

**SENATE JOURNAL
60TH LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 12, 2007

Senate Chambers
State Capitol

Senate convened at 9:00 a.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, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 40

Nays: Balyeat, Esp, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Schmidt, Chairman):
SB 566, introduced bill, be amended as follows:

4/12/2007

1. Title, line 10.

Following: "BASE";

Insert: "ESTABLISHING A LOAN FORGIVENESS PROGRAM FOR CERTAIN TEACHERS AND CERTIFIED PERSONNEL; REVISING ELIGIBILITY FOR AND AMOUNTS OF THE GOVERNOR'S POSTSECONDARY SCHOLARSHIP PROGRAM;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "17-7-102"

Insert: "AND 20-26-612"

2. Page 4, line 30.

Insert: "NEW SECTION. Section 5. Quality educator loan forgiveness program. There is a quality educator loan forgiveness program administered by the board of regents through the office of the commissioner of higher education. The program must provide for the direct repayment of educational loans of eligible quality educators in accordance with policies and procedures adopted by the board of regents in accordance with [sections 5 through 10]."

Insert: "NEW SECTION. Section 6. Definitions. For purposes of [sections 5 through 10], unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) of this section in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; and

(iv) a state youth correctional facility, as defined in 41-5-103.

(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

Insert: "NEW SECTION. Section 7. Critical quality educator shortage areas. (1) The board of public education, in consultation with the office of public instruction, shall identify:

(a) geographic regions of the state that are impacted by critical quality educator shortages; and

(b) specific certification or endorsement areas that are impacted by critical quality educator shortages.

(2) Quality educators working in an impacted geographic region or an impacted certification or endorsement area are eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under [sections 5 through 10]."

Insert: "NEW SECTION. Section 8. Loan repayment assistance. Loan repayment assistance may be provided on behalf of a quality educator who:

(1) is employed in a geographic region described in [section 7(1)(a)] or in a certification or endorsement area described in [section 7(1)(b)]; and

(2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application."

Insert: "NEW SECTION. Section 9. Loan repayment assistance documentation. (1) A quality educator shall submit an application for loan repayment assistance to the board of regents in accordance with policies and procedures adopted by the board of regents. The application must include official verification or proof of the applicant's total unpaid accumulated educational loan debt and other documentation required by the board of regents that is necessary for verification of the applicant's eligibility.

(2) A quality educator is eligible for loan repayment assistance for up to a maximum of 4 years. The total annual loan repayment assistance for an eligible quality educator may not exceed \$3,000. The board of regents may require an eligible quality educator to provide documentation that the quality educator has exhausted repayment assistance from other federal, state, or local loan forgiveness, discharge, or repayment incentive programs.

(3) The board of regents may remit payment of the loan on behalf of the quality educator in accordance with the requirements of [sections 5 through 10] and policies and procedures adopted by the board of regents."

Insert: "NEW SECTION. Section 10. Funding -- priorities. (1) If the funding for [sections 5 through 10] in any year is less than the total amount for which Montana teachers qualify, the board of regents shall provide preference in the award of loan repayment assistance to quality educators working in the geographic regions that are most impacted by quality educator shortages identified as provided in [section 7].

(2) [Sections 5 through 10] may not be construed to require the provision of loan repayment assistance without an express appropriation for that purpose. [Sections 5 through 10] may not be construed to require loan repayment assistance for school years prior to [the effective date of this section]."

"Section 11. Section 20-26-612, MCA, is amended to read:

"20-26-612. Types and amounts of scholarships -- recipient qualifications. (1) Following consultation with the council and selection of eligible recipients, the board shall pay the costs of a governor's postsecondary scholarship at a postsecondary institution or, subject to the provisions of 20-26-602(4), at a Montana private college

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

in which a recipient has enrolled.

(2) Subject to the provisions of subsections (6), (7), and (9), scholarships must be provided in each fiscal year to eligible recipients who are Montana residents on the basis of need and merit as follows:

~~(a) merit-based scholarships of \$2,000 a year awarded to 40 at-large students who enroll in 4-year postsecondary institutions;~~

~~(b) a merit-based scholarship of \$1,000 a year, which may be awarded to one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 4-year postsecondary institution;~~

~~(c) a merit-based scholarship of \$1,000 a year, which may be awarded to one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 2-year postsecondary institution;~~

~~(d) merit-based scholarships of \$1,000 a year awarded to 70 at-large students who enroll in 2-year postsecondary programs;~~

~~(e) a scholarship of \$1,000 a year based on recognition of financial need awarded to 180 students, including students who return to school as nontraditional students, who enroll in a 2-year postsecondary program;~~

~~(f) scholarships of \$1,000 a year based on recognition of financial need awarded to 100 students, including students who return to school as nontraditional students, who enroll in 2-year postsecondary programs and who major in the area of health sciences; and~~

~~(g) scholarships of \$1,000 a year based on financial need awarded to 220 students, including students who return to school as nontraditional students, who enroll in 2-year postsecondary programs and who are seeking a certificate or degree in the field of~~

(a) Scholarships may be for either \$1,000 or \$2,000.

(b) Merit-based and need-based scholarships must be awarded in approximately equal monetary amounts.

(c) A merit-based scholarship must be awarded to at least one graduate of every accredited high school in Montana, including accredited nonpublic high schools.

(d) At least a portion of the money appropriated for need-based scholarships must be designated for applicants who plan to attend 2-year postsecondary institutions or 2-year programs at 4-year postsecondary institutions and who plan to focus on specific areas of study that address current or projected critical workforce shortage areas in Montana, such as the fields of health sciences and technology.

(3) (a) A recipient who is awarded a scholarship to attend a 2-year postsecondary program is eligible to receive the scholarship for a maximum of 2 consecutive years, provided the recipient meets the requirements provided in 20-26-613.

(b) A recipient who is awarded a scholarship to attend a 4-year postsecondary institution or, subject to the availability of private funds, to a Montana private college is eligible to receive the scholarship for a maximum of 4 consecutive years, provided the recipient meets the requirements provided in 20-26-613.

(4) The recipient of a scholarship award is not precluded from receiving other financial aid, awards, or scholarships that would result in an overpayment of financial aid as determined by the postsecondary institution's or Montana private college's financial aid office.

(5) Each scholarship must be distributed in equal installments that correspond with the terms of the postsecondary institution's or the Montana private college's academic year.

(6) If a Montana high school has no graduates who qualify for a scholarship awarded under subsection ~~(2)(b)~~ or (2)(c) or if a recipient of a scholarship becomes ineligible for renewal of a scholarship, the money for those scholarships reverts and may be reallocated by the commissioner of higher education to scholarships for at-large students.

(7) Except when a donor of private funds designates that scholarship funds must be given to students attending a Montana private college, the board, following consultation with the council, shall establish criteria and procedures for distributing funds from private sources for scholarships to students enrolled in postsecondary institutions. Funds from private sources may not be used as an offset to general fund appropriations.

(8) Except when a donor of private funds designates that scholarship funds must be given to students attending a Montana private college, scholarship awards are determined solely by the board following consultation with the council. Scholarship awards are not subject to appeal.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

(9) Except for funds donated from private sources, the obligation for funding the governor's postsecondary scholarship program is an obligation of the state. This section may not be construed to require the board to provide a scholarship to an eligible student without a line item appropriation to the board."

Insert: "NEW SECTION. Section 12. Codification instruction. [Sections 5 through 10] are intended to be codified as an integral part of Title 20, chapter 4, and the provisions of Title 20, chapter 4, apply to [sections 5 through 10]."

Renumber: subsequent sections

3. Page 5, line 3.

Strike: "[This act] terminates"

Insert: "[Sections 1 through 4] terminate"

And, as amended, do pass. Report adopted.

HB 8, be amended as follows:

1. Title, lines 12 and 13.

Strike: "STATUTORILY" on line 12 through "MCA;" on line 13

2. Page 3, line 14.

Following: "85-1-605(4)."

Insert: "Proceeds of the bonds may also be used to pay the costs of issuance of the bonds."

3. Page 5, line 21.

Following: "IN"

Strike: "THIS SECTION"

Insert: "[section 3]"

4. Page 5, line 23.

Following: "IN"

Strike: "THIS SECTION"

Insert: "[section 3]"

5. Page 5, line 28.

Following: "IN"

Strike: "THIS SECTION"

Insert: "[section 3]"

6. Page 5, line 30 through page 6, line 11.

Strike: section 9 through section 10 in their entirety

Renumber: subsequent sections

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

HB 9, be amended as follows:

1. Page 1, line 24.

Strike: "\$3.5"

Insert: "\$1.5"

2. Page 5, line 11 through line 13.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Strike: section 6 in its entirety
Renumber: subsequent section

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

HB 12, be concurred in. Report adopted.
HB 63, be concurred in. Report adopted.
HB 125, be concurred in. Report adopted.
HB 131, be amended as follows:

1. Title, line 10.

Following: "~~LOAN;~~"

Insert: "ALLOCATING A PORTION OF THE EMPLOYER CONTRIBUTION IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFINED CONTRIBUTION PLAN TO PAY FOR THE PLAN'S STARTUP LOAN;"

2. Title, line 11.

Strike: "JUDGES', HIGHWAY PATROL OFFICERS',"

3. Title, lines 12 and 13.

Following: "SHERIFFS',"

Insert: "AND"

Following: "PEACE OFFICERS'" on line 12

Strike: the remainder of line 12 through "UNIFIED" on line 13

4. Title, lines 16 through 18.

Strike: "19-5-901," on line 16 through "19-6-711," on line 17

Strike: "19-9-1009" on line 17 through "19-13-1011," on line 18

5. Page 4, line 15.

Following: "19-3-316"

Insert: "received"

6. Page 4, lines 27 through 29.

Following: "~~members.~~" on line 27

Strike: remainder of line 27 through "TERMINATES" on line 29

Insert: "on July 1, 2007, through June 30, 2009, 0.135% of compensation and on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27% of compensation must be allocated in the following order:

(i) to the administrative account used by the board to meet the expenses of the plan's startup loan, until paid in full;

(ii) to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability; and

(iii) to the long-term disability plan trust fund to provide disability benefits to eligible members"

7. Page 6, line 29 through page 11, line 16.

Strike: sections 5 through 8 in their entirety

Renumber: subsequent sections

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

8. Page 14, line 22 through page 20, line 7.

Strike: sections 12 through 16 in their entirety

Renumber: subsequent sections

9. Page 20, lines 27 and 28.

Following: "(B)" on line 27

Strike: remainder of line 27 through "TERMINATES" on line 28

Insert: "on July 1, 2007, through June 30, 2009, 0.135% of compensation and on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27% of compensation must be allocated in the following order:

(i) to the administrative account used by the public employees' retirement board to meet the expenses of the defined contribution plan's startup loan, until paid in full; and

(ii) to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability"

10. Page 21, line 27 through line 29.

Strike: section 19 in its entirety

Renumber: subsequent sections

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

HB 298, be concurred in. Report adopted.

HB 512, be amended as follows:

1. Title, line 18 through line 20.

Following: "PROJECTS;"

Strike: remainder of line 18 through "ACCOUNT;" on line 20

2. Page 5, line 20.

Strike: "750,000"

Insert: "390,000"

3. Page 5, line 28 through page 6, line 10.

Strike: subsection (5) and subsection (6) in their entirety

Insert: "(5) Funding for projects numbered 1 through 56 in subsection (3) will be provided from interest earnings deposited into the treasure state endowment special revenue account during the biennium ending June 30, 2009. Funding for the projects listed in subsection (3) will be made available in the order that the grant recipients satisfy the conditions described in [section 3(1)]. If funds appropriated in subsection (1) are insufficient to fund any of the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2009, the treasure state endowment program must fund the projects by borrowing money from the board of investments pursuant to 90-6-701(1)(b) for those projects that have satisfied the conditions described in [section 3(1)] by June 30, 2009. There is appropriated to the department of commerce up to \$15,363,890 for funds borrowed from the board of investments."

4. Page 10, line 29.

Following: "AUTHORIZED"

Strike: "FOR THE 2009 BIENNIUM"

5. Page 11, line 25 through page 12, line 3.

Strike: section 10 in its entirety

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Renumber: subsequent sections

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

HB 616, be amended as follows:

1. Page 8, line 23.

Strike: "15%"

Insert: "15.3846%"

2. Page 8, line 24.

Strike: "24%"

Insert: "23.0769%"

3. Page 8, line 25.

Strike: "61%"

Insert: "61.5385%"

4. Page 8, line 25 through line 27.

Strike: "The funds" on line 25 through "chapter," on line 27

Insert: "No more than \$316,000 for fiscal year 2008, or 10% for succeeding fiscal years, of the amount collected under this subsection (4)(b)(iii) may be appropriated by the legislature for administration of this chapter. The remaining portion collected under this subsection (4)(b)(iii) is statutorily appropriated, as provided in 17-7-502, to the board"

Following: "purses" on line 27

Strike: ", "

5. Page 10, line 21 through line 22.

Strike: "to the department" on line 21 through the first "paid" on line 22

Insert: "the funds distributed pursuant to 23-4-302(4)(b)(iii)"

6. Page 10, line 22 through line 25.

Strike: "Money paid to" on line 22 through "industry." on line 25

7. Page 10, line 30.

Following: "(3)"

Strike: "The"

Insert: "Except for funds collected under subsection (1)(c), the"

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

HB 830, be amended as follows:

1. Title, line 11.

Following: "2007;"

Insert: "APPROPRIATING MONEY FROM THE STATE GENERAL FUND FOR ENERGY CONSERVATION PROJECTS IN STATE BUILDINGS; REQUIRING PAYMENT OF ENERGY COST SAVINGS TO A SPECIAL REVENUE ACCOUNT;"

2. Page 1, line 16.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Strike: "18"
Insert: "19"

3. Page 1, line 20.

Strike: "18"
Insert: "19"

4. Page 3, line 11.

Strike: line 11 in its entirety
Insert: "3,750,000[LRBP] 3,750,000[Total]"

5. Page 3, line 12.

Strike: "REMOTE"

6. Page 3, line 14.

Strike: "20,150,000"
Insert: "5,500,000"
Strike: "24,150,000"
Insert: "9,500,000"

7. Page 5, line 11.

Strike: "3,500,000"
Insert: "4,500,000"
Strike: "3,635,000"
Insert: "4,635,000"

8. Page 5.

Following: line 14
Insert: "Auto Tech Center Design, MSU-Northern 800,000[LRBP] 800,000[Total]"

9. Page 5, line 16.

Strike: "3,450,000"
Insert: "4,200,000"
Strike: "8,500,000"
Insert: "9,250,000"

10. Page 5, line 18.

Strike: "3,200,000" in both places
Insert: "5,200,000" in both places

11. Page 5.

Following: line 18
Insert: "School of Journalism Building, UM-Missoula 500,000[LRBP] 500,000[Total]
COT Long-Range Planning and Infrastructure 2,000,000[LRBP] 2,000,000[Total]"

12. Page 7, line 17.

Strike: "(3)"
Insert: "(4)"
Strike: "\$64.488"

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Insert: "\$62.684"

13. Page 7.

Following: line 21

Insert: "(2) Subject to subsection (4), there is transferred from the state general fund \$3.75 million in fiscal year 2008 and \$3.75 million in fiscal year 2009 to the fish, wildlife, and parks capital projects account in the capital projects fund type for the projects enumerated in [section 5]."

Renumber: subsequent subsections

14. Page 8, line 1.

Strike: "(3)"

Insert: "(4)"

15. Page 8, line 2.

Strike: "\$3,200,000"

Insert: "\$2,100,000"

16. Page 8, line 3.

Strike: "\$13,831,965"

Insert: "\$9,115,400"

17. Page 8, line 4.

Strike: "\$26,141,165"

Insert: "\$29,193,600"

18. Page 8, line 7.

Strike: "AND (2)"

Insert: "through (3)"

19. Page 8, line 11.

Strike: "\$3,935,000"

Insert: "\$2,909,470"

Strike: "15"

Insert: "16"

20. Page 10, line 13.

Insert: "(6) The following money is appropriated to the department of commerce, Montana heritage preservation and development commission, in the indicated amounts for the purpose of making capital improvements to facilities located in Virginia City and Nevada City:

Agency/Project	LRBP	State	Federal	Other	Authority	Total
		Fund	Special	Special	Funding	Only
		Revenue	Revenue	Sources		

Historic Preservation and Supporting Improvements, Virginia and Nevada Cities
3,000,000[LRBP] 3,000,000[Total]"

21. Page 10.

Following: line 21

Insert: "Access Montana 7,500,000[Other] 7,500,000[Total]"

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

22. Page 13, line 21.

Strike: line 21 in its entirety

Insert: "2,100,000[LRITP] 2,100,000[Total]"

23. Page 14, line 1 through line 3.

Strike: line 1 through line 3 in their entirety

24. Page 14, line 4.

Strike: "5,000,000" in both places

Insert: "4,595,000" in both places

25. Page 14, line 8.

Strike: line 8 in its entirety

Insert: "7,625,000[LRITP] 16,225,000[Total]"

26. Page 14, line 11.

Strike: line 11 in its entirety

Insert: "6,535,000[LRITP] 6,535,000[Federal] 13,070,000[Total]"

27. Page 14, line 13.

Strike: line 13 in its entirety

Insert: "15,204,000[LRITP] 11,946,000[Federal] 27,150,000[Total]"

28. Page 14, line 17 through line 21.

Strike: line 17 through line 21

29. Page 14.

Following: line 21

Insert: "(4) There is appropriated to the department of administration \$1.305 million from the state general fund for the operating costs associated with the northern tier network expansion and the public safety radio consortium projects listed in subsection (3). If this appropriation is not fully expended for operating costs, then the remaining funds may be used to complete the northern tier network expansion and public safety radio consortium projects in subsection(3)."

Insert: "NEW SECTION. Section 15. Restrictions on information technology appropriations. The northern tier network expansion appropriation is restricted by the following conditions:

(1) All expenditures of the northern tier network expansion appropriation for the statewide telecommunications network, as defined in 2-17-506, must be in accordance with the provisions of Title 18, chapter 4.

(2) A request for information must be issued to assist in determining the most cost-effective and scalable network that meets the state and university needs.

(3) The statewide telecommunications network is limited to use by state government agencies, political subdivisions, and other participating entities to support their program, education, and research needs as provided in 2-17-512. All entities that are permitted to use the statewide telecommunications network must be qualified under terms and conditions established by the department of administration in accordance with Title 2, chapter 17.

(4) On behalf of the Montana university system, the department of administration may enter into agreements with educational or research institutions in other states to use the capacity of the statewide telecommunications network to meet their mutual needs for research and education.

(5) Except as provided in subsections (3) and (4), the statewide telecommunications network cannot be used to provide statewide telecommunications network services to any entity not authorized in subsection (3) for the purpose of using any excess capacity that may be available."

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Renumber: subsequent sections

30. Page 15, line 3.

Strike: "\$3,935,000"

Insert: "\$2,909,470"

31. Page 15, line 9.

Insert: "(4) There is appropriated to the judicial branch \$1,025,530 from the state general fund for operating costs associated with the judicial branch information technology project in subsection (1). If this appropriation is not fully expended for operating costs, then the remaining funds may be used to complete the judicial branch project in subsection (1)."

32. Page 15, line 10.

Strike: "15"

Insert: "16"

33. Page 15, line 11.

Strike: "15"

Insert: "16"

34. Page 24, line 4.

Following: line 3

Insert: "NEW SECTION. Section 21. Appropriation. There is appropriated from the state general fund to the department of environmental quality for the 2009 biennium \$3 million to be used to fund the costs of acquiring, constructing, and installing energy saving equipment, systems, and improvements in existing state buildings, structures, and facilities by the energy conservation program. The funds may be used only to fund projects for which the department of environmental quality determines that energy cost savings from the project will equal or exceed the costs of the project, including the costs of the investment-grade energy audit on and design of the project, within 15 years after installation or construction."

Insert: "NEW SECTION. Section 22. Energy conservation repayment account. (1) There is an energy conservation repayment account in the state special revenue fund established in 17-2-102.

(2) There must be deposited in the energy conservation repayment account:

(a) the amount of energy costs saved as a result of the acquisition, installation, and construction of energy saving equipment, systems, or improvements in state buildings, facilities, or structures using general fund appropriations to the energy conservation program until total payments to the account for a project equal the cost of the project, including the cost of the investment grade energy audit on the project and the design of the project; and

(b) interest earned on the account.

(3) Money in the energy conservation repayment account is available to the department of environmental quality by appropriation to fund the costs of the energy conservation program."

Renumber: subsequent sections

35. Page 24, line 7.

Following: "instruction."

Insert: "(1)"

Strike: "17 AND 18"

Insert: "18 and 19"

36. Page 24, line 8.

Strike: "17 AND 18"

Insert: "18 and 19"

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

37. Page 24, line 9.

Insert: "(2) [Section 22] is intended to be codified as an integral part of Title 90, chapter 4, part 6, and the provisions of Title 90, chapter 4, part 6, apply to [section 22]."

38. Page 24, line 18.

Strike: "3(2)"

Insert: "3(4)"

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

MESSAGES FROM THE GOVERNOR

April 11, 2007

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 225** sponsored by Senator Moss on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 11, 2007

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 536** sponsored by Senator Perry on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 11, 2007

The Honorable Mike Cooney
President of the Senate

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

State Capitol
Helena, Montana 59620

The Honorable Scott Sales
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Cooney and Speaker Sales:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 537, "**AN ACT REVISING LAWS RELATING TO PREPAID LEGAL SERVICES; DEFINING "LEGAL SERVICE EXPENSE PLAN"; PROVIDING THAT LEGAL SERVICE EXPENSE PLANS ARE NOT SUBJECT TO THE INSURANCE CODE; AMENDING SECTIONS 33-1-102, 33-1-206, AND 33-17-504, MCA; REPEALING SECTION 33-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 537

Amendments to Senate Bill No. 537
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Greg Petesch
August 27, 2008 (3:52pm)

1. Title, line 6.

Following: "CODE;"

Insert: "PROVIDING THAT PREPAID LEGAL SERVICE EXPENSE PLANS ARE SUBJECT TO MONTANA SECURITIES LAW;"

2. Page 1, line 23.

Insert: "(5) In addition to any other regulatory oversight applicable to prepaid legal service expense plans, these plans are subject to regulation under the Securities Act of Montana as provided in Title 30, chapter 10, parts 1 through 3."

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

April 11, 2007

The Honorable Scott Sales
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 426, "AN ACT REMOVING THE \$500,000 LIMIT ON A COUNTY'S ROAD AND BRIDGE CAPITAL IMPROVEMENT FUND; AMENDING SECTION 7-14-2506, MCA; AND PROVIDING AN EFFECTIVE DATE."

House Bill 426 removes the current \$500,000 cap on a county's road and bridge capital improvement fund. My proposed amendment requires that before a county expend money from the road and bridge capital improvement fund, the county must determine that the public's right to access rivers and streams from county roads and bridges meets the requirements of law.

A 2000 Montana Attorney General Opinion held that the public may gain access to streams and rivers by using a county road and its right-of-way, and that a bridge and its abutments are part of the public highway and subject to the same public easement of passage as the highway to which the bridge is attached. 48 Op. Atty. Gen. Mont. No. 13. My proposed amendment would ensure that expenditures of money from the county road and bridge capital improvement fund are spent on county roads and bridges that are in compliance with Montana law as it concerns the public's right of access to Montana's rivers and streams.

I urge your passage of HB 426 with my proposed amendments, a copy of which are attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 426
Reference Copy
Requested by the Governor
For the House Committee of the Whole
Prepared by Greg Petesch
August 27, 2008 (3:52pm)

1. Title, line 5.

Following: "FUND;"

Insert: "REQUIRING THAT BEFORE A COUNTY MAY EXPEND MONEY FROM THE ROAD AND BRIDGE CAPITAL IMPROVEMENT FUND, THE COUNTY IS REQUIRED TO DETERMINE THAT THE

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

ROAD OR BRIDGE CONFORMS TO THE RIGHT OF THE PUBLIC TO ACCESS MONTANA'S STREAMS AND RIVERS; CODIFYING AN ATTORNEY GENERAL'S OPINION REGARDING THE PUBLIC'S RIGHT TO ACCESS STREAMS AND RIVERS FROM A COUNTY BRIDGE AND ITS RIGHT-OF-WAY;"

Following: "AN"

Insert: "IMMEDIATE"

2. Page 1, line 16.

Following: "~~limitation.~~"

Insert: "(1)"

3. Page 1, line 19.

Following: line 18

Insert: "(2) Before it may expend money from the road and bridge capital improvement fund, the governing body of a county shall make a determination that the public's ability to access the stream or river from the county road or bridge or from the rights-of-way of the county road or bridge on which the governing body intends to expend the money conforms to the requirements of [section 2]."

Insert: "NEW SECTION. Section 2. Stream access from county roads and bridges. (1) Subject to subsection (6), a person may gain access to a stream or river by using a county bridge, its right-of-way, and its abutments.

(2) Subject to subsection (6), a person may gain access to a stream or river by use of a county road right-of-way as described in 7-14-2112 and acquired pursuant to 7-14-2107.

(3) With approval by the board of county commissioners and if necessary for livestock control, a landowner or lessee of land adjacent to or underlying a county bridge may attach a fence or other obstruction to the bridge in a manner that is least restrictive to the public's ability to access a stream or river. The board may approve the fence or other obstruction with conditions ensuring public access. The board may consult with the department on conditions of public access.

(4) A person is required to stay within the road and bridge easement or right-of-way to gain access to a stream or river. Absent any definition in an easement or deed to the contrary, the width of a bridge right-of-way easement is the same as the right-of-way easement for the county road to which it is connected. The standard width of a right-of-way is provided for in 7-14-2112, and a right-of-way is acquired pursuant to 7-14-2107.

(5) The board of county commissioners of a county where a bridge on a county road is located, by a reasonable exercise of the board's police power, may condition the access, as described in subsections (1) through (4), for purposes of public safety, but only to the extent necessary for public safety.

(6) Access to streams and rivers from a county road or bridge created by prescription is dependent upon the use of the road or bridge during the prescription period.

(7) This section may not be construed to require the county to construct or maintain areas for parking, paths, walkways, steps, ramps, or other accommodations in the county's reasonable exercise of its police power as provided in subsection (5), but the county may do so if the county chooses.

(8) For purposes of this section, "access" means access to streams and rivers for recreational use.

"

Insert: "NEW SECTION. Section 3. {standard} Codification instruction. [Section 2] is intended to be codified as an integral part of Title 23, chapter 2, part 3, and the provisions of Title 23, chapter 2, part 3, apply to [section 2].

"

Renumber: subsequent section

4. Page 1, line 20.

Strike: "July 1, 2007"

Insert: "on passage and approval"

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

MESSAGES FROM THE OTHER HOUSE

HB 462 - The House failed to concur in Senate amendments to **HB 462**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 462**:

4/11/2007

Representative Sands, Chair
Representatives Sinrud, Ward

HB 533 - The House failed to concur in Senate amendments to **HB 533**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 533**:

4/11/2007

Representative Ankney , Chair
Representatives Lake, Windy Boy

HB 687 - The House failed to concur in Senate amendments to **HB 687**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 687**:

4/11/2007

Representative William Jones , Chair
Representatives McGilvray, Campbell

HB 533 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 533**:

4/11/2007

Representative Ankney, Chair
Representative Lake
Representative Windy Boy

HB 687 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 687**:

4/11/2007

Representative W. Jones, Chair
Representative McGilvray
Representative Campbell

HB 462 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 462**:

4/11/2007

Representative Sands, Chair
Representative Sinrud
Representative Ward

Senate amendments to House bill concurred in:

4/11/2007

HB 272, introduced by L. Jones

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Senate amendments to House bill concurred in:	4/11/2007
HB 287 , introduced by Wiseman	
Senate amendments to House bill concurred in:	4/11/2007
HB 415 , introduced by Reinhart	
Senate amendments to House bill concurred in:	4/11/2007
HB 433 , introduced by Wiseman	
Senate amendments to House bill concurred in:	4/11/2007
HB 435 , introduced by Parker	
Senate amendments to House bill concurred in:	4/11/2007
HB 460 , introduced by Keane	
Senate amendments to House bill concurred in:	4/11/2007
HB 467 , introduced by K. Peterson	
Senate amendments to House bill concurred in:	4/11/2007
HB 468 , introduced by McGillvray	
Senate amendments to House bill concurred in:	4/11/2007
HB 487 , introduced by Hiner	
Senate amendments to House bill concurred in:	4/11/2007
HB 496 , introduced by French	
Senate amendments to House bill concurred in:	4/11/2007
HB 524 , introduced by Hamilton	
Senate amendments to House bill concurred in:	4/11/2007
HB 537 , introduced by Ripley	
Senate amendments to House bill concurred in:	4/11/2007
HB 633 , introduced by Dutton	
Senate amendments to House bill concurred in:	4/11/2007

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

HB 681, introduced by Driscoll

Senate bill concurred in and returned to the Senate: 4/11/2007

SB 302, introduced by Barkus

Senate bill concurred in and returned to the Senate: 4/11/2007

SB 335, introduced by Tash

Senate bill concurred in and returned to the Senate: 4/11/2007

SB 406, introduced by Bales

Senate joint resolution concurred in and returned to the Senate: 4/11/2007

SJR 7, introduced by Lind

HB 687 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 687**:

4/11/2007

Representative W. Jones, Chair
Representative McGillvray
Representative Campbell

MOTIONS

SEN. JIM SHOCKLEY, SD 45, VICTOR moved to change his vote on **HB 820 - 39th amendment** from "yes" to "no". Motion carried.

SEN. KELLY GEBHARDT, SD 23, ROUNDUP moved to bring **HB 835** out of committee and placed on second reading the 79th Legislative day. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Kitzenberg, Laible, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Brueggeman, Elliott, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

SEN. JIM ELLIOTT, SD 7, TROUT CREEK moved to Suspend the Rules to accept **HB 833**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

Nays: Cobb, Jent, Kaufmann, Kitzenberg, Larson, Smith.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. VERDELL JACKSON, SD 5, KALISPELL moved to change his vote on a voice vote for **HB 820**.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved to appoint a Conference Committee on the following:

HB 24, President appointing Senator Lind as Chair, Senators Kaufmann, Perry. House appointing Representatives Klock, Groesbeck, Rice.

HB 533, President appointing Senator Harrington as Chair, Senators Elliott, Story. House appointing Representatives Ankney, Lake, Windy Boy.

HB 608, President appointing Senator Kaufmann as Chair, Senators Williams, Lewis. House appointing Representatives Olson, Wells, Jayne.

HB 668, President appointing Senator Cocchiarella as Chair, Senators Squires, Steinbeisser. House appointing Representatives Stahl, Everett, Kottel.

HB 687, President appointing Senator Gillan as Chair, Senators Moss, Laible. House appointing Representatives Jones, McGillvray, Campbell.

HB 715, President appointing Senator Harrington as Chair, Senators Wanzenried, Gebhardt. House appointing Representatives Olson, Himmelberger, Driscoll.

HB 766, President appointing Senator Cocchiarella as Chair, Senators Weinberg, Esp. House appointing Representatives Sonju, Mendenhall, Keene.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved to appoint a Free Conference Committee on the following:

HB 462, President appointing Senator Williams as Chair, Senators Gallus, Brown. House appointing Representatives Sands, Sinrud, Ward.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

FIRST READING AND COMMITMENT OF BILLS

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

SB 569, introduced by Shockley, Gallus, McGee, Laslovich, Ankney, referred to Judiciary.

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 818 concurred in as follows:

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

Nays: Balyeat, Brown, Essmann, McGee, O'Neil.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 819 concurred in as follows:

Yeas: Bales, Black, 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, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

Nays: Balyeat, Barkus, Brown, McGee, O'Neil, Smith.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291, house amendments, be concurred in as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

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

**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:

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 11.

Strike: "/OTO)"

2. Page B-8, line 26.

Strike: line 26 in its entirety.

3. Page B-9, line 4.

Strike: ", "

Insert: "and"

4. Page B-9, line 5;

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

5. Page B-10, line 1.

Following: "committee"

Strike: ", "

Insert: "and"

6. Page B-10, line 2.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

7. Page B-10, line 14.

Following: "committee"

Strike: ", "

Insert: "and"

8. Page B-10, line 15.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

9. Page B-10, line 26.

Following: "committee"

Strike: ", "

Insert: "and"

10. Page B-10, line 27.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

11. Page B-11, line 5.

Following: "committee"

Strike: ", "

Insert: "and"

12. Page B-11, line 6.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

13. Page B-11, line 13.

Following: "committee"

Strike: ", "

Insert: "and"

14. Page B-11, line 14.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

15. Page B-11, line 22.

Following: "committee"

Strike: ", "

Insert: "and"

16. Page B-11, line 23.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

17. Page B-12, line 5.

Following: "committee"

Strike: ", "

Insert: "and"

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

18. Page B-12, line 6.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

19. Page B-12, line 14.

Following: "committee"

Strike: ", "

Insert: "and"

20. Page B-12, line 15.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

21. Page B-13, line 3.

Strike: ", "

Insert: "and"

22. Page B-13, line 4.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

23. Page B-14, line 2.

Strike: ", "

Insert: "and"

24. Page B-14, line 3.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

25. Page B-15, line 12.

Strike: ", "

Insert: "and"

26. Page B-15, line 13.

Following: "committee"

Strike: ", and members of the joint appropriations subcommittee on health and human services"

Amendment adopted unanimously.

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4.

Following: line 11

Insert: "1. Additional Genetic Program Funding (Restricted)

200,000 200,000" [state special revenue FY08 and FY09]

Amendment adopted with Senator Balyeat, Shockley, Stapleton, Jackson voting nay.

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

1. Page B-1, line 24.

Strike: line 24 in its entirety

Insert: "26,156,607 27,754,553" [general fund FY08 and FY09]

"2,421,218 2,421,269" [state special revenue FY08 and FY09]

"28,175,714 29,374,037" [federal special revenue FY08 and FY09]

2. Page B-2, following line 25.

Insert: "d. Universal Health Care System Planning

253,859 211,054" [general fund FY08 and FY09]

3. Page B-3, line 22.

Strike: "0 0" [federal special revenue FY08 and FY09]

Insert: "37,410 74,710" [federal special revenue FY08 and FY09]

4. Page B-5, line 24.

Strike: "123,426,470 134,447,818" [general fund FY08 and general fund FY09]

Insert: "123,526,470 134,547,818" [general fund FY08 and general fund FY09]

Strike: "340,834,789 367,292,529" [federal special revenue FY08 and federal special revenue FY09]

Insert: "341,190,786 367,644,813" [federal special revenue FY 08 and federal special revenue FY09]

5. Page B-9, following line 14.

Insert: "If House Bill No. 57 is not passed and approved, Child and Family Services Division is reduced by \$70,000 in federal special revenue in fiscal year 2008 and by \$70,000 in federal special revenue in fiscal year 2009.

If House Bill No. 608 is not passed and approved, Child and Family Services Division is reduced by \$28,100 in state special revenue in fiscal year 2008 and by \$28,150 in state special revenue in fiscal year 2009.

If Senate Bill No. 504 is not passed and approved, Child and Family Services Division is reduced by \$136,389 in general fund money in fiscal year 2008, \$145,937 in general fund money in fiscal year 2009, \$58,453 in federal special revenue in fiscal year 2008, and \$62,544 in federal special revenue in fiscal year 2009."

6. Page B-10.

Following: line 18

Insert: "Universal Health Care System Planning is contingent upon passage and approval of Senate Bill No. 498."

7. Page B-13.

Following: line 2

Insert: "If House Bill No. 198 is not passed and approved, the funding in Health Resources Division is decreased by \$100,000 in general fund money and \$355,997 in federal special revenue in fiscal year 2008 and by \$100,000 in general fund money and \$352,284 in federal special revenue in fiscal year 2009."

Amendment adopted as follows:

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

Total 31

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-7, following line 18.

Insert: "m. Resource Facilitation Service -- Traumatic Brain Injury (Restricted/OTO) 100,000" [state special revenue FY09]

2. Page B-15, following line 10.

Insert: "Resource Facilitation Service--Traumatic Brain Injury may be used only to fund community-based entities that assist persons with a traumatic brain injury to access services that aid recovery from their injuries."

Amendment adopted as follows:

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

Total 42

Nays: Bales, Balyeat, Barkus, Jackson, Larson, McGee, Stapleton, Steinbeisser.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-10, line 12;

B-13, line 1;

B-13, line 16;

B-15, line 7;

B-16, line 11.

Following: "rates"

Strike: "by" through "2009"

2. Page B-14, line 7 through line 20.

Following: "provided." on line 7

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Strike: remainder of line 7 through line 20

Insert: "Funds in IGT Offset must be used first to offset a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that are appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

3. Page B-14, line 22.

Following: "only"

Strike: "after a determination by the office of budget and program planning"

Insert: "if"

4. Page B-14, lines 24 and 25.

Following: "committee" on line 24

Strike: remainder of line 24 through line 25

Insert: "when the appropriation will be used."

5. Page B-15, line 8.

Following: "only"

Strike: "to provide health insurance for healthcare workers who are employed by entities"

Insert: "for provider rate increases for contractors"

6. Page B-14, line 9 through line 10.

Following: "program." on line 9

Strike: the remainder of line 9 through line 10

7. Page B-16, line 9 and line 10.

Following: "only"

Strike: "for services provided under" on line 9

Insert: "to implement"

Following: "(2)." on line 9

Strike: remainder of line 9 through line 10

8. Page B-16, line 17.

Following: "treatment."

Strike: "Pregnant women or women with children"

Insert: "Parents with children"

Amendment adopted unanimously.

HB 820 - Senator Kaufmann moved **HB 820**, second reading copy, be amended as follows:

1. Page B-6.

Following: line 19

Insert: "1. Raise CHIP Eligibility to 200% of Poverty (Restricted)

"572,438 611,282" [state special revenue FY08 and FY09]

"2,037,862 2,153,452" [federal special revenue FY08 and FY09]

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

2. Page B-13.

Following: line 27

Insert: "Raise CHIP Eligibility to 200% of Poverty is contingent upon passage and approval of a bill to raise financial eligibility for CHIP to 200% of the federal poverty level. Raise CHIP Eligibility to 200% of Poverty may be used only to pay for services for children eligible for CHIP."

Amendment adopted as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Jackson moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4, line 8 through line 9.

Strike: line 8 through line 9 in their entirety

Renumber: subsequent subsection

Amendment **not** adopted as follows:

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

Total 19

Nays: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: Kaufmann.

Total 1

HB 820 - Senator Brueggeman moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4.

Following: line 11

Insert: "1. HPV Vaccine (Restricted/Biennial/OTO)

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

290,412 290,412" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Lewis, Moss, Pease, Perry, Peterson, Shockley, Squires, Steinbeisser, Story, Tash, J.Tropila, Williams.

Total 25

Nays: Balyeat, Black, Brown, Cobb, Curtiss, Esp, Essmann, Hansen, Hawks, Jackson, Laible, Larson, Laslovich, Lind, McGee, Murphy, O'Neil, Ryan, Schmidt, Smith, Stapleton, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Williams moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 12.

Strike: "500,000 500,000" [general fund FY08 and FY09]

"1,093,372 1,082,278" [federal special revenue FY08 and FY09]

Insert: "830,118 1,164,864" [general fund FY08 and FY09]

"1,815,254 2,521,414" [federal special revenue FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Barkus, Brown, Cocchiarella, Gallus, Gebhardt, Gillan, Harrington, Juneau, Kaufmann, Kitzenberg, Moss, Pease, Squires, J.Tropila, Wanzenried, Williams.

Total 16

Nays: Bales, Balyeat, Black, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Hansen, Hawks, Jackson, Jent, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Weinberg, Mr. President.

Total 33

Absent or not voting: None.

Total 0

Excused: Larson.

Total 1

HB 820 - Senator Weinberg moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4.

Following: line 11

Insert: "1. HPV Vaccine (Restricted/OTO)

400,000" [state special revenue FY09]

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Amendment adopted as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 41

Nays: Balyeat, Barkus, Brown, Essmann, Jackson, McGee, Murphy, O'Neil, Stapleton.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Williams moved the Committee of the Whole report be adopted. Report **not** adopted unanimously.

HB 820 - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page B-2.
Following: line 25
Insert: "d. Montana Health Information Technology Task Force (Restricted/Biennial/OTO)
2,000,000" [general fund FY08]

Amendment failed as follows: (should be 8-42?)

HB 820 - Senator Kaufmann moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 24.
Strike: "123,426,470 134,447,818" [general fund FY08 and FY09]
Insert: "123,726,470 134,747,818" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Brown, Cocchiarella, Curtiss, Elliott, Gillan, Harrington, Juneau, Kaufmann, Kitzenberg, Laible, McGee, Moss, Pease, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Williams.
Total 21

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Esp, Essmann, Gallus, Gebhardt, Hansen, Hawks, Jackson, Jent, Larson, Laslovich, Lewis, Lind, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Tash, Weinberg, Mr. President.
Total 29

Absent or not voting: None.
Total 0

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Excused: None.
Total 0

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-10, line 12;
B-13, line 1;
B-13, line 16;
B-15, line 7;
B-16, line 11.

Following: "rates"

Strike: "by" through "2009"

2. Page B-14, line 7 through line 20.

Following: "provided." on line 7

Strike: remainder of line 7 through line 20

Insert: "Funds in IGT Offset must be used first to offset a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that are appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

3. Page B-14, line 22.

Following: "only"

Strike: "after a determination by the office of budget and program planning"

Insert: "if"

4. Page B-14, lines 24 and 25.

Following: "committee" on line 24

Strike: remainder of line 24 through line 25

Insert: "when the appropriation will be used."

5. Page B-15, line 8.

Following: "only"

Strike: "to provide health insurance for healthcare workers who are employed by entities"

Insert: "for provider rate increases for contractors"

6. Page B-14, line 9 through line 10.

Following: "program." on line 9

Strike: the remainder of line 9 through line 10

7. Page B-16, line 9 and line 10.

Following: "only"

Strike: "for services provided under" on line 9

Insert: "to implement"

Following: "(2)." on line 9

Strike: remainder of line 9 through line 10

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

8. Page B-16, line 17.

Following: "treatment."

Strike: "Pregnant women or women with children"

Insert: "Parents with children"

Amendment adopted unanimously.

Senate reconvened at 1:00 p.m.

Roll Call. All Senators present. Quorum present.

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

Total 42

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

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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:

HB 820 - Senator Esp moved **HB 820**, second reading copy, be amended as follows:

1. Page B-2.

Following: line 25

Insert: "d. Montana Health Information Technology Task Force (Restricted/Biennial/OTO)
1,600,000" [general fund FY08]

Explanation - This amendment provides \$1.6 million for a restricted, biennial, one-time-only appropriation to the Director's Office of the Department of Public Health and Human Services to fund the administration and organization of a Montana Health Information Technology Task Force to promote the use of electronic health information technology throughout Montana.

The mission of the task force is to support, promote, and encourage the exchange of secure and reliable health information among healthcare providers and regional networks to improve the safety, quality, and efficiency of healthcare through the adoption of electronic health records along with other forms of health information technology.

Amendment **not** adopted as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Laslovich, Lewis, Lind, McGee, Murphy, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.
Total 22

Nays: Brown, Cobb, Curtiss, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Absent or not voting: Balyeat.
Total 1

Excused: None.
Total 0

HB 820 - Senator McGee moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 24.

Strike: "123,426,470 134,447,818" [general fund FY08 and FY09]

Insert: "123,726,470 134,747,818" [general fund FY08 and FY09]

2. Page B-6, line 1.

Strike: "318,036 319,050" [general fund FY08 and FY09]

Insert: "18,036 19,050" [general fund FY08 and FY09]

Strike: "0 0" [state special revenue FY08 and FY09]

Insert: "300,000 300,000" [state special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Kaufmann, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Peterson, Shockley, Smith, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 32

Nays: Bales, Balyeat, Barkus, Brueggeman, Hansen, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Murphy, Perry, Ryan, Schmidt, Squires, Stapleton.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Lewis moved **HB 820**, second reading copy, be amended as follows:

1. Page E-3.

Following: line 2

Insert: "h. Agriculture Experiment Station Additional Appropriation (OTO) 250,000 250,000" [general fund FY08 and FY09]

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jent, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, Pease, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash, J. Tropila.
Total 28

Nays: Balyeat, Cobb, Gallus, Gillan, Hansen, Harrington, Jackson, Juneau, Kaufmann, Laslovich, Lind, Moss, O'Neil, Ryan, Schmidt, Shockley, Squires, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Lewis moved **HB 820**, second reading copy, be amended as follows:

1. Page E-3.

Following: line 4

Insert: "i. Extension Service Additional Appropriation (OTO) 125,000 125,000" [general fund FY08 and FY09]

Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jent, Kitzenberg, Laible, Lewis, McGee, Murphy, Peterson, Squires, Stapleton, Steinbeisser, Story, Tash.
Total 22

Nays: Balyeat, Cobb, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Cocchiarella, Perry.
Total 2

HB 820 - Senator Cooney moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, line 5.

Strike: "9,020,064 9,020,064" [general fund FY08 and FY09]

Insert: "8,254,210 8,390,361" [general fund FY08 and FY09]

2. Page E-2, line 7.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Strike: "30,528" [general fund FY08]
Insert: "27,936" [general fund FY08]

3. Page E-4, line 27 through page E-5, line 1.

Following: "provides"

Strike: "53%" on page E-4, line 27 through "2009" on page E-5, line 1.

Insert: "49.3% of the fixed cost of education plus 49.3% of the variable cost of education for each full-time equivalent student"

4. Page E-5, line 6.

Strike: "53%"

Insert: "48.5%"

5. Page E-5, line 7.

Strike: "47%"

Insert: "51.5%"

Amendment adopted as follows:

Yeas: Balyeat, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, Murphy, Perry, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Lewis, McGee, O'Neil, Pease, Peterson, Stapleton, Steinbeisser, Story, Tash, M.Tropila.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, Line 11.

Strike: "5,827,643 5,829,109" [federal special revenue FY08 and FY09]

Insert: "6,307,643 6,309,109" [federal special revenue FY08 and FY09]

2. Page E-2.

Strike: line 12 through line 13 in their entirety

Amendment adopted as follows:

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

Total 30

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

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

Total 19

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

HB 820 - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page E-8, line 18.

Strike: "1,830,230 2,088,762 [general fund FY08 and FY09]

1,081,517 1,081,517" [state special revenue FY08 and FY09]

Insert: "1,970,230 2,228,762 [general fund FY08 and FY09]

941,517 941,517" [state special revenue FY08 and FY09]

Amendment adopted unanimously.

HB 820 - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page D-6, line 12.

Strike: "18,065,392 18,122,838" [general fund FY08 and FY09]

Insert: "18,088,134 18,124,342" [general fund FY08 and FY09]

2. Page D-8, line 22.

Strike: "1,210,815 1,216,685" [general fund FY08 and FY09]

Insert: "1,225,995 1,231,895" [general fund FY08 and FY09]

3. Page E-7, line 7.

Strike: "412,137 412,761" [general fund FY08 and FY09]

Insert: "413,290 413,914" [general fund FY08 and FY09]

4. Page E-7, line 13.

Strike: "1,226,546 1,235,203" [general fund FY08 and FY09]

Insert: "1,232,083 1,240,612" [general fund FY08 and FY09]

5. Page E-7, line 15.

Strike: "2,701,765 2,831,110" [general fund FY08 and FY09]

Insert: "2,731,439 2,861,186" [general fund FY08 and FY09]

Amendment adopted as follows:

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

Total 34

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, line 1.

Strike: "5,197,136 5,382,581" [general fund FY08 and FY09]

Insert: "5,361,936 5,723,381" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cobb, Gallus, Gebhardt, Harrington, Jent, Kaufmann, Kitzenberg, Laible, Lewis, Lind, Pease, Smith, Squires, M.Tropila, Weinberg, Williams, Mr. President.

Total 17

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Hawks, Jackson, Juneau, Larson, Laslovich, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried.

Total 32

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

HB 820 - Senator Hawks moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, line 15.

Strike: "17,285,323 16,089,436" [state special revenue FY08 and FY09]

Insert: "17,123,436 15,627,715" [state special revenue FY08 and FY09]

2. Page E-2.

Following: line 17

Insert: "b. Increase Business Tax Exemption and Reduce Tax Rate 161,887 461,721" [general fund FY08 and FY09]

Renumber: subsequent subsections

3. Page E-5.

Following: line 10

Insert: "If House Bill No. 529 is not passed and approved, Increase Business Tax Exemption and Reduce Tax Rate is eliminated and OCHE--Appropriation Distribution Transfers is increased by \$161,887 in state special revenue in fiscal year 2008 and by \$461,721 in state special revenue in fiscal year 2009."

Amendment **not** adopted as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Yeas: Cobb, Cocchiarella, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 23

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Harrington, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.
Total 26

Absent or not voting: None.
Total 0

Excused: Smith.
Total 1

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page E-8.

Following: line 11

Insert: "e. Advisory Council Reimbursement Increase
3,280" [general fund FY09]

2. Page E-8.

Following: line 15

Insert: "Advisory Council Reimbursement Increase funding is contingent upon passage and approval of Senate Bill No. 62."

Amendment **not** adopted as follows:

Yeas: Black, Brown, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Harrington, Kitzenberg, Laible, Lewis, Moss, Pease, Smith, Squires, M.Tropila, Wanzenried.
Total 17

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

This Amendment was segregated into 3 different parts and 3 different votes

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be further amended as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

1. Page A-9.

Following: line 9

Insert: "b. Senate Bill No. 235 (OTO) 24,837" [state special revenue FY08]

2. Page A-9.

Following: line 11

Insert: "a. Senate Bill No. 4 29,978 30,009" [state special revenue FY08 and FY09]

3. Page A-9.

Following: line 19

Insert: "d. House Bill No. 27 82,222 79,447" [general fund FY08 and FY09]

4. Page A-10.

Following: line 21

Insert: "If Senate Bill No. 235 is not passed and approved, Senate Bill No. 235 is void.

If Senate Bill No. 4 is not passed and approved, Senate Bill No. 4 is void."

5. Page A-10.

Following: line 22

Insert: "If House Bill No. 27 is not passed and approved, House Bill No. 27 is void."

Amendment adopted as follows:

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

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.
Total 15

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-5.

Following: line 17

Insert: "a. House Bill No. 531 (OTO) 25,342" [state special revenue FY08]

2. Page A-5.

Following: line 19

Insert: "a. House Bill No. 556 (Biennial/OTO) 20,000"

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

3. Page A-6.

Following: line 19

Insert: "If House Bill No. 531 is not passed and approved, House Bill No. 531 is void.

If House Bill No. 556 is not passed and approved, House Bill No. 556 is void."

Amendment adopted as follows:

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

Total 32

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Larson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Story.

Total 17

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-11.

Following: line 14

Insert: "a. SB 547 -- Sexual Offender Caseload 45,600 45,600 [general fund FY08 and FY09]

b. SB 104 -- Extend Statute of Limitations Certain Sex Crimes Caseload 141,000 141,000 [general fund FY08 and FY09]

c. SB 163 -- Nolo Contendere Plea Caseload 7,500 7,500 [general fund FY08 and FY09]

d. HB 629 -- Mediation for Criminal Proceedings 30,000 30,000"
[general fund FY08 and FY09]

2. Page A-11.

Following: line 19

Insert: "If Senate Bill No. 547 is not passed and approved, funding in SB 547--Sexual Offender Caseload is void.

If Senate Bill No. 104 is not passed and approved, funding in SB 104--Extend Statute of Limitations Certain Sex Crimes Caseload is void.

If Senate Bill No. 163 is not passed and approved, funding in SB 163--Nolo Contendere Plea Caseload is void.

If House Bill No. 629 is not passed and approved, funding in HB 629--Mediation for Criminal Proceedings is void."

Amendment adopted as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Yeas: Brueggeman, Cobb, Cocchiarella, Esp, Gallus, Gebhardt, Gillan, Hansen, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Hawks, Jackson, Larson, Laslovich, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser.
Total 19

Absent or not voting: None.
Total 0

Excused: Elliott, Harrington.
Total 2

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1, line 8.

Strike: "5,000" [general fund FY08]

Insert: "2,500 2,500" [general fund FY08 and FY09]

2. Page A-2, line 19.

Strike: "year 2008"

Insert: "year 2009"

3. Page A-3, line 14.

Following: "includes

Strike: "funding"

Insert: "\$100 in general fund money in each fiscal year"

4. Page A-3, line 19.

Strike: "appropriation is void."

Insert: "general fund appropriation is reduced by \$100."

5. Page A-3, line 26.

Strike: "5,000" [general fund FY08]

Insert: "2,500 2,500" [general fund FY08 and FY09]

6. Page A-4, line 26

Strike: line 26 in its entirety.

Insert: "If the reports are not received by the legislative finance committee by August 15, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void."

Amendment adopted as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 41

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Nays: Balyeat, Barkus, Brown, Juneau, Shockley, Stapleton, Steinbeisser.
Total 7

Absent or not voting: None.
Total 0

Excused: Black, Esp.
Total 2

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-3.

Following: line 10

Insert: "e. Constituent Services Account
5,300 21,000" [general fund FY08 and FY09]

2. Page A-3.

Following: line 10

Insert: "e. Supreme Court Publicly Financed Campaigns
196,474 421,414" [state special revenue FY08 and FY09]

3. Page A-3.

Following: line 10

Insert: "e. Broadcast Campaign Advertising Material and Affidavit
4,400" [general fund FY08]

4. Page A-3.

Following: line 19

Insert: "Constituent Services Account funding is contingent upon passage and approval of House Bill No. 462."

5. Page A-3.

Following: line 19

Insert: "Supreme Court Publicly Financed Campaigns funding is contingent upon passage and approval of Senate Bill No. 202."

6. Page A-3.

Following: line 19

Insert: "Broadcast Campaign Advertising Material and Affidavit funding is contingent upon passage and approval of Senate Bill No. 253."

Amendment adopted as follows:

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

Total 28

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

Total 22

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-7.

Following: line 3

Insert: "d. House Bill No. 680 136,245 136,372 [general fund FY08 and FY09]

e. House Bill No. 680 One-Time Costs (OTO) 7,850" [general fund FY08]

2. Page A-7.

Following: line 7

Insert: "b. Senate Bill No. 439 6,085 3,585 [general fund FY08 and FY09]

c. Senate Bill No. 439 One-Time Costs (OTO) 300,000" [general fund FY08]

3. Page A-7.

Following: line 11

Insert: "b. Senate Bill No. 296 34,436 28,384" [proprietary funds FY08 and FY09]

4. Page A-7.

Following: line 21

Insert: "c. House Bill No. 680 38,951 38,982 [general fund FY08 and FY09]

d. House Bill No. 680 One-Time Costs (OTO) 3,925

e. Senate Bill No. 439 125,245 126,141 [general fund FY08 and FY09]

f. Senate Bill No. 439 One-Time Costs (OTO) 11,800" [general fund FY08]

5. Page A-8.

Following: line 11

Insert: "If House Bill No. 680 is not passed and approved, House Bill No. 680 and House Bill No. 680 One-Time Costs are void.

If Senate Bill No. 439 is not passed and approved, Senate Bill No. 439 and Senate Bill No. 439 One-Time Costs are void."

6. Page A-8.

Following: line 12

Insert: "If Senate Bill No. 296 is not passed and approved, Senate Bill No. 296 is void."

Amendment adopted as follows:

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

Total 29

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

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Total 20

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 820 - Senator Cocchiarella moved **HB 820**, second reading copy, be amended as follows:

1. Page A-10.

Following: line 23

Insert: "The department is appropriated up to \$500,000 of state special revenue each year of the biennium to assist agencies in reducing workers' compensation injuries and costs. These funds may not be expended for activities that duplicate other agency expenditures or programs."

Amendment adopted as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Elliott, Essmann, Jackson, O'Neil, Perry, Stapleton, Story.

Total 13

Absent or not voting: None.

Total 0

Excused: Brueggeman, Jent.

Total 2

HB 820 - Senator Larson moved **HB 820**, second reading copy, be amended as follows:

1. Page A-6.

Following: line 6

Insert: "b. Southern Rail Passenger Route Study (Biennial/OTO) 150,000"

[general fund FY08]

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Gallus, Harrington, Kaufmann, Kitzenberg, Larson, Lewis, Moss, Pease, Ryan, Smith, Squires, J.Tropila.

Total 14

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Laible, Laslovich, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Hansen moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2.
Strike: line 19 through line 20 in their entirety
2. Page C-2, lines 26 through 27
Strike: "If" on line 26 through line 27 in their entirety
3. Page C-4, lines 19 through 21
Strike: line 19 through line 21 in their entirety
4. Page C-4., lines 22 and 23
Strike: "funding" on line 22 through "providing" on line 23
Insert: "department shall provide"
5. Page C-4.
Strike: line 27 in its entirety
6. Page C-8.
Strike: line 21 through line 25 in their entirety
7. Page C-8, line 26.
Strike: "September"
Insert: "June"
8. Page C-9, line 1.
Strike: "September "
Insert: "June"

Amendment adopted as follows:

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

Nays: Cobb, Larson, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Harrington.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Total 1

HB 820 - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2.

Following: line 3

Insert: "b. Rattlesnake Footbridge and Bike Trail at Pine Street (Restricted/Biennial/OTO) 37,500 37,500"
[federal special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-14, line 7. Amend amendment HB820-87.

Following: "provided." on line 7

Strike: "IGT Offset must be used first to fund a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that are appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

Insert: "Funds in IGT Offset may be used as medicaid matching funds for nursing home services and home-based services for aged and physically disabled persons only if the county nursing home intergovernmental transfer program is not sufficient to reimburse county nursing homes a net payment of at least \$5 a day for medicaid services and other nursing homes a net payment of at least \$2 a day for medicaid services. IGT Offset must be used first to fund a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that is appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

Amendment adopted as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Yeas: Bales, 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, Pease, Peterson, Ryan, Schmidt, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 43

Nays: Balyeat, Barkus, O'Neil, Perry, Shockley, Stapleton.
Total 6

Absent or not voting: None.
Total 0

Excused: Smith.
Total 1

HB 820 - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3, line 8.

Strike: "1,177,111 1,163,702" [state special revenue FY08 and FY09]

Insert: "1,142,540 1,129,131" [state special revenue FY08 and FY09]

2. Page 3, line 24.

Strike: "13,633,712 13,635,303"[state special revenue FY08 and FY09]

Insert: "13,545,782 13,547,373"[state special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, 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, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.
Total 0

Excused: Kitzenberg.
Total 1

HB 820 - Senator Jent moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2, line 7.

Strike: "200,000 200,000" [state special revenue FY08 and FY09]

Insert: "125,000 125,000" [state special revenue FY08 and FY09]

Amendment adopted as follows:

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Yeas: Bales, Black, Cobb, Cocchiarella, Elliott, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.
Total 30

Nays: Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8, line 1. Amend amendment HB820-49.

Strike: "907,207" [general fund FY09]

Insert: "607,207" [general fund FY09]

2. Page D-2, line 1. Amend amendment HB 820-42 by

Strike: "7,255,253 [general fund FY09]

5,152,060" [state special FY09]

Insert: "7,244,977 [general fund FY09]

5,145,210" [state special FY09]

3. Page D-3.

Following: line 10, Amend amendment HB 820-42 by

Strike: "Motor Vehicle Division includes general fund money of \$10,276 in fiscal year 2008 and fiscal year 2009 and \$6,850 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 840. If House Bill No. 840 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount."

Insert: "Motor Vehicle Division includes general fund money of \$10,276 and state special revenue of \$6,850 in fiscal year 2008 that are contingent upon passage and approval of House Bill No. 840. If House Bill No. 840 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount."

4. Page D-6, line 12. Amend amendment HB 820-86 by

Strike: "18,124,342" [general fund FY09]

Insert: "18,145,703" [general fund FY09]

Amendment adopted 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, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Stapleton.
Total 1

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Absent or not voting: Lind, Peterson.
Total 2

Excused: None.
Total 0

HB 820 - Senator Jent moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

Following: line 6

Insert: "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 1,011,000" [state special revenue FY08]

2. Page C-2.

Following: line 20

Insert: "Culbertson Overlook State Park is restricted to up to \$1 million for land purchase costs and \$11,000 for development and maintenance costs."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hawks, Jackson, Jent, Laible, Larson, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Story, Tash, Weinberg, Mr. President.
Total 30

Nays: Brueggeman, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laslovich, Lewis, Moss, Pease, Ryan, Smith, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-4.

Following: line 11

Insert: "f. Fire Claim Liens
110,452 100,452" [state special FY08 and FY08]

2. Page A-4.

Following: line 27

Insert: "Fire Claim Liens funding is contingent upon passage and approval of Senate Bill No. 451."

Amendment adopted with Senator Balyeat, Brown, O'Neil voting nay.

HB 820 - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-4.

SENATE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 12, 2007

Following: line 11

Insert: "f. Fire Claim Liens

110,452 100,452" [state special FY08 and FY08]

2. Page A-4.

Following: line 27

Insert: "Fire Claim Liens funding is contingent upon passage and approval of Senate Bill No. 451."

Amendment adopted with Senator Brown, Shockley, O'Neil, Balyeat voting nay.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 10:00 a.m., Friday, April 13, 2007. Motion carried.

Senate adjourned at 5:54 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate