

**SENATE JOURNAL
60TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 18, 2007

Senate Chambers
State Capitol

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

Roll Call. Senator Brueggeman is excused. Quorum present.

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

Total 40

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

Total 9

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

MESSAGES FROM THE GOVERNOR

April 17, 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 36** sponsored by Senator Cocchiarella on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 47** sponsored by Senator Esp on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 150** sponsored by Senator Gillan on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 160** sponsored by Senator Schmidt on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 169** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 177** sponsored by Senator Squires on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 193** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 248** sponsored by Senator Story on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 282** sponsored by Senator Lind on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 285** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 286** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 299** sponsored by Senator Moss on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 305** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 364** sponsored by Senator Story on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 367** sponsored by Senator Lind on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 374** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 378** sponsored by Senator Gillan on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 414** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 440** sponsored by Senator J. Tropila on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 453** sponsored by Senator Essmann on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 459** sponsored by Senator Elliott on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 480** sponsored by Senator Lind on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2007

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

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 502** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 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 527** sponsored by Senator Gillan on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 74**
Report No. 1, April 17, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 74** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 74** (reference copy -- salmon) be amended as follows:

1. Page 3, line 1 through 2.

Strike: ":" on line 1 through "(A)" on line 2

2. Page 3, line 3.

Following: "PROPERTY"

Strike: "; OR"

Insert: "that is designated as a title loan by the department."

3. Page 3, line 4 through line 5.

Strike: subsection (B) in its entirety

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For the Senate:

Jent, Chairman
Moss
McGee

For the House:

Mendenhall, Chairman
Milburn
Keane

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 608**
Report No. 1, April 18, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 608** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 608** (reference copy -- salmon) be accepted by the House.

For the House:

Olson, Chairman
Wells
Jayne

For the Senate:

Kaufmann, Chairman
Williams
Lewis

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 668**
Report No. 1, April 18, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 668** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 668** (reference copy -- salmon) be amended as follows:

1. Page 2, line 13.

Following: "INFORMATION"

Insert: ", as defined in 44-5-103,"

2. Page 2, line 14.

Following: "PRACTICE"

Insert: ", but the board may not record or retain any confidential criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act of 1979, Title 44, chapter 5"

For the House:

Stahl, Chairman
Everett
Kottel

For the Senate:

Cocchiarella, Chairman
Squires
Steinbeisser

MESSAGES FROM THE OTHER HOUSE

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HB 304 - 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 304:**
4/17/2007

Representative Furey, Chair
Representative Barrett
Representative L. Jones

HB 829 - 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 829:**
4/17/2007

Representative L. Jones, Chair
Representative Barrett
Representative Augare

HB 830 - 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 830:**
4/17/2007

Representative Kasten, Chair
Representative Sinrud
Representative Thomas

HB 160 - 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 160:**
4/17/2007

Representative Stoker, Chair
Representative Ripley
Representative Musgrove

HB 678 - 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 678:**
4/17/2007

Representative Lange, Chair
Representative Glaser
Representative Windy Boy

HB 809 - 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 809:**
4/17/2007

Representative Glaser, Chair
Representative Wells
Representative Villa

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
4/17/2007

SB 439, introduced by Elliott

HB 160 - The House failed to concur in Senate amendments to **HB 160**, 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 160:**
4/17/2007

Representative , Chair

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Representative

HB 304 - The House failed to concur in Senate amendments to **HB 304**, 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 304**:

4/17/2007

Representative , Chair
Representative

HB 678 - The House failed to concur in Senate amendments to **HB 678**, 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 678**:

4/17/2007

Representative , Chair
Representative

HB 809 - The House failed to concur in Senate amendments to **HB 809**, 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 809**:

4/17/2007

Representative , Chair
Representative

HB 829 - The House failed to concur in Senate amendments to **HB 829**, 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 829**:

4/17/2007

Representative , Chair
Representative

HB 830 - The House failed to concur in Senate amendments to **HB 830**, 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 830**:

4/17/2007

Representative , Chair
Representative

House joint resolution passed and transmitted to the Senate for concurrence:

4/17/2007

HJR 47, introduced by French

House joint resolution passed and transmitted to the Senate for concurrence:

4/17/2007

HJR 48, introduced by MacLaren

House joint resolution passed and transmitted to the Senate for concurrence:

4/17/2007

HJR 52, introduced by Dickenson

House joint resolution passed and transmitted to the Senate for concurrence:

4/17/2007

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HJR 59, introduced by Himmelberger

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/17/2007

HB 259, introduced by Reinhart

Senate bill concurred in and returned to the Senate:

4/17/2007

SB 94, introduced by Esp

Senate bill concurred in and returned to the Senate:

4/17/2007

SB 128, introduced by Laslovich

Senate bill concurred in and returned to the Senate:

4/17/2007

SB 162, introduced by Schmidt

Senate bill concurred in and returned to the Senate:

4/17/2007

SB 348, introduced by Gallus

Senate bill concurred in and returned to the Senate:

4/17/2007

SB 382, introduced by Laslovich

Senate bill concurred in and returned to the Senate:

4/17/2007

SB 387, introduced by Squires

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

4/17/2007

SB 439, introduced by Elliott

Senate bill not concurred in and returned to the Senate:

4/17/2007

SB 271, introduced by Brown

Senate bill not concurred in and returned to the Senate:

4/17/2007

SB 391, introduced by Weinberg

MOTIONS

SEN. JOE BALYEAT, SD 34, BOZEMAN moved to change his vote on **HB 298** from "no" to "yes". Motion carried.

SEN. JOE BALYEAT, SD 34, BOZEMAN moved to change his vote on **HB 611** from "yes" to "no". Motion

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carried.

SEN. GREG LIND, SD 50, MISSOULA moved to change his vote on **HB 833/amendment #811404** from "no" to "yes". Motion carried.

SEN. STEVE GALLUS, SD 37, BUTTE moved to take **HB 155** out of Senate Finance and Claims Committee and bring it to second reading this 82nd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Gallus, Gebhardt, Harrington, Jackson, Jent, Laible, Lewis, McGee, Murphy, Perry, Shockley, Smith, Squires, Tash, J.Tropila, Williams.

Total 22

Nays: Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Peterson, Schmidt, Stapleton, Steinbeisser, Story, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 27

Absent or not voting: Ryan.

Total 1

Excused: None.

Total 0

SEN. AUBYN CURTISS, SD 1, FORTINE moved to take **HB 407** out of Finance and Claims Committee and placed on second reading the 83rd Legislative day. Motion failed as follows

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

Total 22

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

Total 27

Absent or not voting: Peterson.

Total 1

Excused: None.

Total 0

SEN. KELLY GEBHARDT, SD 23, ROUNDUP moved to change his vote on **HB 330** from "no" to "yes". Motion carried.

SEN. CAROL WILLIAMS, SD 46, MISSOULA called for the Senate Democrats to caucus and the Senate to be in recess. **SEN. COREY STAPLETON, SD 27, BILLINGS** called for Senate Republicans to caucus.

Senate reconvened at 1:35 p.m.

Roll Call.

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

Total 42

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

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

HB 829, President appoints Senator Laslovich, Chair, Senators Juneau, Black. House appoints Representatives L. Jones, Barrett, Augare. Motion carried.

HB 304, President appoints Senator Kaufmann, Chair, Senators Lind, Perry. House appoints Representatives Furey, Barrett, L. Jones. Motion carried.

HB 830, President appoints Senator Cooney, Chair, Senators Schmidt, Brueggeman. House appoints Representatives Kasten, Sinrud, Thomas. Motion carried.

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

HB 678, President appoints Senator Gillan, Chair, Senators Elliott, Story. House appoints Representatives Lange, Glaser, Windy Boy. Motion carried.

SB 51, President appoints Senator Hawks, Chair, Senators Moss, Laible. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HJR 47, introduced by French, referred to Public Health, Welfare and Safety.

HJR 48, introduced by MacLaren, referred to Public Health, Welfare and Safety.

HJR 52, introduced by Dickenson, referred to Public Health, Welfare and Safety.

HJR 59, introduced by Himmelberger, referred to State Administration.

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

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

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

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recommend as follows:

HB 25 - Conference Committee Report No. 1 - Senator Laslovich moved the Conference Committee report to **HB 25** be adopted. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Perry, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Jackson, Larson, McGee, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Stapleton, J.Tropila, M.Tropila.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 25 - Conference Committee Report No. 1 - Senator Ryan made a **substitute motion** that the Conference Committee report to **HB 25** be **not** adopted. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Jackson, Larson, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, J.Tropila, M.Tropila.

Total 22

Nays: Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Squires, Steinbeisser, Story, Tash, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 533 - Conference Committee Report No. 1 - Senator Harrington moved the Conference Committee report to **HB 533** be adopted. Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Balyeat, Cobb, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533 - Conference Committee Report No. 1 - Senator Wanzenried made a **substitute motion** that the Conference Committee report to **HB 533** be **not** adopted. Motion **failed** as follows:

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

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 74 - Conference Committee Report No. 1 - Senator Jent moved the Conference Committee report to **SB 74** be adopted. Motion carried unanimously.

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 Moss moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

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

HB 406 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams.
Total 40

Nays: Balyeat, Cobb, Gallus, O'Neil, Ryan, Schmidt, Shockley, M.Tropila, Wanzenried, Mr. President.
Total 10

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 69 concurred in as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 25 concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Shockley, Smith, Stapleton, Story, Tash, J.Tropila.
Total 32

Nays: Bales, Cocchiarella, Esp, Gallus, Juneau, Kaufmann, Lind, Moss, Peterson, Ryan, Schmidt, Squires, Steinbeisser, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 40 concurred in as follows:

Yeas: Black, Cobb, Cocchiarella, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Jackson, Lewis, Lind, McGee, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 21

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 39 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: Ryan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 390 concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams, Mr. President.
Total 37

Nays: Bales, Balyeat, Brown, Esp, Jackson, Kaufmann, Lind, McGee, O'Neil, Shockley, Story, Wanzenried, Weinberg.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 569 concurred in as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Schmidt, Shockley, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.
Total 33

Nays: Balyeat, Black, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Ryan, Smith, Steinbeisser, Mr. President.
Total 17

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 665 concurred in as follows:

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

Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, M.Tropila.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 831 concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gebhardt, Hansen, Jackson, Laible, Murphy, O'Neil, Ryan, Smith, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 798 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 28

Nays: Balyeat, Cobb, Cocchiarella, Elliott, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Moss, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 22

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 826 failed as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.
Total 25

Nays: Barkus, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 833 concurred in as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 257 concurred in as follows:

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

Nays: Elliott, Harrington, Ryan, Smith.
Total 4

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 330 concurred in as follows:

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

Total 33

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, Laible, McGee, O'Neil, Perry, Ryan, Shockley, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 529 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 24 concurred in as follows:

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

Total 48

Nays: Kaufmann, Ryan.

Total 2

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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 Moss in the chair.

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

HJR 28 - Senator Cocchiarella moved **HJR 28** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gebhardt, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, McGee, O'Neil, Stapleton.
Total 9

Absent or not voting: None.
Total 0

Excused: Elliott, Gillan, Harrington, Lewis, Wanzenried.
Total 5

SJR 29 - Senator Balyeat moved **SJR 29** be adopted. Motion carried unanimously.

SJR 30 - Senator Cocchiarella moved **SJR 30**, second reading copy, be amended as follows:

1. Page 1, line 20 through line 21.

Strike: "WHEREAS," on line 20 through the second "and" on line 21

2. Page 2, line 1.

Strike: "who" through "tested"

Insert: "which classifications of employee are tested"

3. Page 2, line 3.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

4. Page 2, line 11.

Following: "testing"

Strike: "and"

Insert: ", "

Following: "tests"

Insert: ", determine guidelines for the frequency of false positives, and manage standard remedies for resolving incidents of false positives"

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Amendment adopted unanimously.

SJR 30 - Senator Smith moved **SJR 30**, as amended, be adopted. Motion carried unanimously.

SJR 27 - Senator Weinberg moved **SJR 27** be adopted. Motion carried unanimously.

HB 519 - Senator Williams moved consideration of **HB 519** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 515 - Senator Williams moved consideration of **HB 515** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SJR 31 - Senator Essmann moved **SJR 31** be adopted. Motion carried with Senator M. Tropila, O'Neil voting nay.

SB 544 - House Amendments - Senator Hansen moved House amendments to **SB 544** be concurred in. Motion carried unanimously.

SB 386 - House Amendments - Senator Shockley moved House amendments to **SB 386** be concurred in. Motion carried unanimously.

SB 448 - House Amendments - Senator Wanzenried moved House amendments to **SB 448** be concurred in. Motion carried unanimously.

SB 540 - House Amendments - Senator Jackson moved House amendments to **SB 540** be concurred in. Motion carried with Senator Squires voting nay.

SB 71 - House Amendments - Senator Gebhardt moved House amendments to **SB 71** be concurred in. Motion carried unanimously.

SB 92 - House Amendments - Senator Steinbeisser moved House amendments to **SB 92** be concurred in. Motion carried unanimously.

SB 103 - House Amendments - Senator Gebhardt made a **substitute motion** that House amendments to **SB 103** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Juneau, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.
Total 35

Nays: Gallus, Hansen, Harrington, Jent, Kaufmann, Larson, Lind, Moss, Pease, Squires, Wanzenried, Weinberg, Mr. President.
Total 13

Absent or not voting: Peterson.
Total 1

Excused: Ryan.
Total 1

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SB 153 - House Amendments - Senator Cocchiarella moved House amendments to **SB 153** be concurred in. Motion carried unanimously.

SB 165 - House Amendments - Senator Brueggeman moved House amendments to **SB 165** be concurred in. Motion carried unanimously.

SB 270 - House Amendments - Senator Larson moved House amendments to **SB 270** be concurred in. Motion carried unanimously.

SB 279 - House Amendments - Senator Balyeat moved House amendments to **SB 279** be concurred in. Motion carried unanimously.

SB 293 - House Amendments - Senator Laible moved House amendments to **SB 293** be concurred in. Motion carried unanimously.

SB 172 - House Amendments - Senator J. Tropila moved House amendments to **SB 172** be concurred in. Motion carried unanimously.

SB 51 - House Amendments - Senator Hawks made a **substitute motion** that House amendments to **SB 51** be **not** concurred in. Motion carried unanimously.

SB 200 - House Amendments - Senator Lewis moved House amendments to **SB 200** be concurred in. Motion carried unanimously.

SB 27 - House Amendments - Senator Esp moved House amendments to **SB 27** be concurred in. Motion carried unanimously.

SB 31 - House Amendments - Senator Esp moved House amendments to **SB 31** be concurred in. Motion carried with Senator Laslovich voting nay.

SB 41 - House Amendments - Senator Elliott moved House amendments to **SB 41** be concurred in. Motion carried unanimously.

SB 89 - House Amendments - Senator Williams moved House amendments to **SB 89** be concurred in. Motion carried unanimously.

SB 100 - House Amendments - Senator Jent moved House amendments to **SB 100** be concurred in. Motion carried unanimously.

HB 515 - Senator McGee moved **HB 515** be concurred in. Motion carried with Senator Juneau voting nay.

HB 519 - Senator Smith moved **HB 519** be concurred in. Motion carried unanimously.

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Thursday, April 19, 2007. Motion carried.

Senate adjourned at 3:54 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate