

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

Helena, Montana
March 15, 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. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman): 3/15/2007
HB 176, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman): 3/15/2007
HB 347, be concurred in. Report adopted.

JUDICIARY (Laslovich, Chairman): 3/15/2007
HB 28, be concurred in. Report adopted.
HB 83, be concurred in. Report adopted.
HB 361, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 3/15/2007
HB 86, be amended as follows:

1. Page 4, line 22.
Strike: "is" through "policy"
Insert: "has violated state law"

And, as amended, be concurred in. Report adopted.

HB 124, be amended as follows:

1. Page 2, line 11.

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Following: "2-18-811"

Insert: ", including group benefit plan contracts made in partnership with the Montana university system group benefit plan"

And, as amended, be concurred in. Report adopted.

HB 132, be concurred in. Report adopted.

HB 140, be concurred in. Report adopted.

HB 357, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:	3/15/2007
HB 461 , introduced by Ebinger	
Senate bill returned to Senate with Amendments:	3/15/2007
SB 237 , introduced by Brueggeman	
House bill 3rd Reading Passed as Amended by Senate	3/15/2007
HB 111 , introduced by Furey	
Senate bill concurred in and returned to the Senate:	3/15/2007
SB 1 , introduced by Schmidt	
Senate bill concurred in and returned to the Senate:	3/15/2007
SB 82 , introduced by Brueggeman	
Senate bill concurred in and returned to the Senate:	3/15/2007
SB 126 , introduced by Gallus	
Senate bill concurred in and returned to the Senate:	3/15/2007
SB 136 , introduced by J. Tropila	
Senate bill concurred in and returned to the Senate:	3/15/2007
SB 187 , introduced by Bales	
Senate bill concurred in and returned to the Senate:	3/15/2007
SB 188 , introduced by Tash	

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MOTIONS

SEN. VERDELL JACKSON, SD 5, KALISPELL moved to change his vote on **HB 286** from "yes" to "no".
Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 737, introduced by Hilbert, referred to Highways and Transportation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gebhardt in the chair.

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

HB 90 - Senator Brueggeman moved **HB 90** be concurred in. Motion carried with Senator Balyeat, Brown voting nay.

HB 193 - Senator Gallus moved **HB 193** be concurred in. Motion carried unanimously.

HB 332 - Senator Brueggeman moved **HB 332** be concurred in. Motion carried with Senator Balyeat voting nay.

HB 531 - Senator Pease moved **HB 531** be concurred in. Motion carried unanimously.

HB 144 - Senator Moss moved **HB 144** be concurred in. Motion carried with Senator Barkus, Esp voting nay.

HB 449 - Senator Schmidt moved **HB 449** be concurred in. Motion carried with Senator O'Neil voting nay.

HB 70 - Senator Laible moved **HB 70** be concurred in. Motion carried unanimously.

HB 81 - Senator Jent moved **HB 81** be concurred in. Motion carried with Senator Barkus voting nay.

HB 87 - Senator Laible moved **HB 87** 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 Gebhardt moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HJR 20 concurred in as follows:

Yeas: Bales, Balyeat, 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, 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: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 286 concurred in as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Jackson, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 244 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.

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Total 0

HB 149 concurred in as follows:

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

Total 36

Nays: Bales, Balyeat, Barkus, Black, Brown, Elliott, Esp, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 145 concurred in as follows:

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

Total 49

Nays: Hansen.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 102 concurred in as follows:

Yeas: Bales, 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, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Balyeat, Stapleton, Steinbeisser, Tash.

Total 4

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 128 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, 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

HB 51 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 67 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 31 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, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: Story.
Total 1

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, March 16, 2007. Motion carried.

Senate adjourned at 2:07 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate