

**SENATE JOURNAL
60TH LEGISLATURE
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 22, 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, Esp, Essmann, Gallus, Gebhardt, 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, Curtiss, Jackson, O'Neil, Lind, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):

2/22/2007

SB 490, do pass. Report adopted.

SB 540, introduced bill, be amended as follows:

1. Title, line 7.

Following: "OF AN"

Insert: "ANTIQUE"

2. Title, line 9.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "23-5-152"

Insert: "AND 23-5-153"

3. Page 2, lines 23 and 24.

Following: "An"

Insert: "antique"

Following: "by a" on line 23

Strike: remainder of line 23 through "operation" on line 24

Insert: "person licensed by the department to sell antique slot machines and antique illegal gambling devices "as provided in 23-5-153"

4. Page 2, line 25.

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Insert: "Section 2. Section 23-5-153, MCA, is amended to read:

"23-5-153. Possession and sale of antique slot machines and other antique illegal gambling devices. (1)

For the purposes of this section, an antique slot machine is a mechanically or electronically operated slot machine that at any present time is more than 25 years old. An antique illegal gambling device is an illegal gambling device that at any present time is more than 25 years old.

(2) Except as provided in subsection (3), an antique slot machine or antique illegal gambling device may be possessed, located, and operated only in a private residential dwelling.

(3) (a) An antique slot machine or antique illegal gambling device may be possessed or located for purposes of display only and not for operation:

(i) in a public or private museum; or

(ii) in any other public place if the machine or device has been made permanently inoperable for purposes of conducting a gambling activity.

(b) A licensed manufacturer-distributor or a person licensed under subsection (4) may possess antique slot machines and antique illegal gambling devices for purposes of commercially selling or otherwise supplying the machines.

(4) A person other than a licensed manufacturer-distributor may not sell more than three antique slot machines or three antique illegal gambling devices in a 12-month period without first obtaining from the department an annual license for selling the machines or other antique illegal gambling devices. The fee for the license is \$50 a year. The fee must be retained by the department for administrative purposes. The department may not issue a license under this subsection to a licensed operator.

(5) A person or entity legally possessing ~~a~~ an antique slot machine or illegal gambling device under subsection (2) or (3) may sell or otherwise supply a machine or device to another person or entity who may legally possess a ~~slot machine~~ or device.

(6) An antique slot machine or antique illegal gambling device may not be operated for any commercial or charitable purpose."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):
SB 129, introduced bill, be amended as follows:

2/22/2007

1. Title, page 1, line 5 through line 7.

Strike: "IMPOSING" on line 5 through "LAWS;" on line 7

Insert: "RECOMMENDING THAT A SCHOOL BOARD OF TRUSTEES ADOPT A TRUANCY POLICY;"

2. Page 1, line 14.

Strike: "-- parental penalties"

3. Page 1, line 17.

Following: "parent"

Strike: ", "

Insert: "or"

4. Page 1, line 17 through line 19.

Strike: ", or other" on line 17 through "section" on line 19

Insert: "of the truancy or nonenrollment"

5. Page 1, line 21 through line 22.

Following: "parent"

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Strike: " 2 "

Insert: "or"

Following: "guardian"

Strike: ", or" on line 21 through "jurisdiction" on line 22

Insert: "with the local school board of trustees"

6. Page 1, line 23.

Strike: "If convicted,"

7. Page 1, line 23 through line 24.

Strike: "the parent" on line 23 through "fined:" on line 24

8. Page 1, line 30 through page 2, line 2.

Strike: "(a)" on page 1, line 30 through "jail" on page 2, line 2

Insert: "The board of trustees shall consider adopting a school board policy that:

(a) involves parents and guardians in all truancy prevention activities;

(b) ensures that students face firm sanctions for truancy;

(c) creates meaningful incentives for parental responsibility;

(d) establishes ongoing truancy prevention programs in school;

(e) includes communities and neighborhoods in developing truancy interventions; and

(f) addresses the unique needs of each child and considers developing initiatives to combat the root causes of truancy"

9. Page 4, line 6 through line 7.

Strike: "absences" on page 4, line 6 through "excuse" on page 4, line 7

Insert: "that a child has been truant five or more times within a semester"

10. Page 6, line 13 through line 14.

Strike: "from" on page 6, line 13 through "day" on page 6, line 14

Insert: "for at least one period of school a day"

And, as amended, do pass. Report adopted.

SJR 12, be adopted. Report adopted.

SJR 488, be adopted. Report adopted.

FINANCE AND CLAIMS (Schmidt, Chairman):

2/22/2007

SB 390, do pass. Report adopted.

SJR 11, be adopted. Report adopted.

SJR 23, be adopted. Report adopted.

JUDICIARY (Laslovich, Chairman):

2/22/2007

SB 202, introduced bill, be amended as follows:

1. Page 7, line 28.

Following: "shall"

Strike: "immediately"

Insert: "within 24 hours"

2. Page 10, line 6.

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Following: "shall"

Strike: "immediately"

Insert: "within 24 hours"

3. Page 10, line 26.

Following: line 25

Strike: "immediately"

Insert: "within 24 hours"

4. Page 11, line 30.

Strike: subsection (d) in its entirety

ReNUMBER: subsequent subsections

5. Page 14, line 3 through line 5.

Following: the first "commissioner" on line 3

Strike: remainder of line 3 through the first "candidate" on line 5

6. Page 14, line 6.

Following: "equal to"

Insert: "10 times the value of"

7. Page 14, line 7 through line 12.

Following: "obligation" on line 7

Strike: remainder of line 7 through "expenditures" on line 12

8. Page 14, line 14 through line 16.

Following: "given" on line 14

Strike: remainder of line 14 through the first "candidate" on line 16

9. Page 19, line 3.

Strike: "\$300,000"

Insert: "\$1 million"

And, as amended, do pass. Report adopted.

SB 294, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Following: "CLARIFYING" on line 4

Strike: remainder of line 4 through "CLARIFYING" on line 5

2. Title, line 6 through line 7.

Strike: "SECTIONS" on line 6

Insert: "SECTION"

Strike: the second "AND" on line 6 through "72-5-317" on line 7

3. Page 2, line 24.

Strike: line 24 in its entirety

4. Page 2, line 25.

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Strike: "(b)"
Insert: "(6)"

5. Page 2, line 26.

Strike: "(i)"
Insert: "(a)"

Renumber: subsequent subsection

6. Page 2, line 29 through page 3, line 26.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 382, introduced bill, be amended as follows:

1. Title, line 5.

Following: "FOR"

Strike: "MENTALLY ILL"

Following: "OFFENDERS"

Insert: "WITH A MENTAL DISORDER"

2. Title, line 7.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "3-10-303"

Strike: "AND 46-16-130"

3. Page 1, line 12 through line 13.

Following: "the" on line 12

Strike: remainder of line 12 through "Treatment" on line 13

Insert: "'Mental Health Treatment Court'"

4. Page 1, line 17.

Following: line 16

Strike: "mentally ill offenders"

Insert: "persons with a mental disorder who are charged with a criminal offense"

5. Page 1, line 22.

Following: line 21

Strike: "a mentally ill"

Insert: "an"

Following: "offender"

Insert: "with a mental disorder"

6. Page 1, line 24.

Following: "mental"

Strike: "illness"

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Insert: "health"

7. Page 1, line 25.

Following: "of"

Strike: "mentally ill offenders"

Insert: "participants"

8. Page 2, line 2.

Following: "with"

Insert: "a"

Following: "mental"

Strike: "illness"

Insert: "disorder"

9. Page 2, line 7.

Following: "that"

Strike: "may consist of"

Insert: ":

(a) must include"

10. Page 2, line 8.

Strike: "(a)"

Insert: "(i)"

11. Page 2, line 9.

Strike: "(b)"

Insert: "(ii)"

12. Page 2, line 10.

Strike: "(c)"

Insert: "(iii)"

Following: "attorney;"

Insert: "(iv) the participant; and

(v) the mental health treatment court coordinator; and

(b) may include the following additional members:"

13. Page 2, line 11.

Strike: "(d)"

Insert: "(i)"

14. Page 2, line 12.

Strike: subsection (e) in its entirety

15. Page 2, line 13.

Strike: "(f)"

Insert: "(ii)"

16. Page 2, line 14.

Strike: "(g)"

Insert: "(iii)"

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17. Page 2, line 15.

Strike: "(h)"

Insert: "(iv)"

18. Page 2, line 16.

Strike: "(i)"

Insert: "(v)"

Following: "services;"

Strike: "and"

19. Page 2, line 17.

Following: line 16

Insert: "(vi) a mental health advocate; and"

20. Page 2, line 17.

Strike: "(j)"

Insert: "(vii)"

21. Page 2, line 22.

Strike: subsection (9) in its entirety

Renumber: subsequent subsections

22. Page 2, line 23.

Following: "(10)"

Strike: "'Mentally ill offender'"

Insert: "'Participant'"

23. Page 2, line 23 through line 24.

Following: "which" on line 23

Strike: remainder of line 23 through "illness" on line 24

Insert: "a mental disorder, as defined in 53-21-102,"

24. Page 2, line 24.

Following: "of"

Strike: "an"

Insert: "the"

25. Page 2, line 25.

Following: "before a"

Strike: "mentally ill offender's"

Insert: "participant's"

26. Page 2, line 27.

Strike: "offender's"

Insert: "participant's"

27. Page 2, line 28.

Following: "drug"

Insert: ", but does not include inadvertent error in the use of medication"

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28. Page 3, line 3.

Following: "which"

Strike: "mentally ill offenders"

Insert: "persons with a mental disorder who are charged with a criminal offense"

29. Page 3, line 8 through line 11.

Following: "agreement" on line 8

Strike: remainder of line 8 through "agreement" on line 11

30. Page 3, line 17 through line 28.

Following: "agreement" on line 17

Strike: remainder of line 17 through "court." on line 28

Insert: "for failure to comply with the agreement. Prior to imposition of a sanction, the mental health treatment court team shall review the participant's individual treatment program and the participant's conduct. If the mental health treatment court team determines that the participant's failure to comply:

(a) was not willful, was a symptom of a mental disorder, or was a result of an inappropriate treatment plan, the court may impose sanctions, including:

(i) fines;

(ii) extension of time in the program;

(iii) peer review; or

(iv) geographical restrictions; or

(b) was willful, not a symptom of a mental disorder, and not the result of an inappropriate treatment plan, the court may impose sanctions, including:

(i) a short-term jail sentence;

(ii) termination of participation in the program; or

(iii) contempt of court."

31. Page 3, line 29.

Following: "court, a"

Strike: "mentally ill offender's"

Insert: "participant's"

32. Page 4, line 3.

Following: "A"

Strike: "mentally ill offender"

Insert: "participant"

Following: "program"

Strike: "may"

Insert: "must"

33. Page 4, line 4.

Following: "the time the"

Strike: "offender"

Insert: "participant"

34. Page 4, line 8.

Following: "regarding"

Strike: "mentally ill offenders"

Insert: "participants"

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35. Page 4, line 9.

Following: "determining the"

Strike: "offender' s"

Insert: "participant' s"

36. Page 4, line 12.

Following: "only to"

Strike: "offenders"

Insert: "persons with a mental disorder who are charged with a criminal offense"

37. Page 4, line 14.

Following: "to"

Strike: "mentally ill offenders"

Insert: "participants"

38. Page 4, line 21.

Following: "Each"

Strike: "mentally ill offender"

Insert: "participant"

39. Page 4, line 24.

Following: "concerning the"

Strike: "mentally ill offender' s"

Insert: "participant' s"

40. Page 5, line 5.

Following: "that"

Strike: "mentally ill offenders"

Insert: "participants"

41. Page 5, line 8.

Following: "a"

Strike: "mentally ill offender' s"

Insert: "participant' s"

42. Page 5, line 9.

Following: "upon"

Strike: "objective medical diagnostic criteria"

Insert: "evidence-based treatment principles"

43. Page 5, line 12.

Following: "for"

Strike: "mentally ill offenders"

Insert: "participants"

44. Page 5, line 16.

Following: the second "that"

Strike: "an offender"

Insert: "a participant"

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45. Page 5, line 19.

Following: "refer the"

Strike: "mentally ill offender"

Insert: "participant"

46. Page 5, line 21.

Following: "to"

Strike: "mentally ill offenders"

Insert: "participants"

47. Page 5, line 22 through line 23.

Following: "of the" on line 22

Strike: remainder of line 22 through "offender's" on line 23

Insert: "participant's"

48. Page 5, line 24 through line 25.

Strike: subsection (6) in its entirety

49. Page 5, line 27 through line 28.

Following: "(1)" on line 27

Strike: remainder of line 27 through "court." on line 28

Insert: "There is a mental health treatment court federal resources account in the federal special revenue fund that is administered by the office of court administrator."

50. Page 6, line 2.

Following: "A"

Strike: "mentally ill offender"

Insert: "participant"

51. Page 6, line 3.

Following: "by a"

Strike: "mentally ill offender"

Insert: "participant"

52. Page 6, line 4.

Following: "the"

Strike: "mentally ill offender's"

Insert: "participant's"

53. Page 6, line 6.

Following: "from"

Strike: "an offender"

Insert: "a participant"

54. Page 6, line 17 through line 18.

Following: "the" on line 17

Strike: remainder of line 17 through "offender" on line 18

Insert: "participant"

55. Page 7, line 11 through page 8, line 8.

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Strike: section 10 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 385, introduced bill, be amended as follows:

1. Page 2, line 13.

Following: "not"

Strike: "less than 2 years or"

2. Page 2, line 17.

Following: "not"

Strike: "less than 2 years or"

3. Page 3, line 11.

Following: "not"

Strike: "less than 2 years or"

4. Page 3, line 15.

Following: "not"

Strike: "less than 2 years or"

And, as amended, do pass. Report adopted.

SB 426, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "(3)"

Insert: "(a)"

2. Page 1, line 24.

Strike: "(a)"

Insert: "(i)"

3. Page 1, line 26.

Strike: "(b)"

Insert: "(ii)"

4. Page 1, line 28.

Following: line 27

Insert: "(b) For purposes of this subsection (3), if reasonable costs and attorney fees would otherwise be payable under subsection (3)(a) and the claimant is not represented by an attorney, the claimant must be paid the claimant's reasonable costs and, in lieu of attorney fees, an amount equal to \$50 per hour for the claimant's time spent on the matter."

5. Page 2, line 13.

Following: "~~only~~"

Insert: "only"

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6. Page 2, line 21 and line 22.

Strike: "chapter 71 or 72 of this title"

Insert: "this chapter"

7. Page 2, line 27.

Following: line 26

Insert: "(c) For purposes of this subsection (4), if reasonable costs and attorney fees would otherwise be payable under subsection (4)(a) and the claimant is not represented by an attorney, the claimant must be paid the claimant's reasonable costs and, in lieu of attorney fees, an amount equal to \$50 per hour for the claimant's time spent on the matter."

And, as amended, do pass. Report adopted.

SB 433, introduced bill, be amended as follows:

1. Title, line 5.

Following: "AMENDING"

Strike: "SECTIONS 46-18-201 AND"

Insert: "SECTION"

2. Page 1, line 10 through page 4, line 3.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Termination of remaining portion of deferred or suspended sentence -- petition. (1) When imposition of a sentence has been deferred or execution of a sentence has been suspended, the prosecutor or defendant may file a petition to terminate the time remaining on the sentence if:

(a) in the case of a deferred imposition of sentence, the defendant has served one-half of the sentence and has demonstrated compliance with supervision requirements; or

(b) in the case of a suspended sentence:

(i) the defendant has served two-thirds of the time suspended; and

(ii) the defendant has been granted a conditional discharge from supervision under 46-23-1011 and has demonstrated compliance with the conditional discharge for a minimum of 12 months.

(2) The court may hold a hearing on the petition on its own motion or upon request of the prosecutor or the defendant.

(3) The court may grant the petition if it finds that:

(a) termination of the remainder of the sentence is in the best interests of the defendant and society;

(b) termination of the remainder of the sentence will not present an unreasonable risk of danger to the victim of the offense; and

(c) the defendant has paid all restitution and court-ordered financial obligations in full."

3. Page 4, line 8.

Following: line 7

Strike: "vacation"

Insert: "termination"

Strike: "46-18-201(9)"

Insert: "[section 1]"

4. Page 4, line 16.

Following: line 15

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 1]."

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And, as amended, do pass. Report adopted.

SB 447, introduced bill, be amended as follows:

1. Page 2, line 6.

Following: "subsection"

Strike: "(6)(b)"

Insert: "(6)(c)"

2. Page 2, line 7 through line 8.

Following: "filed" on line 7

Strike: remainder of line 7 through "offense" on line 8

Insert: "in the court file"

3. Page 2, line 9.

Following: line 8

Insert: "(b) If the victim is under 18 years of age, copies provided under subsection (6)(a) must be provided to the victim's parent or guardian instead of to the minor victim."

4. Page 2, line 9.

Following: line 8

Strike: "(b)"

Insert: "(c)"

And, as amended, do pass. Report adopted.

SB 450, introduced bill, be amended as follows:

1. Page 2, line 12.

Following: "6"

Strike: "24"

Insert: "60"

2. Page 2, line 20.

Following: "6"

Strike: "24"

Insert: "60"

And, as amended, do pass. Report adopted.

SB 523, do pass. Report adopted.

SJR 24, introduced joint resolution, be amended as follows:

1. Page 1, line 30 through page 2, line 1.

Following: "offenders" on line 30

Strike: remainder of line 30 through "possession" on page 2, line 1

And, as amended, be adopted. Report adopted.

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

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SB 293, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "CREATING" through "USE ACT;"

2. Title, page 1, line 5.

Following: "MANAGEMENT OF"

Insert: "PUBLIC"

3. Page 1, line 12.

Following: "Montana's"

Strike: "state, federal, tribal, and private"

Insert: "public"

4. Page 1, line 14.

Following: "management"

Strike: "of"

Insert: "on some public"

5. Page 1, line 19 through line 23.

Strike: line 19 through line 23 in their entirety

6. Page 1.

Following: line 23

Insert: "WHEREAS, innovative partnerships between traditional adversaries in federal forest management demonstrate that consensus-based solutions can be reached on landscape level projects on federal lands that integrate active forest management, restoration, and stewardship; and"

7. Page 1, line 25.

Following: "management of"

Insert: "public"

8. Page 1, line 29 through line 30.

Strike: section 1 in its entirety

Renumber: subsequent sections

9. Page 2, line 3.

Following: "management of"

Strike: "all"

Insert: "public"

10. Page 2, line 5.

Following: "that"

Insert: "public"

Following: "should be"

Insert: "sustainably"

11. Page 2, line 7.

Following: line 6

Insert: "(3) The legislature finds that sustainable forest stewardship and management of Montana's public forests

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requires a balanced approach that ensures a stable timber supply, active restoration, healthy watersheds and fish and wildlife habitat, areas for natural processes, and allowances for recreational uses."

Renumber: subsequent subsection

12. Page 2, line 7.

Following: "of all"

Insert: "public"

13. Page 2, line 8.

Following: the second "state"

Strike: ", "

Insert: "and"

Following: "federal"

Strike: ", and private"

14. Page 2, line 10.

Strike: "[section 2]"

Insert: "[section 1]"

15. Page 2, line 12.

Following: "support"

Strike: "forest restoration and"

16. Page 2, line 12 through line 13.

Following: "practices" on line 12

Strike: "on private" on line 12 through "Montana" on line 13

Insert: ", including forest restoration, on public forests in Montana consistent with all applicable laws and administrative requirements"

17. Page 2, line 14.

Following: "technical"

Insert: "information"

Following: "assistance to"

Insert: "nonindustrial,"

18. Page 2, line 17.

Following: "promote"

Strike: "the maintenance of"

Following: "industry"

Insert: "and other businesses that rely on public forest lands"

19. Page 2, line 20.

Following: "(6)"

Strike: "provide information and assistance for"

Insert: "promote"

20. Page 2, line 23.

Strike: "[section 2]"

Insert: "[section 1] and in which state interests are clearly involved"

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21. Page 2, line 26 through line 27.

Strike: subsection (9) in its entirety

Insert: "(9) participate in and facilitate collaboration between traditional forest interests in reaching consensus-based solutions on federal land management issues."

22. Page 2, line 29 through page 3, line 1.

Strike: section 4 in its entirety

Renumber: subsequent section

23. Page 3, line 2.

Strike: "[Sections 1 through 3]"

Insert: "[Sections 1 and 2]"

24. Page 3, line 4 through line 5.

Strike: "[" on line 4 through "]" on line 5

Insert: "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

SB 337, introduced bill, be amended as follows:

1. Title, page 1, line 4, through page 1, line 5.

Following: the second "ACT"

Strike: remainder of line 4 through "COOPERATIVE;" on line 5

2. Title, page 1, line 5.

Following: "ALLOWING"

Insert: "ELECTRICITY"

3. Title, page 1, line 9.

Strike: "AND LEND MONEY"

Following: "MONEY;"

Insert: "REQUIRING AN ELECTRICITY BUYING COOPERATIVE PROVIDING ELECTRICITY TO SMALL CUSTOMERS OF A DISTRIBUTION UTILITY TO PROVIDE ANCILLARY SERVICES; REQUIRING THE PUBLIC SERVICE COMMISSION TO ESTABLISH TARIFFS RELATED TO RENEWABLE RESOURCES;"

4. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "35-19-102,"

5. Page 1, line 14.

Insert: "**Section 1.** Section 35-19-102, MCA, is amended to read:

"35-19-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Distribution utility" means the electricity distribution portion of a public utility ~~as defined in 69-8-103 regulated by the public service commission pursuant to Title 69, chapter 3.~~

(2) "Load" means the electricity that is consumed.

~~(2)~~(3) "Residential customer" means a residential customer of a distribution utility.

~~(3)~~(4) "Small commercial customer" means, for a distribution utility, individual accounts of a commercial

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customer with an average monthly demand in the previous calendar year of less than 100 kilowatts or a new commercial customer with an estimated average monthly demand of less than 100 kilowatts.

~~(4)~~(5) "Small customer" means a residential customer or small commercial customer of a distribution utility."

Renumber: subsequent sections

6. Page 1, line 16.

Strike: ":"

7. Page 1, line 17.

Strike: "(a)"

Strike: ":"

Insert: "."

8. Page 1, line 18 through page 1, line 22.

Strike: line 18 through line 22 in their entirety

9. Page 2, line 4.

Strike: "or lend"

10. Page 2, line 14.

Strike: "and"

11. Page 2, line 15.

Following: "the"

Insert: "ownership,"

Following: "lease"

Insert: ", "

12. Page 2, line 16.

Strike: "or"

Insert: "and

(ii) transmission and distribution equipment necessary to interconnect with facilities described in subsection (6)(b); and

(d) the lease or use of capacity on transmission or distribution systems;"

13. Page 2, line 17.

Strike: line 17 in its entirety

14. Page 3, line 4.

Following: line 3

Insert: "(1) construct, purchase, take, receive, or otherwise acquire or own, hold, equip, maintain, or operate electric generating plants or transmission or distribution lines or systems, except as provided in 35-19-201(6)(c) and (6)(d);"

Renumber: subsequent subsections

15. Page 3, line 7.

Strike: "or"

16. Page 3, line 12.

Following: "produce"

Insert: ", conserve,"

Following: "heat"

Strike: "."

Insert: "; or

(4) provide electricity to small customers of a distribution utility unless the electricity buying cooperative provides ancillary services as defined in 69-8-1003:

(a) from a source other than the distribution utility;

(b) through a contract with the distribution utility that is approved by the public service commission; or

(c) pursuant to a tariff promulgated by the public service commission, another relevant regulatory body, or a service provider that specifically applies to distribution utility services provided to electricity buying cooperatives.

(5) A distribution utility may not refuse to negotiate a contract with an electricity buying cooperative for scheduling, system control, and dispatch services if that contract is necessary to move energy within a transmission or distribution system controlled by the distribution utility."

17. Page 3, line 13.

Insert: "NEW SECTION. Section 5. Establishment of tariff -- renewable energy sources. Upon the request of an electricity supplier, the commission shall prepare the following tariffs for distribution utilities:

(1) a nondiscriminatory, cost-based tariff indicating the costs that a public utility will incur if transmission and distribution services are provided to another electricity supplier;

(2) a nondiscriminatory, cost-based tariff for the residential and small commercial customer classes to defray the unrecovered embedded costs of customers that leave the utility. The tariff in this subsection (2) may not apply beyond the date of the next short-term power purchase contract negotiated by the utility to acquire energy equal to or greater than the loss of load from the exiting customer or beyond the next addition of generation by the utility for which the commission determines that generation and load planning can be modified, whichever period is shorter. The commission shall, in making a decision on a tariff, take into account the following:

(a) additional demands on the energy supply system that can defray the loss of customers;

(b) the extent to which the customer leaving the energy supply system will enable the utility to purchase less power, thus decreasing spot-market or short-term contract purchases;

(c) the benefit to the utility of not needing to construct additional generation facilities; and

(d) any other factors that the commission considers necessary.

(3) a nondiscriminatory, cost-based tariff for the residential and small commercial customer classes to defray the costs of a customer returning to a distribution utility. In developing the tariff, the commission shall take into account, among other things, the benefit to the distribution utility customers of having increased load from the additional customer to defray costs on all of its systems."

Insert: "NEW SECTION. Section 6. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [section 5]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 423, introduced bill, be amended as follows:

1. Title, line 9 through line 11.

Strike: "REQUIRING" on line 9 through "GOVERNMENTS;" on line 11

2. Title, line 13 through line 14.

Strike: "CREATING" on line 13 through "INSPECTIONS;" on line 14

3. Page 2, line 8.

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Strike: "13"

Insert: "9"

4. Page 2, line 12.

Strike: "13"

Insert: "9"

5. Page 2, line 19.

Strike: "13"

Insert: "9"

6. Page 3, line 10.

Strike: "or mercuric oxide"

7. Page 6, line 6 through line 7.

Following: "the item" on line 6

Strike: "may not be" on line 6 through "wastewater" on line 7

Insert: "must be disposed of in accordance with applicable state laws"

8. Page 6, line 9.

Strike: "11"

Insert: "9"

9. Page 6.

Following: line 9

Insert: " (4) A manufacturer of a product containing a mercury-added button cell battery shall print a notice on the product package that the button cell battery includes mercury."

10. Page 7, line 3 through line 9.

Strike: sections 9 and 10 in their entirety

Renumber: subsequent sections

11. Page 7, line 13.

Strike: "13"

Insert: "9"

12. Page 7, line 16.

Strike: "13"

Insert: "9"

13. Page 7, line 18 through page 8, line 8.

Strike: sections 12 and 13 in their entirety

Renumber: subsequent sections

14. Page 8, line 10.

Strike: "13"

Insert: "9"

15. Page 8, line 11.

Strike: "13"

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Insert: "9"

And, as amended, do pass. Report adopted.

SB 431, do pass. Report adopted.

SB 432, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "A DELAYED EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

2. Page 2, line 2.

Following: "misdemeanor"

Insert: "punishable by a fine not to exceed \$500"

3. Page 2, line 22.

Following: "misdemeanor"

Insert: "punishable by a fine not to exceed \$500"

4. Page 3.

Following: line 11

Insert: "(3) The provisions of [section 3] do not apply to fuel sold to or used by railroads."

5. Page 3, line 21.

Strike: "date"

Insert: "dates"

Strike: "[This act] is"

Insert: "[Sections 1 through 6] are"

6. Page 3, line 23 through line 24.

Strike: "or July" on line 23 through "is earlier" on line 24

7. Page 3.

Following: line 24

Insert: "(2) [Section 7 and this section] are effective on passage and approval. In order to fulfill the requirements of subsection (1), the department of transportation shall begin monitoring the refining capacity of biodiesel in Montana on passage and approval of [this act]."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 448, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "TO"

Insert: "NOTIFY THE OFFICE OF CONSUMER COUNSEL OF PERMIT APPLICATIONS FOR NEW ELECTRICAL GENERATION FACILITIES AND FACILITIES AND UPGRADES PERMITTED UNDER THE MONTANA MAJOR FACILITY SITING ACT; REQUIRING THE OFFICE OF THE CONSUMER COUNSEL TO"

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2. Title, page 1, line 7 through line 9.

Strike: "IF" on line 7 through the first "ANALYSIS" on line 9

3. Page 1, line 14.

Strike: "The"

Insert: "Within 10 days of receiving an application pursuant to subsection (1)(a) or (1)(b), the"

4. Page 1, line 15 and 16.

Following: "shall"

Strike: remainder of line 15 through "when" on line 16

Insert: "notify the office of the consumer counsel that it is"

5. Page 1, line 17.

Strike: "if it is"

6. Page 1, line 21 through line 23.

Strike: "If" on line 21 through "department" on line 23

Insert: "The office of consumer counsel"

7. Page 1, line 23.

Strike: "to a utility and a utility' s"

Insert: "of the project on electricity"

8. Page 1, line 24.

Following: "customers"

Insert: "in Montana"

9. Page 1.

Following: line 24

Insert: "(3)(a) Except as provided in subsection (3)(b), the analysis must be completed within 30 days of receipt of the notice from the department.

(b) The department shall extend the 30-day deadline if compliance with the deadline is not necessary to comply with the requirements of subsection (4)."

Renumber: subsequent subsections

10. Page 1, line 25.

Following: "must be"

Insert: "provided to the department and"

11. Page 1.

Strike: line 27 through line 28 in their entirety

Insert: "(5)(a) Within 5 days of the close of the public comment period for an application referred to in subsection (1)(a) or (1)(b), the department shall forward public comments related to the analysis to the consumer counsel.

(b) The consumer counsel shall respond to the comments and return the responses to the department within 30 days, and the responses must be included in the final environmental reviews."

12. Page 1, line 30 through page 2, line 3.

Strike: section 2 in its entirety

Insert: "NEW SECTION. **Section 2. Exemptions.** Projects proposed by utilities, as defined in 69-8-103, are

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exempt from the analysis required by [section 1]."

13. Page 8, line 8.

Strike: the first "75"

Insert: "69, chapter 2"

Strike: the second "75"

Insert: "69, chapter 2,"

And, as amended, do pass. Report adopted.

SB 461, do pass. Report adopted.

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

2/22/2007

SB 149, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "may"

Insert: "must"

2. Page 2, line 1.

Strike: "may"

Insert: "must"

3. Page 2, line 4.

Strike: "must"

Insert: "may"

Following: the first "facility"

Strike: remainder of line 4

Insert: "that provides"

4. Page 2, line 12.

Strike: "may"

Insert: "shall"

5. Page 2, line 15 through line 17.

Following: "(7)"

Strike: remainder of line 15 through "residents." on line 17

6. Page 3, line 4 through line 5.

Strike: "Compliance" on line 4 through "facilities." on line 5

Insert: "Secure residential forensic treatment facility -- certification -- accreditation -- oversight -- planning."

Strike: "must be certified by" on line 5

7. Page 3, line 6.

Following: "(a)"

Insert: "must be certified by"

8. Page 3, line 7.

Strike: "and"

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9. Page 3, line 8.

Following: "(b)"

Insert: "must be certified by"

10. Page 3, line 9.

Following: "facilities"

Insert: "; and

(c) shall apply for, acquire, and maintain accreditation with the national commission on correctional health care.

(2) All certificates, accreditation reports, and related investigations, reports, and plans must be available for public inspection.

(3) The mental disabilities board of visitors, as provided for in 2-15-211, is authorized to perform onsite review of the secure residential forensic treatment facility in accordance with the standards for mental health care as determined by the national commission on correctional health care. The mental disabilities board of visitors review teams must receive training on the mental health standards of the national commission on correctional health care prior to conducting the onsite review.

(4) The departments listed in subsection (1) shall work collaboratively with members of the mental health oversight advisory council, members of the corrections advisory council, and others with expertise from identified stakeholder groups in the development of the elements of the program, staff training, and program policies and procedures."

Renumber: subsequent subsection

11. Page 3, line 12.

Following: line 11

Insert: "NEW SECTION. Section 3. Certification of readiness. Prior to opening a secure residential forensic treatment facility, the office of the governor shall certify to the legislative finance committee that all prerequisites required by [section 2] for opening the facility have been completed, including:

(1) certification by the department of labor and industry and the department of justice as provided in [section 2(1)(a) and (1)(b)]; and

(2) treatment programming and policy development as provided in [section 2(4)]."

Renumber: subsequent sections

12. Page 10, line 11.

Strike: "and 2"

Insert: "through 3"

13. Page 10, line 12.

Strike: "and 2"

Insert: "through 3"

And, as amended, do pass. Report adopted.

SB 265, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ASSISTANCE"

Insert: "BASED ON AN INCREASE IN THE FEDERAL POVERTY LEVEL"

2. Page 1, lines 24 through 25.

Strike: "less than or equal to"

Insert: "up to"

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3. Page 1, line 26.

Strike: "the"

Insert: "that"

4. Page 1, line 26 through line 28.

Following: "purpose" on line 26

Strike: "of paying" through "premium subsidy."

5. Page 1, line 28.

Strike: "The"

Insert: "and the"

6. Page 2, line 4.

Strike: "If reduced"

Insert: "However, eligible persons with coverage in the traditional association plan must receive first priority for reduced premiums. By agreement of the association and the commissioner, reduced"

7. Page 2, line 5.

Strike: "are"

Insert: "may be"

Following: "available"

Strike: ", those subsidies must be made available"

8. Page 2, line 5 through line 6.

Following: "eligible for"

Strike: "both the traditional plan and"

And, as amended, do pass. Report adopted.

SB 312, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 6

Following: "50-5-105"

Insert: "AND 50-5-207"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE"

3. Page 1, line 12.

Following: "(a)"

Insert: "except as may be required for hospital certification,"

4. Page 1, line 14.

Following: "(b)"

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Insert: "except as may be required by medical staff bylaws,"

5. Page 1, following line 22.

Insert: "(2) Notwithstanding the prohibitions in subsection (1), a hospital may refuse to appoint a physician to the governing body of the hospital or to the position of president of the medical staff or presiding officer of a medical staff committee if the physician or a partner, associate, or employee of the physician provides medical or health care services at, has an ownership interest in, or occupies a leadership position on the medical staff of a different hospital, hospital system, or health care facility."

Renumber: subsequent subsections

6. Page 1, line 24.

Following: "means the"

Strike: "use" on line 24 through "privileges" on line 26

Insert: "denial of a physician's application for staff membership or clinical privileges to practice medicine in a hospital on criteria other than the individual's training, current competence, experience, ability, personal character, and judgment. This term does not mean use by the hospital of:

- (i) exclusive contracts with physicians;
- (ii) medical staff on-call requirements;
- (iii) adherence to a formulary approved by the medical staff; or
- (iv) other medical staff policy adopted to manage health care costs or improve quality"

7. Page 2, line 5.

Insert: "(4) For the purposes of this section, the provisions of 50-5-207 do not apply."

8. Page 2, line 25 through line 26.

Strike: subsection (5) in its entirety

9. Page 2, line 27.

Insert: "**Section 3.** Section 50-5-207, MCA, is amended to read:

"50-5-207. Denial, suspension, or revocation of health care facility license -- provisional license. (1)

The department may deny, suspend, or revoke a health care facility license if any of the following circumstances exist:

- (a) The facility fails to meet the minimum standards pertaining to it prescribed under 50-5-103.
 - (b) The staff is insufficient in number or unqualified by lack of training or experience.
 - (c) The applicant or any person managing it has been convicted of a felony and denial of a license on that basis is consistent with 37-1-203 or the applicant otherwise shows evidence of character traits inimical to the health and safety of patients or residents.
 - (d) The applicant does not have the financial ability to operate the facility in accordance with law or rules or standards adopted by the department.
 - (e) There is cruelty or indifference affecting the welfare of the patients or residents.
 - (f) There is misappropriation of the property or funds of a patient or resident.
 - (g) There is conversion of the property of a patient or resident without the patient's or resident's consent.
 - (h) Any provision of parts 1 through 3, except [section 1], is violated.
- (2) The department may reduce a license to provisional status if as a result of an inspection it is determined that the facility has failed to comply with a provision of part 1 or 2 of this chapter or has failed to comply with a rule, license provision, or order adopted or issued pursuant to part 1 or 2.
- (3) The denial, suspension, or revocation of a health care facility license is not subject to the certificate of need requirements of part 3.
- (4) The department may provide in its revocation order that the revocation is in effect for up to 2 years. If this provision is appealed, it must be affirmed or reversed by the court."

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Renumber: subsequent sections

10. Page 2, following line 29.

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2009."

And, as amended, do pass. Report adopted.

SB 326, introduced bill, be amended as follows:

1. Title, line 9.

Following: "PROSECUTION"

Insert: "AND A CIVIL PENALTY"

2. Page 1, line 18.

Strike: "residents"

Insert: "addresses"

3. Page 1, line 25.

Following: "information is"

Insert: "health care information, as defined in 50-16-504, is"

Following: "confidential"

Insert: ", "

4. Page 1, line 28 through line 29.

Following: "agencies" on line 28

Strike: remainder of line 28 through line 29

Insert: "when authorized by a search warrant;"

5. Page 2, line 16.

Following: line 15

Insert: "(4) The information collected in the database may not be used for any commercial purpose."

Renumber: subsequent subsections

6. Page 2, line 16.

Following: "in"

Strike: "a criminal or"

Insert: "any"

Following: "proceeding"

Insert: "other than in an administrative proceeding related to the licensure or discipline of a practitioner. The fact that particular information is contained in the database may not be used as evidence in a criminal proceeding"

7. Page 2, line 22.

Following: line 21

Insert: "(7) No later than 3 years after the date that the patient's prescription data was made available to the board, the board shall purge the gathered information from the database unless the information is being used as part of an active investigation."

Renumber: subsequent subsections

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8. Page 2, line 25.

Following: "database."

Insert: "The rules must be consistent with the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320d, et seq., and administrative rules adopted in connection with that act."

9. Page 4, line 2.

Following: "sanctions"

Insert: "-- civil penalty"

10. Page 4, line 17.

Following: line 16

Insert: "(4) Any person or entity that is not permitted to receive information from the database pursuant to [section 1] and that knowingly or willfully obtains, discloses, or uses the information gathered in the database without written authorization from the patient is liable for a civil penalty not to exceed \$250,000 for each violation."

And, as amended, do pass. Report adopted.

SB 417, introduced bill, be amended as follows:

1. Title, line 4.

Following: "HOSPITAL;"

Insert: "PROVIDING FOR ATTESTATION FOR LICENSING SPECIALTY HOSPITALS;"

2. Title, line 6.

Following: "EXTENDING"

Insert: "AND REVISING"

Following: "50-5-101"

Insert: ", 50-5-203"

3. Page 8, line 1.

Following: "is"

Strike: "primarily or"

Following: "in the"

Insert: "diagnosis,"

Following: "care"

Insert: ", "

Following: "one"

Insert: "or more"

4. Page 8, line 4.

Following: ". "

Insert: "or"

5. Page 8, line 5.

Strike: "; and"

Insert: "."

6. Page 8, line 6 through line 10.

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Strike: subsections (v) and (b) in their entirety

Insert: "(b) For purposes of this subsection (55), a specialty hospital may provide other services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals as otherwise provided by law if the care encompasses 35% or less of the hospital services."

7. Page 15, line 11.

Insert: "**Section 2.** Section 50-5-203, MCA, is amended to read:

"50-5-203. Application for license. The procedure to apply for a license is as follows:

(1) At least 30 days prior to the opening of a facility and after that no later than the expiration date of the license, application is made to the department accompanied by the license fee.

(2) The application shall contain:

(a) the name and address of the applicant if an individual, the name and address of each member if a firm, partnership, or association, or the name and address of each officer if a corporation;

(b) the location of the facility;

(c) the name of the person or persons who will manage or supervise the facility;

(d) the number and type of patients or residents for which care is provided;

(e) any information which the department may require pertaining to the number, experience, and training of employees;

(f) information on ownership, contract, or lease agreement if operated by a person other than the owner.

(3) Applications must include attestation or supporting documentation required by the department pertaining to the licensure of specialty hospitals using the procedures provided in parts 1 and 2 of this chapter. The attestation may be used as the basis for the issuance of a provisional or temporary license."

Renumber: subsequent sections

8. Page 15, line 14.

Following: "(1)"

Strike: "The"

Insert: "Subject to subsection (4), the"

9. Page 15, line 19.

Following: "2009."

Insert: "(4) A health care facility licensed by the department and in existence on [the effective date of this act] may not change its licensure status in order to qualify for licensure as a specialty hospital unless the health care facility is licensed as a hospital."

10. Page 15, lines 23 through 25.

Strike: section 4 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 478, do pass. Report adopted.

SB 504, introduced bill, be amended as follows:

1. Page 2, line 19.

Following: "(5)"

Strike: "The"

Insert: "At least once a year, the"

2. Page 2, lines 20 and 21.

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Following: "care"

Strike: ", and shall offer the support services at each review of a foster child's case plan"

3. Page 3, line 3.

Strike: "12"

Insert: "6"

Following: "care"

Insert: "each year"

4. Page 3, line 5.

Strike: "12"

Insert: "6"

Following: "care"

Insert: "each year"

5. Page 3, line 6.

Strike: "4"

Insert: "3"

And, as amended, do pass. Report adopted.

SB 505, do pass. Report adopted.

SB 521, introduced bill, be amended as follows:

1. Title, line 5.

Following: "CONSENT;"

Strike: "AND"

2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 17.

Strike: "signed"

4. Page 2, line 26.

Following: line 25

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

SB 531, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "7"

Insert: "8"

2. Page 1, line 15.

Strike: "7"

Insert: "8"

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3. Page 1, line 19.

Strike: "7"

Insert: "8"

4. Page 3, line 22.

Strike: "the management of"

5. Page 3, line 26.

Strike: "the management of"

6. Page 4, line 11.

Strike: "Sixty days prior"

Insert: "Prior"

7. Page 4, line 21.

Following: line 20

Following: "(2) The transferor may not transfer any public assets or make any change in its corporate governance in furtherance of the transaction described in the notice until 60 days following completion of the public hearing process as provided in [section 6]."

Renumber: subsequent subsections

8. Page 4, line 30.

Strike: "7"

Insert: "8"

9. Page 5, line 3.

Following: "review"

Strike: "and"

Insert: ". The attorney general"

10. Page 5, line 16.

Following: line 15

Insert: "In addition, the transferor and transferee shall pay half of the expenses incurred by the attorney general to provide notice of and conduct the hearing provided in [section 6]."

Following: "costs"

Insert: "and expenses"

Following: "general"

Insert: "and reimbursed by the transferor and transferee"

11. Page 5, line 29.

Strike: "7"

Insert: "8"

12. Page 6, line 8.

Strike: "notice"

Insert: "information to be published by the attorney general"

13. Page 6, line 30.

Following: "record."

Insert: "The information the attorney general is required to publish under [section 6] is not proprietary information"

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or a trade secret."

14. Page 7, line 2.

Following: "public"

Insert: "as required by law"

Following: line 2

Insert: "NEW SECTION. **Section 8. Attorney general powers retained.** Subject to the procedural requirements of [sections 1 through 8], the attorney general retains all powers provided by law for the protection of public assets."

Renumber: subsequent sections

15. Page 8, line 7.

Following: "section"

Strike: "1"

Insert: "2"

Strike: "7"

Insert: "8"

16. Page 9, line 15.

Following: "section"

Strike: "1"

Insert: "2"

Strike: "7"

Insert: "8"

17. Page 9, line 27.

Following: "until"

Insert: "the later of"

18. Page 9, line 28.

Following: "general or"

Insert: ", in a transaction subject to [sections 1 through 8], the time periods provided in [section 5] have elapsed or"

19. Page 9, line 29.

Strike: ", whichever is earlier"

20. Page 10, line 7.

Following: "section"

Strike: "1"

Insert: "2"

Strike: "7"

Insert: "8"

21. Page 10, line 9.

Strike: "7"

Insert: "8"

22. Page 10, line 11.

Strike: "7"

Insert: "8"

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And, as amended, do pass. Report adopted.

SJR 15, introduced joint resolution, be amended as follows:

1. Title, line 5.

Following: "OF"

Insert: "MONTANA'S HEALTH CARE DELIVERY SYSTEM, INCLUDING"

2. Title, line 6.

Following: "HOSPITALS"

Insert: ", "

3. Page 2, line 8.

Following: "recommendations"

Insert: "associated with Montana's health care delivery system"

4. Page 2, line 13.

Following: "facilities"

Insert: ", including use of hospitals by physicians who may be in competition with that hospital"

5. Page 2, line 13.

Strike: "and"

6. Page 2, line 14.

Strike: "."

Insert: ";

7. Page 2, following line 14.

Insert: "(d) quality of care for patients;

(e) quality improvement and cost containment initiatives; and

(f) health information technology."

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

2/22/2007

SB 286, do pass. Report adopted.

SB 485, do pass. Report adopted.

SB 491, do pass. Report adopted.

SB 502, introduced bill, be amended as follows:

1. Page 2, line 5.

Following: "state"

Insert: ": (a)"

Following: "part"

Insert: "; and

(b) shall adopt rules to implement the exemption provisions of 13-3-212"

2. Page 3, line 14.

Strike: "An"

Insert: "If an election administrator desires to designate as a polling place a location that is inaccessible, the"

Strike: "may"

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Insert: "shall make a"
Following: "state"
Insert: "asking"

3. Page 3, line 16.
Following: "of"
Insert: "state"
Following: "exemption"
Insert: "pursuant to rules adopted under 13-3-205"

And, as amended, do pass. Report adopted.

SB 509, introduced bill, be amended as follows:

1. Page 1, line 21.
Strike: "\$2,000"
Insert: "\$1,500"

2. Page 1, line 22.
Strike: "\$4,000"
Insert: "\$2,500"

3. Page 1, line 24.
Strike: "1 month"
Insert: "60 days"

And, as amended, do pass. Report adopted.

SR 4, be adopted. Report adopted.

TAXATION (Elliott, Chairman):

2/22/2007

SB 492, introduced bill, be amended as follows:

1. Page 2, line 20 through line 21.
Strike: "in an amount" on line 20 through "\$10,000" on line 21
Strike: "in an amount in excess of \$40,000"

2. Page 2, line 21 through line 22.
Strike: "the" on line 21 through "by" on line 22

3. Page 2, line 23.
Following: "(a)"
Insert: "for real property in an amount in excess of \$20,000 or a conservation easement in an amount in excess of \$80,000, the value has been determined by"

4. Page 2, line 26.
Following: "(b)"
Insert: "for real property in an amount less than \$20,001 or a conservation easement in an amount less than \$80,001, the value has been determined by"

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5. Page 2, line 27.

Following: "county"

Insert: ", city, or town"

Strike: "appraised"

Following: "value"

Insert: "determined under subsection (1)"

And, as amended, do pass. Report adopted.

SB 525, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "Notwithstanding any other provision of law, the"

Insert: "The"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 13, introduced by Sesso

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 265, introduced by Ebinger

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 271, introduced by McNutt

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 2761, introduced by McNutt

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 439, introduced by Koopman

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 452, introduced by Kottel

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 455, introduced by Stoker

House bill passed and transmitted to the Senate for concurrence: 2/21/2007

HB 456, introduced by McNutt

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House bill passed and transmitted to the Senate for concurrence: 2/21/2007
HB 464, introduced by K. Peterson

House bill passed and transmitted to the Senate for concurrence: 2/21/2007
HB 524, introduced by Hamilton

House bill passed and transmitted to the Senate for concurrence: 2/21/2007
HB 596, introduced by Sands

House bill passed and transmitted to the Senate for concurrence: 2/21/2007
HB 1623, introduced by Olson

House joint resolution passed and transmitted to the Senate for concurrence: 2/21/2007
HJR 16, introduced by Ripley

House joint resolution passed and transmitted to the Senate for concurrence: 2/21/2007
HJR 34, introduced by Van Dyk

MOTIONS

SEN. GREG LIND, SD 50, MISSOULA moved his vote on **SB 68** be changed from "yes" to "no". Motion carried.

SEN. CHRISTINE KAUFMANN, SD 41, HELENA moved her vote on **SB 416** be changed from "no" to "yes". Motion carried.

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to have **SB 284** re-referred to Finance and Claims 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 J. Tropila in the chair.

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

SB 466 - Senator Cocchiarella moved **SB 466** do pass. Motion carried unanimously.

SB 113 - Senator Lewis moved **SB 113** do pass. Motion carried as follows:

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

Total 42

Nays: Balyeat, Brown, Esp, McGee, O'Neil, Shockley, Stapleton.

Total 7

Absent or not voting: Moss.

Total 1

Excused: None.

Total 0

SB 168 - Senator Jent moved **SB 168** do pass. Motion carried unanimously.

SB 416 - Senator Kaufmann moved **SB 416** do pass. Motion carried as follows:

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

Total 36

Nays: Balyeat, Barkus, Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Jackson, Lind, Murphy, Shockley, Stapleton, Steinbeisser.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 273 - Senator Jent moved **SB 273** do pass. Motion carried unanimously.

SB 411 - Senator Laible moved **SB 411** do pass. Motion carried unanimously.

SB 424 - Senator Moss moved **SB 424** do pass. Motion carried as follows:

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

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, Peterson, Shockley, Stapleton, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 49 - Senator Esp moved **SB 49**, second reading copy, be amended as follows:

1. Title, line 9.
Following: "20-5-412,"
Insert: "AND"
Following: "20-5-420,"
Strike: "AND"

2. Title, line 10.
Strike: "72-5-103,"

3. Page 11, line 12 through line 29.
Strike: section 6 in its entirety
Renumber: subsequent sections

Amendment adopted unanimously.

SB 49 - Senator Esp moved **SB 49**, as amended, do pass. Motion carried unanimously.

SB 284 - Senator Moss moved **SB 284**, second reading copy, be amended as follows:

1. Page 1, line 29.
Strike: "2.64%"
Insert: "1.848%"

2. Page 2, line 8.
Strike: "3.62%"
Insert: "2.534%"

3. Page 2, line 12.
Following: line 11
Insert: "(d) 0.252% to the university system for the maintenance of a Montana travel research program;
(e) 2.275% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks;
(f) 39.634% to the department of commerce to be used for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, as appropriate;
(g) 2.464% to the Montana heritage preservation and development commission to be used as provided in Title 22, chapter 3, part 10;
(h) 3.801% to the trust fund established in 15-35-108 for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects;"
Renumber: subsequent subsections

4. Page 2, line 12.
Strike: "(1)(D)(II)"
Insert: "(1)(i)(ii)"

5. Page 2, line 19.
Strike: "AND"

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6. Page 2, line 20.

Following: line 19

Insert: "(j) (i) except as provided in subsection (1)(j)(ii), 16.471% to the department of commerce to be distributed to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; or
(ii) if the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district are qualified under 15-65-121, then 100% of the 16.471% is available for distribution to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and"

Renumber: subsequent subsection

7. Page 2, line 29.

Following: "TOURISM"

Insert: "or for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, as appropriate"

Amendment adopted 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, 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, McGee, Murphy, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 284 - Senator Moss moved **SB 284**, as amended, do pass. Motion carried as follows:

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

Total 37

Nays: Balyeat, Black, Brown, Curtiss, Esp, Essmann, Jackson, Lewis, McGee, Murphy, Shockley, Stapleton, Story.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 300 - Senator Cooney moved **SB 300** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Larson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.
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 J. Tropila 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 155 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, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 43

Nays: Balyeat, Esp, McGee, O'Neil, Shockley, Stapleton, Story.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 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.

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President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 127 passed 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, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 68 passed as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, 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, Story, Tash, J.Tropila, Wanzenried, Williams, Mr. President.
Total 45

Nays: Bales, Cocchiarella, Lind, M.Tropila, Weinberg.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 55 passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau,

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Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 79 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 112 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.

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Total 0

SB 243 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 246 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 63 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, McGee, Moss, Murphy, 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, O'Neil.
Total 3

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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., Friday, February 23, 2007. Motion carried.

Senate adjourned at 3:01 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate