

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 10, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Balyeat, Cobb, Gillan, Peterson excused. Quorum present.

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

Total 40

Nays: Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate: 3/9/2007

**SB 10**, introduced by Harrington

**Senate bill** concurred in and returned to the Senate: 3/9/2007

**SB 11**, introduced by Cocchiarella

**Senate bill** concurred in and returned to the Senate: 3/9/2007

**SB 35**, introduced by J. Tropila

**House bill** passed and transmitted to the Senate for concurrence: 3/9/2007

**HB 284**, introduced by Augare

**House bill** passed and transmitted to the Senate for concurrence: 3/9/2007

**HB 407**, introduced by Vincent

**House bill** passed and transmitted to the Senate for concurrence: 3/9/2007

**HB 737**, introduced by Hilbert

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House bill passed and transmitted to the Senate for concurrence:

3/9/2007

**HB 778**, introduced by Stahl

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 550**, introduced by Laible, referred to Taxation Committee.

President of the Senate

**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 Murphy in the chair.

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

**HB 255** - Senator Esp moved **HB 255** be concurred in. Motion carried unanimously.

**HB 137** - Senator Black moved consideration of **HB 137** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 226** - Senator Jent moved **HB 226** be concurred in. Motion carried unanimously.

**HB 156** - Senator Cocchiarella moved **HB 156** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Cocchiarella, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Barkus, Brueggeman, Curtiss, Gallus, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Tash.

Total 14

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 290** - Senator M. Tropila moved **HB 290** be concurred in. Motion carried unanimously.

**HB 137** - Senator Black moved **HB 137** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Hansen, Harrington, Hawks,

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Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Brown, Esp, Gallus, Gebhardt, Juneau, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 111** - Senator Esp moved **HB 111** be concurred in. Motion carried unanimously.

**HB 38** - Senator Jent moved **HB 38** be concurred in. Motion carried unanimously.

**HB 82** - Senator Perry moved **HB 82** be concurred in. Motion carried unanimously.

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

**HB 333** Governor's amendments concurred in as follows:

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

Total 40

Nays: Brown, Esp, Lind, McGee, Wanzenried.

Total 5

Absent or not voting: Elliott.

Total 1

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 18** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind,

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McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 162** concurred in as follows:

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

Nays: Barkus.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 48** concurred in as follows:

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

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 46** concurred in as follows:

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

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Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 274** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 158** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 106** concurred in as follows:

Yeas: Bales, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila,

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Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Barkus, Black, Essmann, Story.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 76** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 402** concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Barkus, Brown, Essmann, Gebhardt, McGee, O'Neil.  
Total 7

Paired: Jent, Aye; Balyeat, No.

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan, Peterson.  
Total 3

**ANNOUNCEMENTS**

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Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Monday, March 12, 2007. Motion carried.

Senate adjourned at 9:24 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY