and

WHEREAS, the Legislature also recognizes a growing phenomenon in which absent or otherwise unavailable parents have temporarily surrendered the custody and care of their children to a grandparent or other relative for lengthy periods of time; and

WHEREAS, regardless of the purpose of the absence, a child willfully surrendered to a relative for an extended time period still has the same needs as a child in the care of its parents; and

WHEREAS, in this situation, a caretaker relative assumes responsibilities for the child but has no legal right of control over the child, a situation that interferes in the caretaker relative's ability to perform routine functions of child rearing, including tending to the educational and educationally related medical needs of the child; and

WHEREAS, it is the purpose of the Legislature in these instances to protect the rights of a child granted by Article II, section 15, of the Montana Constitution by granting a caretaker relative limited authority for a child left in the relative's care; and

WHEREAS, it is the intent of the Legislature that a caretaker relative given the responsibility of caring for a child with little or no warning and without any other provision having been made for the child's care, such as the appointment of a guardian or the provision of a power of attorney, be granted authority to enroll the child in school, discuss with the school district the child's educational progress, and consent to an educational service and to medical care for the child related to an educational service without superseding any parental rights regarding the child; and

WHEREAS, [sections 1 and 2] are not intended to affect the rights and responsibilities of a parent, legal guardian, or other custodian regarding the child, do not grant legal custody of the child to the caretaker relative, and do not grant authority to the caretaker relative to consent to the marriage or adoption of the child or to receive notice of a medical procedure, including abortion, not consented to by the relative, if notice is required by law, for the child except as expressly provided in [sections 1 and 2]."

3. Page 1, line 14 through page 2, line 18.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 30.

Following: line 30

Insert: "(2) A caretaker relative of a child who has voluntarily been given custody of the child by a parent of the child may not enroll the child in school, without the school's permission, if:

(a) the child's residency with the caretaker relative is primarily for the purpose of:

(i) attending a particular school;

(ii) participating in athletics at a particular school; or

(iii) taking advantage of special services or programs offered at a particular school; or

(b) the child is currently subject to an expulsion or suspension at the child's previous school."

Renumber: subsequent subsection

5. Page 2, line 30.

Strike: "3"

Insert: "2"

6. Page 3, line 3.

Following: line 2

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Insert: "(4) For the purposes of [section 2] and this section, the following definitions apply:

(a) "Caretaker relative" or "relative" means an individual related by blood, marriage, or adoption by another individual to the child whose care is undertaken by the relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child.

(b) "Caretaker relative educational authorization affidavit" or "affidavit" means an affidavit completed in compliance with [section 2].

(c) "Health care provider" means a person who provides medical care.

(d) "Medical care" means care, by a health care provider for which parental consent is normally required, for the prevention, diagnosis, or treatment of a mental, physical, or dental injury or disease when care is needed to prevent serious bodily harm or death to the child.

(e) "Parent" means a biological or adoptive parent or other legal guardian of the child."

7. Page 4, line 11 through line 13.

Strike: subsection (9) in its entirety

Renumber: subsequent subsection

8. Page 5, line 1.

Following: "activity,"

Insert: "to circumvent a disciplinary action of a previous school,"

9. Page 6, line 25.

Strike: "diseased"

Insert: "deceased"

10. Page 6, line 29.

Strike: "2"

Insert: "1"

11. Page 7, line 3.

Following: "1"

Strike: "through 3"

Insert: "and 2"

12. Page 7, line 11.

Strike: "3"

Insert: "2"

13. Page 7, line 13.

Strike: "3"

Insert: "2"

14. Page 7, line 15.

Strike: "3"

Insert: "2"

15. Page 7, line 19.

Strike: "3"

Insert: "2"

16. Page 7, line 23.

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Strike: "3"
Insert: "2"

17. Page 9, line 16.

Strike: "3"
Insert: "2"

18. Page 10, line 12.

Following: "[Sections 1"
Strike: "through 3"
Insert: "and 2"

19. Page 10, line 13.

Following: "[sections 1"
Strike: "through 3"
Insert: "and 2"

20. Page 10, line 16.

Strike: "3(4)(a)"
Insert: "2(4)(a)"

21. Page 10, line 18.

Strike: "3(4)(a)"
Insert: "2(4)(a)"

22. Page 10, line 19.

Strike: "3(10)"
Insert: "2(9)"

23. Page 10, line 20.

Insert: "NEW SECTION. **Section 9. Effective date.** [This act] is effective July 1, 2007."

24. Page 10, line 22.

Following: "parent"
Strike: ", all" through "October"
Insert: "on or after July"

And, as amended, do pass. Report adopted.

SB 347, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "general"
Insert: "reasonably"

2. Page 1, line 17.

Strike: "and"

3. Page 1, line 19.

Following: "easement"

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Insert: "; and

(c) the easement holder fails to fulfill the provisions of Title 76, chapter 6"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

2/17/2007

SB 445, do pass. Report adopted.

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

2/17/2007

SB 155, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 5, line 15.

Insert: "NEW SECTION. Section 7. Termination. [Sections 2 through 4] terminate July 1, 2007."

And, as amended, do pass. Report adopted.

SB 387, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "provide"

Strike: "and disclose complete"

2. Page 1, lines 15 and 16.

Following: "benefit from"

Strike: "clear and complete"

3. Page 3, line 30 through page 4, line 2.

Following: "(9)"

Strike: "An" on line 30 through "screening" on page 4, line 2

Insert: "Prior to issuance of an insurance contract or plan under this part, written informational materials describing the contract's or plan's cancer screening coverages must be provided to a prospective group or plan member"

4. Page 4, lines 11 and 12.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

5. Page 4.

Following: line 29

Insert: "(5) Prior to issuance of an individual disability insurance policy, written informational materials describing the policy's cancer screening coverages must be provided to a potential applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

6. Page 5, line 23.

Strike: "33-31-301(3)(f)"

Insert: "33-31-301(3)(e)"

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7. Page 5, line 26.

Strike: "33-31-301(3)(h)(i)"

Insert: "33-31-301(3)(g)(i)"

8. Page 6, lines 24 and 25.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

9. Page 7.

Following: line 16

Insert: "(7) Prior to issuance of a group disability insurance policy, written informational materials describing the policy's cancer screening coverages must be provided to a prospective applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

10. Page 7, line 29.

Strike: "33-31-301(3)(f)"

Insert: "33-31-301(3)(e)"

11. Page 11, lines 12 and 13.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

12. Page 12, line 3.

Strike: "(3)(h)"

Insert: "(3)(g)"

13. Page 13.

Following: line 11

Insert: "(8) Prior to issuance of an evidence of coverage, written informational materials describing the contract's cancer screening coverages must be provided to a prospective applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

14. Page 12, line 27.

Strike: "(3)(f)"

Insert: "(3)(e)"

15. Page 14, lines 20 and 21.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

16. Page 15, line 11.

Strike: "(3)(f)"

Insert: "(3)(g)"

17. Page 16, line 5.

Strike: "(3)(f)"

Insert: "(3)(e)"

18. Page 16.

Following: line 18

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Insert: "(8) Prior to issuance of evidence of coverage, written informational materials describing the contract's cancer screening coverages must be provided to a potential applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

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

Dear Senator Cooney:

Please be informed that I have signed **House Bill 21** sponsored by Representative Morgan on February 15, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

| | |
|---|-----------|
| House bills passed and transmitted to the Senate for concurrence: | 2/17/2007 |
| HB 417 , introduced by Hollenbaugh | |
| House bill passed and transmitted to the Senate for concurrence: | 2/17/2007 |
| HB 503 , introduced by Gallik | |
| House bill passed and transmitted to the Senate for concurrence: | 2/17/2007 |
| HB 520 , introduced by Arntzen | |
| House joint resolution passed and transmitted to the Senate for concurrence: | 2/17/2007 |
| HJR 8 , introduced by Hendrick | |
| House joint resolution passed and transmitted to the Senate for concurrence: | 2/17/2007 |
| HJR 14 , introduced by Heinert | |
| House joint resolution passed and transmitted to the Senate for concurrence: | 2/17/2007 |
| HJR 17 , introduced by Cohenour | |

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MOTIONS

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved to have **SB 390** placed under **SJR 6**. Motion carried.

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved **SB 390** be re-referred to Finance and Claims Committee. Motion carried with Senators Cobb and Laible voting "no".

SEN. VICKI COCCHIARELLA, SD 47, MISSOULA moved to re-refer **SB 516** to Highways and Transportation Committee. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 531, introduced by Weinberg, referred to Judiciary.

SB 532, introduced by Gallus, referred to State Administration.

SB 533, introduced by M. Tropila, Black, referred to Taxation.

SB 534, introduced by Wanzenried, referred to State Administration.

SB 535, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.

SB 536, introduced by Perry, Laslovich, referred to Judiciary.

SB 537, introduced by Brown, referred to Business, Labor, and Economic Affairs.

SB 538, introduced by Elliott, referred to State Administration.

SB 539, introduced by Wanzenried, referred to Taxation.

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

SJR 21, introduced by J. Peterson, referred to State Administration.

SJR 22, introduced by Cocchiarella, referred to Highways and Transportation.

**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:

SB 369 - Senator Smith moved **SB 369** do pass. Motion carried as follows:

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

Total 42

Nays: Balyeat, Barkus, Brown, Essmann, McGee, Perry, Shockley, Stapleton.

Total 8

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 412 - Senator Brueggeman moved **SB 412** do pass. Motion carried unanimously.

SB 444 - Senator Wanzenried moved **SB 444** do pass. Motion carried unanimously.

SB 118 - Senator Cobb moved **SB 118** do pass. Motion carried with Senator Esp voting nay.

SB 314 - Senator Steinbeisser moved **SB 314** do pass. Motion carried with Senator Story, Balyeat voting nay.

SJR 10 - Senator Brown moved **SJR 10** be adopted. Motion carried with Senator Balyeat, Hansen, Gallus, Esp, Larson, Elliott voting nay.

SJR 6 - Senator Schmidt moved **SJR 6** be adopted. Motion carried with Senator Esp, Balyeat voting nay.

SB 390 - Senator Juneau moved **SB 390** do pass. Motion **carried** as follows:

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

Total 30

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

Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 162 - Senator Schmidt moved **SB 162** do pass. Motion carried unanimously.

SB 368 - Senator Lind moved **SB 368** do pass. Motion carried unanimously.

SB 374 - Senator Cooney moved **SB 374** do pass. Motion carried unanimously.

SB 231 - Senator J. Tropila moved consideration of **SB 231** be passed for the day. Motion carried.

SB 166 - Senator J. Tropila moved **SB 166** do pass. Motion carried with Senator Cobb voting nay.

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.

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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 430 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

SB 76 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

SB 403 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

SB 341 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 47

Nays: Ryan, Weinberg.

Total 2

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

SB 295 passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 40

Nays: Balyeat, Cobb, Juneau, Kaufmann, Lind, O'Neil, Shockley, Squires, Wanzenried, Weinberg.

Total 10

Paired: Gillan, Aye; Cobb, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 299 passed as follows:

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

Total 30

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

Total 20

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 301 passed as follows:

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

Total 28

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

Total 22

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 102 passed as follows:

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

Total 40

Nays: Brueggeman, Cocchiarella, Gallus, Hansen, Harrington, Kaufmann, Larson, Squires, J.Tropila.

Total 9

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

SB 130 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,

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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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

SJR 5 adopted as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Barkus, Esp, McGee, Stapleton.

Total 4

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 41 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: Cobb.

Total 1

Paired: Gillan, Aye; Cobb, No.

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 363 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: Gillan.
Total 1

Paired: Cobb, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 93 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 0

HB 121 concurred in 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, 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: McGee.

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Total 1

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Monday, February 19, 2007. Motion carried.

Senate adjourned at 10:30 a.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate