

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

Helena, Montana  
April 19, 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 excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, 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, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

4/19/2007

**SJR 28**, introduced joint resolution, be amended as follows:

1. Page 1.

**Following:** line 26

**Insert:** "BE IT FURTHER RESOLVED, that if the study is assigned to the Education and Local Government Interim Committee, the Legislative Council be requested to expand the membership of the Committee to allow for an adequate number of legislators to focus, as a subcommittee, on the study of education funding and education reform."

And, as amended, be adopted. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

4/19/2007

**SR 10**, be adopted. Report adopted.

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CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 12**

Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 12** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 12** (reference copy -- salmon) be amended as follows:

1. Page 3, line 6 through line 7.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

For the Senate:

Williams, Chairman  
Larson  
Laible

For the House:

Cordier, Chairman  
Butcher  
Koopman

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 121**  
Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 121** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 121** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Strike:** "ACTIVE OR PASSIVE"

**Insert:** "INDIVIDUAL INCOME"

2. Title, line 8.

**Following:** "SERVICES;"

**Insert:** "ALLOWING THE DEPARTMENT OF REVENUE TO PROVIDE FOR THE FILING OF ELECTRONIC INDIVIDUAL INCOME TAX FORMS;"

3. Page 3, line 10.

**Following:** "SERVICES"

**Insert:** "-- filing electronic returns"

4. Page 3, line 10 through line 20.

**Strike:** "(1)" on line 10 through "RETURN." on line 20

**Insert:** "The department may not provide electronic individual income tax preparation services. However, the department may provide for the filing of electronic individual income tax forms that include mathematical computations of line items on the electronic forms. The department is encouraged to increase the use of electronic tax filing. This section does not affect the department's responsibilities to provide taxpayer

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services under 15-1-222."

For the Senate:

Elliott, Chairman  
Gillan  
Gebhardt

For the House:

Lake, Chairman  
Hamilton  
Blasdel

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 227**  
Report No. 1, April 18, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 227** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 227** (reference copy -- salmon) be **REJECTED** by the Senate.

For the Senate:

Laslovich, Chairman  
Jent  
Shockley

For the House:

Koopman, Chairman  
Kerns  
Raser

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 404**  
Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 404** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 404** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "CONSERVATION"

**Insert:** "AND LOCAL GOVERNMENTAL FIRE AGENCIES"

2. Page 2, line 15.

**Following:** "FOR"

**Insert:** "state"

3. Page 2, line 18.

**Following:** "FIREFIGHTER"

**Insert:** "employed by the department"

4. Page 2, line 20.

**Strike:** "DIRECTOR HAS SOLE DISCRETION TO"

**Insert:** "may"

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5. Page 2, line 25.

**Following:** "--"

**Insert:** "local"

6. Page 2, line 26.

**Following:** "AGENCY. A"

**Insert:** "local governmental fire agency shall pay reasonable attorney fees and costs for outside legal counsel to defend a"

**Following:** "OF A"

**Insert:** "local"

7. Page 2, line 27.

**Following:** "AGENCY"

**Strike:** "MUST" through "FOR"

**Insert:** "against"

8. Page 2, line 30.

**Following:** "EMPLOYEE."

**Insert:** "The local governmental fire agency may determine whether the act or omission of the firewarden, firefighter, or paid or volunteer employee was in good faith and arising from the performance of the employee's duties in a fire or in fire training. The requirement to pay attorney fees and costs does not apply to any postconviction legal proceedings."

9. Page 3, line 5.

**Strike:** "[SECTIONS 2 AND 3] ARE"

**Insert:** "[Section 2] is"

10. Page 3, line 6 through line 7.

**Strike:** "[SECTIONS 2 AND 3]"

**Insert:** "[section 2]"

11. Page 3, line 8.

**Following:** line 7

**Insert:** "(3) [Section 3] is intended to be codified as an integral part of Title 7, chapter 33, and the provisions of Title 7, chapter 33, apply to [section 3]."

For the Senate:

Lind, Chairman  
Jent  
Shockley

For the House:

Rice, Chairman  
Pomnichowski  
Ripley

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 687**  
Report No. 1, April 19, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 687** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that Senate amendments to **House Bill 687** (reference copy -- salmon) be accepted by the House.

For the House:

W. Jones, Chairman  
Campbell  
McGillvray

For the Senate:

Gillan, Chairman  
Moss  
Laible

**MESSAGES FROM THE OTHER HOUSE**

Bill **not** concurred in and returned to the Senate: 4/17/2007

**SB 129**, introduced by Schmidt

House joint resolution passed and transmitted to the Senate for concurrence: 4/17/2007

**HJR 57**, introduced by Jopek

Senate amendments to House bill concurred in: 4/18/2007

**HB 9**, introduced by Kasten

**HB 116** - The House failed to concur in Senate amendments to HB 116, 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 116: 4/18/2007

Senate bill concurred in and returned to the Senate: 4/18/2007

**SB 131**, introduced by Cobb

Senate bill concurred in and returned to the Senate: 4/18/2007

**SB 184**, introduced by Hawks

Senate bill concurred in and returned to the Senate: 4/18/2007

**SB 413**, introduced by Moss

Senate joint resolution concurred in and returned to the Senate: 4/18/2007

**SJR 19**, introduced by Gillan

**SJR 3**, introduced by Weinberg, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 4/18/2007

Yea:0

Nay:9

Committee Report adopted: 4/18/2007

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**HB 24**, introduced by Klock

Free Conference Committee Report No.1 adopted: 4/18/2007

**HB 25**, introduced by Olson

Conference Committee Report No.1 adopted: 4/18/2007

**HB 533**, introduced by Ankney

Conference Committee Report No.1 adopted: 4/18/2007

**SB 74**, introduced by Jent

**HB 715** - The House acceded to the request of the Senate, dissolved the Conference Committee on House amendments to HB 715, and authorized the Speaker to appoint the following Free Conference Committee to confer on HB 715:

4/18/2007

Representative Olson, Chair  
Representative Himmelberger  
Representative Driscoll

**HB 830** - The House acceded to the request of the Senate, dissolved the Conference Committee on House amendments to HB 830, and authorized the Speaker to appoint the following Free Conference Committee to confer on HB 830:

4/18/2007

Representative Kasten, Chair  
Representative Sinrud  
Representative Thomas

**SB 118** - 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 SB 118:

4/18/2007

Representative Everett, Chair  
Representative Campbell  
Representative Wells

**SB 147** - 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 SB 147:

4/18/2007

Representative Lambert, Chair  
Representative Vincent  
Representative Bixby

Senate bill not concurred in and returned to the Senate: 4/18/2007

**SB 300**, introduced by Cooney

**SB 49** - 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 SB 49:

4/18/2007

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Representative Ward, Chair  
Representative O'Hara  
Representative Kottel

**MOTIONS**

**SEN. DAN WEINBERG, SD 2, WHITEFISH** moved to Suspend the Rules to accept **SJR 3**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, Jackson, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to Suspend the Rules to accept **SB 436**. Motion carried 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

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to place **HJR 43** on second reading the 84th Legislative day. Motion **failed** as follows:

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

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg,

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Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved to change his vote on **HB 25** from "no" to "yes". Motion carried.

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to override the Governor's veto on **HB 469**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Juneau, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 30

Nays: Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Kaufmann, Larson, Lind, Moss, Pease, Ryan, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Free Conference Committee on **SB 547**. President appoints Senators Laslovich, Perry, Moss. House appoints Representatives Sinrud, Morgan, Parker. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Free Conference Committee on **HB 715**. President appoints: Senators Wanzenried, Lind, Gebhardt. House appoints Representatives Olson, Himmelberger, Driscoll. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Free Conference Committee on **SB 276**. President appoints: Senators Steinbeisser, Larson, M. Tropila. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **HB 160**. President appoints: Senators Wanzenried, Hawks, Laible. House appoints Representatives Stoker, Ripley, Musgrove. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **HB 809**. President appoints Senators Hawks, Wanzenried, Lewis. House appoints Representatives Glaser, Wells, Villa. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **SB**



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**103.** President appoints: Senators Lind, Hawks, Gebhardt. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HJR 57**, introduced by Jopek, referred to Natural Resources and Energy.

**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 25**, Conference Committee, concurred in as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 74**, Conference Committee, passed 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

**HJR 28** concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen,

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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 43

Nays: Bales, Barkus, Brown, Esp, Gebhardt, McGee, O'Neil.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 29** 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, 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

**SJR 30** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, 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, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Mr. President.  
Total 46

Nays: Esp, Gallus, Squires, Williams.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 27** adopted as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 31** 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, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 544**, House Amendments, concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 386**, House Amendments, 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

**SB 448**, House Amendments, concurred in as follows:

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

Total 39

Nays: Bales, Balyeat, Brown, Curtiss, Essmann, Gebhardt, McGee, O'Neil, Shockley, Steinbeisser, Story.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 540**, House Amendments, concurred in as follows:

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

Total 44

Nays: Esp, Gallus, Kaufmann, Larson, Squires, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 71**, House Amendments, 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

**SB 92**, House Amendments, concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, 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, Esp, Essmann, McGee, O'Neil.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 153**, House Amendments, concurred in as follows:

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

Total 46

Nays: Curtiss, Gallus, Gebhardt, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 165**, House Amendments, 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, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 270**, House Amendments, 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, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Smith.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 279**, House Amendments, 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

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Excused: None.  
Total 0

**SB 293**, House Amendments, 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

**SB 172**, House Amendments, concurred in as follows:

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

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 200**, House Amendments, concurred in as follows:

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

Nays: Esp, McGee.  
Total 2

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 27**, House Amendments, 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

**SB 31**, House Amendments, 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

**SB 41**, House Amendments, 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



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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 89**, House Amendments, concurred in as follows:

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

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 100**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, 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 46

Nays: Gallus, Gillan, Jackson, Kaufmann.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 515** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Weinberg, Williams.  
Total 39

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Nays: Cocchiarella, Gallus, Gillan, Hawks, Juneau, Kaufmann, Moss, Ryan, J.Tropila, Wanzenried, Mr. President.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 519** concurred in as follows:

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

Nays: Bales, Balyeat, Black, Brown, Esp, Essmann, Jackson, O'Neil, Story.  
Total 9

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 M. Tropila in the chair.

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

**HB 608 - Conference Committee Report No. 1** - Senator Lewis moved the Conference Committee report to **HB 608** be adopted. Motion carried unanimously.

**HB 668 - Conference Committee Report No. 1** - Senator Cocchiarella moved the Conference Committee report to **HB 668** be adopted. Motion carried unanimously.

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

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Harrington, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, Pease, Perry, Peterson, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 31

Nays: Balyeat, Elliott, Gallus, Gillan, Hansen, Hawks, Kaufmann, Laslovich, Lind, Moss, O'Neil, Ryan,

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Schmidt, Shockley, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 192 - House Amendments** - Senator Essmann moved House amendments to **SB 192** be concurred in. Motion carried unanimously.

**SB 478 - House Amendments** - Senator Weinberg moved House amendments to **SB 478** be concurred in. Motion carried unanimously.

**SB 48 - House Amendments** - Senator Esp moved House amendments to **SB 48** be concurred in. Motion carried unanimously.

**SB 213 - House Amendments** - Senator Cobb moved House amendments to **SB 213** be concurred in. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Squires, Story, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Balyeat, Barkus, Black, Brown, Essmann, Hansen, Jackson, Kitzenberg, Murphy, O'Neil, Perry, Smith, Stapleton, Steinbeisser, Tash, M.Tropila.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SB 258 - House Amendments** - Senator Shockley moved House amendments to **SB 258** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 26

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 276 - House Amendments** - Senator Steinbeisser moved House amendments to **SB 276** be **not** concurred in. Motion carried unanimously.

**SB 284 - House Amendments** - Senator Moss moved House amendments to **SB 284** be concurred in. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, 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 43

Nays: Bales, Barkus, Esp, McGee, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Balyeat.  
Total 1

**SB 324 - House Amendments** - Senator Jackson moved House amendments to **SB 324** be concurred in. Motion carried unanimously.

**SB 354 - House Amendments** - Senator Lind moved House amendments to **SB 354** be concurred in. Motion carried unanimously.

**SB 379 - House Amendments** - Senator Laslovich moved House amendments to **SB 379** be concurred in. Motion carried unanimously.

**SB 419 - House Amendments** - Senator Lind moved House amendments to **SB 419** be concurred in. Motion carried unanimously.

**SB 433 - House Amendments** - Senator Laslovich moved House amendments to **SB 433** be concurred in. Motion carried unanimously.

**SB 316 - House Amendments** - Senator Elliott moved House amendments to **SB 316** be **not** concurred in. Motion carried unanimously.

**SB 259 - Governor's Amendments** - Senator Tash moved Governor's amendments to **SB 259** be concurred in. Motion carried unanimously.

**SB 439 - House Amendments** - Senator Elliott moved House amendments to **SB 439** be concurred in. Motion carried with Senator Barkus voting nay.

**SB 253 - House Amendments** - Senator Cooney moved House amendments to **SB 253** be concurred in. Motion carried with Senator Laslovich, O'Neil voting nay.

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**SB 491 - House Amendments** - Senator Moss moved House amendments to **SB 491** be concurred in. Motion carried unanimously.

**SB 492 - House Amendments** - Senator Gebhardt moved House amendments to **SB 492** 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 M. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SPECIAL ORDERS OF THE DAY**

Legislative spouses presented a check to Senator Cooney, President of the Senate to help defray expenses for the new piece of art hanging in the Senate chambers. Senator Cooney presents the check to Richard Sims, Director of the Historical Society.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 10:00 a.m., Friday, April 20, 2007. Motion carried.

Senate adjourned at 3:28 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate