

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

Helena, Montana  
March 24, 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 Essmann, Brueggeman, and Story excused. Quorum present.

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

Total 40

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

Total 7

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 26**, introduced by McGillvray, referred to Highways and Transportation.

**HB 99**, introduced by Olson, referred to Business, Labor, and Economic Affairs.

**HB 185**, introduced by Jopek, referred to State Administration.

**HB 195**, introduced by Lange, referred to Public Health, Welfare and Safety.

**HB 196**, introduced by Lange, referred to Natural Resources and Energy.

**HB 204**, introduced by Kasten, referred to Finance and Claims.

**HB 217**, introduced by Lange, referred to Judiciary.

**HB 225**, introduced by Koopman, referred to State Administration.

**HB 240**, introduced by Nooney, referred to Taxation.

**HB 271**, introduced by McNutt, referred to Natural Resources and Energy.

**HB 272**, introduced by L. Jones, referred to Judiciary.

**HB 276**, introduced by McNutt, referred to Natural Resources and Energy.

**HB 291**, introduced by Ross, referred to Natural Resources and Energy.

**HB 312**, introduced by Lange, referred to Judiciary.

**HB 316**, introduced by Sinrud, referred to State Administration.

**HB 317**, introduced by Sinrud, referred to Finance and Claims.

**HB 321**, introduced by McGillvray, referred to Public Health, Welfare and Safety.

**HB 328**, introduced by Stahl, referred to Natural Resources and Energy.

**HB 329**, introduced by Windy Boy, referred to Judiciary.

**HB 350**, introduced by Sinrud, referred to Finance and Claims.

**HB 351**, introduced by Sinrud, referred to State Administration.

SENATE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 24, 2007

**HB 353**, introduced by McGillvray, referred to Judiciary.  
**HB 371**, introduced by Sonju, referred to Finance and Claims.  
**HB 389**, introduced by Barrett, referred to Fish and Game.  
**HB 405**, introduced by Lange, referred to Natural Resources and Energy.  
**HB 439**, introduced by Koopman, referred to Fish and Game.  
**HB 461**, introduced by Ebinger, referred to Public Health, Welfare and Safety.  
**HB 462**, introduced by Sands, referred to State Administration.  
**HB 520**, introduced by Arntzen, referred to State Administration.  
**HB 522**, introduced by Sinrud, referred to Finance and Claims.  
**HB 523**, introduced by Sinrud, referred to Finance and Claims.  
**HB 536**, introduced by Becker, referred to Public Health, Welfare and Safety.  
**HB 590**, introduced by Everett, referred to Local Government.  
**HB 619**, introduced by Sinrud, referred to State Administration.  
**HB 622**, introduced by McGillvray, referred to Public Health, Welfare and Safety.  
**HB 643**, introduced by Sinrud, referred to Judiciary.  
**HB 650**, introduced by Koopman, referred to State Administration.  
**HB 688**, introduced by Olson, referred to Natural Resources and Energy.  
**HB 692**, introduced by Barrett, referred to Finance and Claims.  
**HB 712**, introduced by Jore, referred to Judiciary.  
**HB 726**, introduced by Gallik, referred to Judiciary.  
**HB 763**, introduced by Ankney, referred to Natural Resources and Energy.  
**HB 768**, introduced by Gallik, referred to Judiciary.  
**HB 783**, introduced by Lake, referred to State Administration.  
**HJR 31**, introduced by Everett, referred to Natural Resources and Energy.  
**HJR 43**, introduced by Rice, referred to Judiciary.  
**HJR 45**, introduced by Thomas, referred to State Administration.

**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 M. Tropila in the chair.

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

**HB 206** - Senator Esp moved consideration of **HB 206** be passed for the day. Motion carried.

**SB 116** - Senator Esp moved consideration of the house amendments to **SB 116** be passed for the day. Motion carried.

**HB 284** - Senator J. Tropila moved **HB 284** be concurred in. Motion carried unanimously.

**HB 664** - Senator Gallus moved **HB 664** be concurred in. Motion carried unanimously.

**HB 129** - Senator Jent moved **HB 129** be concurred in. Motion carried unanimously.

**HB 363** - Senator Cocchiarella moved **HB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

SENATE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 24, 2007

**Following:** "PROVIDING AN"

**Insert:** "IMMEDIATE"

**Following:** "DATE AND"

**Strike:** "AN"

**Insert:** "A RETROACTIVE"

2. Page 9, line 12.

**Strike:** "July 1, 2007"

**Insert:** "on passage and approval"

3. Page 9, line 14.

**Strike:** "Applicability"

**Insert:** "Retroactive applicability"

4. Page 9, line 14 through line 15.

**Strike:** "[This" on line 14 through "2007" on line 15

**Insert:** "[Sections 1 and 2] apply retroactively, within the meaning of 1-2-109, to actions taken by the trustees of a school district on or after March 1, 2007, in preparing school budgets for the 2008 school fiscal year, including but not limited to setting, scheduling, and holding general fund levy elections"

Amendment adopted unanimously.

**HB 363** - Senator Ryan moved **HB 363**, as amended, be concurred in. Motion carried as follows:

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

Total 36

Nays: Balyeat, Barkus, Brown, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton.

Total 11

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 153** - Senator Cooney moved **HB 153** be concurred in. Motion carried unanimously.

**HB 510** - Senator M. Tropila moved **HB 510** be concurred in. Motion carried unanimously.

**HB 579** - Senator Shockley moved **HB 579** be concurred in. Motion carried unanimously.

**HJR 35** - Senator Barkus moved **HJR 35** be concurred in. Motion carried with Senator McGee voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman M. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

SENATE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 24, 2007

**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 497** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, 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, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**HB 456** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, 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 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**HB 157** concurred in as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Balyeat, Barkus, Brown, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.  
Total 11

Absent or not voting: None.

SENATE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 24, 2007

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 260** concurred in as follows:

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

Total 35

Nays: Balyeat, Barkus, Brown, Curtiss, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 12

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 570** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 341** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Cobb, Cocchiarella, Elliott, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Barkus, Curtiss, Gallus, Jackson, McGee, Perry, Ryan, Stapleton, Tash.

Total 9

Absent or not voting: None.

Total 0

SENATE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 24, 2007

Excused: Brueggeman, Essmann, Story.  
Total 3

**HB 469** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 42

Nays: Elliott, Harrington, Kaufmann, Lind, Moss, Schmidt, Wanzenried, Weinberg.  
Total 8

Paired: Brueggeman, Essmann, Story, Ayes; Harrington, Moss, Weinberg, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 412** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Cobb, Cocchiarella, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Barkus, Curtiss, Elliott, Gallus, Jackson, Lind, McGee, Perry, Shockley, Stapleton, J.Tropila, M.Tropila.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**SB 470** passed as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Stapleton, Steinbeisser.  
Total 14

Paired: Essmann, Aye; Barkus, No.

SENATE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 24, 2007

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Story.  
Total 2

**HB 770** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, 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, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p. m., Monday, March 26, 2007. Motion carried.

Senate adjourned at 9:15 a. m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate