

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

Helena, Montana
March 13, 2007

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Shockley excused. Quorum present.

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

Total 41

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, Murphy, O'Neil.

Total 8

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

MOTIONS

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the Senate to recess for Democrat caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans to recess for caucus. Motions carried.

Senate reconvened at 1:36 p.m.

Roll Call: Senator Elliott excused. Quorum present.

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

Total 36

Nays: Balyeat, Barkus, Esp, Essmann, Gebhardt, Gillan, Jackson, Lind, McGee, Murphy, O'Neil, Shockley, Stapleton.

Total 13

Absent or not voting: None.

Total 0

Excused: Elliott.

Total 1

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REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 3/13/2007
HB 286, be concurred in. Report adopted.

FINANCE AND CLAIMS (Schmidt, Chairman): 3/13/2007
HB 90, be concurred in. Report adopted.

JUDICIARY (Laslovich, Chairman): 3/13/2007
HB 190, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 3/13/2007
HB 70, be concurred in. Report adopted.
HB 81, be concurred in. Report adopted.
HB 87, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 32, introduced by Schmidt

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 43, introduced by M. Tropila

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 53, introduced by Cocchiarella

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 54, introduced by Cocchiarella

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 70, introduced by J. Tropila

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 72, introduced by Squires

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 90, introduced by Laslovich

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007

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SB 97, introduced by Cocchiarella

FIRST READING AND COMMITMENT OF BILLS

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

SB 551, introduced by Bales, Lambert, Gebhardt, Black, Esp, Essmann, referred to Taxation.

SB 552, introduced by Harrington, referred to Taxation.

**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 Barkus in the chair.

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

HB 62 - Senator Lewis moved **HB 62** be concurred in. Motion carried unanimously.

HB 13 - Senator Cobb moved **HB 13**, second reading copy, be amended as follows:

1. Page 10, line 10.

Following: "progression"

Strike: " "

Insert: "and"

Following: "performance"

Strike: " "

Amendment **not** adopted as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 13 - Senator Brown moved **HB 13**, second reading copy, be amended as follows:

1. Title, line 10.

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Strike: "WITH SALARIES BASED UPON THE BROADBAND PAY PLAN"

2. Page 16, lines 28 and 29.

Strike: "within" on line 28 through "(4)" on line 29

Insert: ", as of the first full pay period in fiscal year 2008, based on an hourly rate of \$25.995"

3. Page 17, line 4 through line 8.

Strike: subsections (4) and (5) in their entirety

Renumber: subsequent subsection

4. Page 17, lines 22 and 23.

Strike: "within" on line 22 through "(3)" on line 23

Insert: ", as of the first full period of fiscal year 2008, based upon an hourly rate of \$20.67, except that the member designated as the presiding officer must receive a salary based on an hourly rate of \$21.704"

5. Page 17, line 28 through page 18, line 2.

Strike: subsections (3) and (4) in their entirety

Amendment **not** adopted as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 13 - Senator Cooney moved **HB 13** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 65 - Senator Cocchiarella moved **HB 65** be concurred in. Motion carried with Senator Stapleton, McGee, O'Neil voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Barkus moved the Committee of the Whole report be adopted. Report adopted. Senator McGee voting "no".

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 84 be concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 20 be concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 143 be concurred in 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

HB 334 be concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 264 be concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 94 be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, 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 48

Nays: Gebhardt, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 167 be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, 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 48

Nays: McGee, Stapleton.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 43 be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: Essmann, McGee.
Total 2

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Wednesday, March 14, 2007. Motion carried.

Senate adjourned at 2:56 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate