

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

Helena, Montana
February 19, 2007

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 43

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

Absent or not voting: None.
Total 0

Excused: Schmidt.
Total 1

In honor of Presidents Day holiday Abraham Lincoln addressed the Senate.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):
SB 114, introduced bill, be amended as follows:

2/19/2007

1. Title, line 5 through line 7.
Strike: "PROVIDING" on line 5 through the first "LIEN;" on line 7

2. Title, line 8.
Strike: ", 71-3-523,"

3. Page 2, line 22 through line 28.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):
SB 63, introduced bill, be amended as follows:

2/19/2007

1. Title, line 4.
Following: "FOR"
Insert: "THE MEMBERS OF MOST"
Strike: "BOARD"

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2. Title, line 5.

Strike: "MEMBERS"

Insert: "BOARDS; REVISING THE DAILY PAY RATE OF THE MEMBERS OF CERTAIN BOARDS ATTACHED TO THE DEPARTMENT OF LABOR AND INDUSTRY"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "2-15-124,"

Insert: "37-22-201, 37-26-202, 37-28-103, AND 37-34-201,"

3. Page 2.

Following: line 13

Insert: "Section 2. Section 37-22-201, MCA, is amended to read:

"37-22-201. Duties of board -- compensation. (1) The board:

~~(+)~~(a) shall recommend prosecutions for violations of 37-22-411 and 37-23-311 to the attorney general or the appropriate county attorney, or both;

~~(2)~~(b) shall meet at least once every 3 months to perform the duties described in Title 37, chapters 1, 22, and 23. The board may, once a year by a consensus of board members, determine that there is no necessity for a board meeting.

~~(3)~~(c) shall adopt rules that set professional, practice, and ethical standards for social workers and professional counselors and other rules as may be reasonably necessary for the administration of chapter 23 and this chapter; and

~~(4)~~(d) may adopt rules governing the issuance of licenses of special competence in particular areas of practice as a licensed professional counselor. The board shall establish criteria for each particular area for which a license is issued.

(2) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

Insert: "Section 3. Section 37-26-202, MCA, is amended to read:

"37-26-202. Board meetings -- compensation. (1) The board shall meet at least once annually.

(2) Special meetings may be called by any two board members or the presiding officer.

(3) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

Insert: "Section 4. Section 37-28-103, MCA, is amended to read:

"37-28-103. Board meetings -- procedure -- compensation -- seal. (1) (a) The board shall meet at least once a year. The board may convene at the request of the presiding officer or at other times the board determines necessary to transact its business.

(b) The governor shall designate the presiding officer of the board.

(2) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133.

(3) The board shall adopt a seal by which the board may authenticate its documents."

Insert: "Section 5. Section 37-34-201, MCA, is amended to read:

"37-34-201. Powers and duties of board -- rulemaking authority -- compensation. (1) The board shall:

(a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the duties described in Title 37, chapter 1, and this section; and

(b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the scope of the board's duties.

(2) The board has the authority to administer and enforce all the powers and duties granted statutorily or adopted administratively.

(3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

(a) the development of acceptable certifications for each category of license;

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(b) the establishment of criteria for educational requirements that, at a minimum, meet the standards set forth in 37-34-303; and

(c) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that testing is being performed by the technician in order to provide onsite, telephonic, or electronic consultation.

(4) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 253, do pass. Report adopted.

SB 273, introduced bill, be amended as follows:

1. Title, line 6.

Following: "COUNCIL"

Insert: "AS A QUASI-JUDICIAL BOARD"

2. Title, line 11.

Following: "TRANSITION;"

Insert: "TRANSFERRING RESPONSIBILITY FOR CONDUCTING TRAINING FOR JUVENILE PROBATION OFFICERS TO THE OFFICE OF COURT ADMINISTRATOR;"

3. Title, line 12.

Following: "44-4-301,"

Insert: "44-4-305,"

4. Title, line 13.

Following: "MCA;"

Strike: "AND"

Following: "44-4-302, MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1, line 18.

Following: "(1)"

Insert: "(a)"

6. Page 1, line 19.

Following: "council"

Strike: ", which"

Insert: ". The council is a quasi-judicial board, as provided for in 2-15-124, and"

7. Page 1, line 20.

Following: "2-15-121"

Insert: ", except as provided in subsection (1)(b) of this section"

8. Page 1.

Following: line 20

Insert: "(b) The council may hire its own personnel and independently administer the conduct of its business, and 2-15-121(2)(a), (2)(d), and (3)(a) do not apply."

9. Page 1, line 22.

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Following: "to"

Insert: "the"

10. Page 2, line 11.

Strike: subsection (h) in its entirety

ReNUMBER: subsequent subsections

11. Page 2, line 17.

Following: "governor"

Insert: "in accordance with 2-15-124 and"

12. Page 2, line 19.

Strike: "two"

Insert: "one"

Strike: "representatives"

Insert: "representative"

13. Page 3, line 2.

Strike: "two"

Insert: "three"

14. Page 3, line 3.

Strike: "training" through "professionalism"

15. Page 3, line 4 through line 9.

Strike: subsections (3) through (5) in their entirety

16. Page 3, line 11.

Following: "duties"

Insert: "-- determinations -- appeals"

17. Page 3, line 14.

Strike: "training"

Insert: "public safety officers"

18. Page 3, line 15.

Strike: "training"

Insert: "public safety officers"

19. Page 3.

Following: line 16

Insert: "(3) A person who has been denied certification or recertification or whose certification or recertification has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review."

20. Page 11, line 6.

Strike: "department of justice"

Insert: "office of court administrator"

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21. Page 11, line 8 through line 11.

Strike: "A" on line 8 through "year." on line 11

22. Page 11, line 13.

Strike: "council"

Insert: "office of court administrator"

23. Page 11, line 15 through line 17.

Strike: "in" on line 15 through "section" on line 17

24. Page 11, line 20.

Following: "(+)"

Insert: "(1)"

25. Page 11.

Following: line 23

Insert: "(2) The board shall consider all appeals brought from decisions of the Montana public safety officer standards and training council pursuant to [section 4]. A board member designated as a member of the Montana public safety officer standards and training council, as provided in [section 3], may not participate in appeals brought to the board from decisions of the council. The board shall promulgate rules governing the manner and method of the appeals."

26. Page 12.

Following: line 26

Insert: "**Section 17.** Section 44-4-305, MCA, is amended to read:

"**44-4-305. Juvenile detention or juvenile corrections officer training.** A juvenile detention or juvenile corrections officer shall, in the first year of employment, complete a basic training course as required in ~~44-4-301~~ [section 4]. The training must be done under the auspices of the Montana law enforcement academy but does not have to occur at the academy.""

Renumber: subsequent sections

27. Page 14, line 4.

Strike: "[section 3(5)]"

Insert: "2-15-124"

28. Page 14.

Following: line 19

Insert: "NEW SECTION. **Section 25. Effective date.** [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

SB 279, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "OR BALLOT ISSUES"

2. Title, line 6.

Strike: "OR BALLOT ISSUE COMMITTEES"

3. Page 1, line 17.

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Strike: "or committees"

4. Page 1, line 20.

Strike: "substantially"

5. Page 1, line 22.

Strike: ":"

6. Page 1, line 23.

Strike: "(a)"

7. Page 1, line 24 through line 26.

Following: "endorsements" on line 24

Strike: ";" through "13-37-201" on line 26

8. Page 1, line 27.

Strike: "and"

9. Page 1, line 28.

Strike: "committees"

10. Page 1, line 30.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

11. Page 2, line 4.

Strike: "and committees"

And, as amended, do pass. Report adopted.

SB 292, do pass. Report adopted.

SB 317, introduced bill, be amended as follows:

1. Title, line 12.

Following: "WEBSITE"

Insert: "AND AVAILABLE TO THE NATURAL HERITAGE PROGRAM"

2. Title, line 13.

Strike: "IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 20 through line 23.

Strike: "Upon" on line 20 through "recorder" on line 23"

Insert: "The county clerk and recorder shall provide a copy of the conservation easement to the department of revenue office in that county within 30 days of the receipt of the original conservation easement"

4. Page 3, line 26.

Strike: "act"

Insert: "section"

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5. Page 3, line 27.

Strike: "act"

Insert: "section"

6. Page 3, line 28.

Following: line 27

Insert: "(2) The department of revenue shall review conservation easement agreements collected pursuant to 76-6-207 and subsection (1) of this section and record the:

(a) legal description of the conservation easement as it relates to the established property boundaries identified in the conservation easement agreement;

(b) approximate acreage as identified in the conservation easement agreement;

(c) date of the conservation easement agreement;

(d) book and page or document number as provided for in 7-4-2617; and

(e) the name of the conservation easement grantee."

Renumber: subsequent subsections

7. Page 3, line 29.

Strike: "subsection (1)"

Insert: "subsections (1) and (2)"

8. Page 4.

Following: line 4

Insert: "(d) The department of administration shall provide the conservation easement data to the Montana natural heritage program for incorporation into appropriate databases developed or maintained for the purposes of Title 90, chapter 15."

9. Page 4, line 9.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

Following: line 9

Insert: "(2) [Section 5] is effective October 1, 2007."

And, as amended, do pass. Report adopted.

SB 359, introduced bill, be amended as follows:

1. Title, line 7.

Following: "PROMOTE"

Insert: "AND DEVELOP PLANS FOR"

2. Page 1, line 16.

Strike: "breeding"

3. Page 3, line 30.

Following: "shall"

Strike: "₂"

Insert: ": (a)"

Following: "promote"

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Insert: ", within available resources"

4. Page 4, line 1.

Strike: "(a)"

Insert: "(i)"

Following: "breeding"

Insert: "and horseracing"

5. Page 4, line 2.

Strike: "(b)"

Insert: "(ii)"

6. Page 4, line 3.

Strike: "(c)"

Insert: "(iii)"

Following: "industry"

Insert: ";

(b) develop and implement a plan of cooperation with other entities interested in horseracing, including but not limited to Indian tribes, neighboring states, neighboring Canadian provinces, and Canada; and

(c) develop a plan to address issues affecting the horseracing industry, including but not limited to the cost of liability insurance, workers' compensation coverage, enhanced purses, and the condition and safety of race tracks"

And, as amended, do pass. Report adopted.

SB 410, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE."

2. Page 2, line 9.

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective January 1, 2008."

And, as amended, do pass. Report adopted.

SB 437, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "7-32-303."

Insert: "The provisions of this section do not apply to a person who holds the office of sheriff on or before [the effective date of this act]."

And, as amended, do pass. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 2/17/2007
HB 35, introduced by Keane

House bill passed and transmitted to the Senate for concurrence: 2/17/2007
HB 37, introduced by Reinhart

House bill passed and transmitted to the Senate for concurrence: 2/17/2007
HB 204, introduced by Kasten

House bill passed and transmitted to the Senate for concurrence: 2/17/2007
HB 350, introduced by Sinrud

House bill passed and transmitted to the Senate for concurrence: 2/17/2007
HB 312, introduced by Lange

FIRST READING AND COMMITMENT OF BILLS

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

SB 540, introduced by Jackson, Cocchiarella, Brown, Squires, Smith, Steinbeisser, Balyeat, Larson, referred to Business, Labor, and Economic Affairs.
SB 541, introduced by Brueggeman, referred to Taxation.
SB 542, introduced by Ryan, referred to Business, Labor, and Economic Affairs.
SB 543, introduced by Balyeat, O'Neil, Perry, Brueggeman, referred to Finance and Claims.
SB 544, introduced by Hansen, Small-Eastman, Glaser, L. Jones referred to Agriculture, Livestock and Irrigation.

MOTIONS

SEN. LYNDA MOSS, SD 26, BILLINGS moved **SB 284** do pass for consideration and be placed on the 39th Legislative day agenda. Motion carried.

SEN. JESSE LASLOVICH, SD 43, ANACONDA moved **SB 531** be placed in Public Health and Human Services Committee. Motion carried.

**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 Gebhardt 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 140 - Senator Weinberg moved **SB 140** do pass. Motion carried unanimously.

SB 206 - Senator Cobb moved **SB 206** do pass. Motion carried with Senator Esp, Shockley, Balyeat, Jackson voting nay.

SB 446 - Senator Perry moved **SB 446** do pass. Motion carried unanimously.

SB 51 - Senator Hawks moved **SB 51** do pass. Motion **carried** as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 103 - Senator Lind moved consideration of **SB 103** be passed for the day. Motion carried.

SB 110 - Senator Laible moved **SB 110** do pass. Motion **carried** as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, O'Neil, Peterson, Stapleton, Wanzenried.

Total 13

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

SB 147 - Senator Shockley moved **SB 147** do pass. Motion carried unanimously.

SB 276 - Senator Steinbeisser moved **SB 276** do pass. Motion carried with Senator Esp voting nay.

SB 434 - Senator Cocchiarella moved **SB 434** do pass. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt,

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Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 32

Nays: Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, Larson, McGee, Murphy, O'Neil,
Peterson, Shockley, Steinbeisser, Story, Tash.
Total 17

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 128 - Senator Laslovich moved **SB 128** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington,
Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Perry, Ryan,
Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr.
President.
Total 35

Nays: Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Laible, Lewis, McGee, Murphy, O'Neil, Peterson,
Stapleton, Steinbeisser, Tash.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 142 - Senator Lind moved consideration of **SB 142** be passed for the day. Motion carried.

SB 100 - Senator Jent moved **SB 100** do pass. Motion **carried** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan,
Hansen, Harrington, Hawks, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Murphy, Pease, Ryan,
Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.
Total 35

Nays: Curtiss, Esp, Gallus, Gebhardt, Jackson, Juneau, Kaufmann, McGee, Moss, O'Neil, Perry, Peterson,
Story, Weinberg, Mr. President.
Total 15

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.

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President Cooney in the chair. Chairman Gebhardt 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 369 passed as follows:

Yeas: Bales, Black, 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Balyeat, Barkus, Brown, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 412 passed 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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 444 passed 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

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Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 118 passed as follows:

Yeas: Bales, Barkus, 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, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Balyeat, Esp, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314 passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, 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 48

Nays: Balyeat, Curtiss.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 10 adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gebhardt, Gillan, 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 46

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Nays: Balyeat, Esp, Gallus, Hansen.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 6 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Curtiss, Esp, McGee, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 162 passed 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.
Total 0

SB 368 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, 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 48

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Nays: Cocchiarella, Gillan.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 374 passed 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 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 166 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, Lind, McGee, 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: Balyeat, Cobb, Juneau, Kaufmann, Moss.
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 the following nomination of Mike Ferriter, Clancy, Montana as Director of the Department of Corrections be transmitted by the Governor, be concurred in and confirmed and consented to by the Senate in accordance with the resolution set forth under **Senate Resolution No 6. SR 6** carried as follows:

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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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

LEGISLATIVE ADMINISTRATION (Smith, Chairman):

2/19/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 17, 2007:

TITLE

NAME

Pages:

Gavin Mathis, Belgrade
Michelle Rausch, Victor
Allison Kendall, Plains
Jacob Fern, Whitefish
Brandon Mourich, Billings
Steve Carey, Boulder
Brenna Howard, Great Falls

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 19, 2007:

TITLE

NAME

Pages:

Joe Hickey, Billings
Stephanie Sloan, Stanford
Philip Ehrlich, Missoula
Nora Weber, Great Falls
Kellyn Woloszyn, Great Falls
Corey Halter, Big Sandy
Hannah Goodman, Helena
Jesse DesRosier, Browning

Report Adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Tuesday, February 20, 2007. Motion carried.

Senate adjourned at 3:38 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate