

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

Helena, Montana
April 20, 2007

Senate Chambers
State Capitol

Senate convened at 10:00 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, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, 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: Moss.
Total 1

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Squires, Chairman): 4/21/2007
HJR 59, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Weinberg, Chairman): 4/19/2007
HJR 50, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on Senate Bill 49
Report No. 1, April 20, 2007**

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 49** (reference copy --salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 49** (reference copy -- salmon) be amended as follows:

1. Page 5, line 11.

Strike: "WITHOUT THE SCHOOL'S PERMISSION,"

2. Page 5.

Following: line 16

Insert: "(3) If the child was subject to formal disciplinary action, including suspension or expulsion, at the child's

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previous school, the school in which the child is to be enrolled may require the child to comply with a behavior contract as a condition of enrollment."

Renumber: subsequent subsection

For the Senate:

Jent, Chairman
Pease
Esp

For the House:

Ward, Chairman
Kottel
O'Hara

FREE CONFERENCE COMMITTEE
on **Senate Bill 147**
Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 147** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 147** (reference copy -- salmon) be amended as follows:

1. Title, line 5 through line 10.

Strike: "ALLOWING" on line 5 through "CIRCUMSTANCES;" on line 10

2. Title, line 12 through line 14.

Strike: "CLARIFYING" on line 12 through "FISHING;" on line 14

3. Title, line 14 through line 15.

Strike: "SECTIONS 10-3-104," on line 14

Insert: "SECTION"

Strike: "AND" on line 14 through "87-3-106," on line 15

4. Page 1, line 19 through page 2, line 5.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

5. Page 2, following line 14.

Insert: "(4) (a) An entity that is conducting official business, an entity having actual residence as a permanent or principal place of abode in the designated area, or an entity engaged in employment that does not present a fire hazard must be allowed ingress and egress unless there is a significant risk to human health or safety.

(b) For the purposes of this section, "official business" includes but is not limited to the functions of governmental agencies and the activities of utilities, cooperatives, and telecommunications providers to operate, construct, repair, and maintain utility facilities that are essential to the public."

6. Page 2, line 16 through page 3, line 4.

Strike: section 4 in its entirety

Renumber: subsequent sections

7. Page 3, line 13.

Following: "disaster area"

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Strike: ", "
Insert: "and"

8. Page 3, line 14.
Following: "within the area"
Strike: ", and the occupancy " through "area"

9. Page 3, line 15.
Following: "(2)"
Strike: "The"
Insert: "Subject to [section 1(4)(a)], the"

10. Page 3, line 18 through page 3, line 30.
Strike: section 6 in its entirety
Renumber: subsequent sections

11. Page 4, line 2 through line 4.
Strike: subsection (1) in its entirety

12. Page 4, line 5.
Strike: "(2)"
Following: "Section"
Strike: "3"
Insert: "1"

13. Page 4, line 6.
Following: "section"
Strike: "3"
Insert: "1"
For the Senate:

Juneau, Chairman
Hawks
Shockley

For the House:

Lambert, Chairman
Vincent
Bixby

FREE CONFERENCE COMMITTEE
on **Senate Bill 365**
Report No. 1, April 20, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 365** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 365** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.
Strike: "DAILY"

2. Page 1, line 16.

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Following: "record"

Insert: ", unless a different recording schedule is ordered by the district judge,"

For the Senate:

Story, Chairman
M. Tropila
Hansen

For the House:

Barrett, Chairman
Everett
Jayne

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bill concurred in:	4/19/2007
HB 4 , introduced by Musgrove	
Senate amendments to House bill concurred in:	4/19/2007
HB 6 , introduced by Kasten	
Senate amendments to House bill concurred in:	4/19/2007
HB 7 , introduced by Kasten	
Senate amendments to House bill concurred in:	4/19/2007
HB 8 , introduced by Kasten	
Senate amendments to House bill concurred in:	4/19/2007
HB 49 , introduced by Hamilton	
Senate amendments to House bill concurred in:	4/19/2007
HB 141 , introduced by Jacobson	
Senate amendments to House bill concurred in:	4/19/2007
HB 195 , introduced by Lange	
Senate amendments to House bill concurred in:	4/19/2007
HB 240 , introduced by Nooney	
Senate amendments to House bill concurred in:	4/19/2007
HB 278 , introduced by Stoker	
Senate amendments to House bill concurred in:	4/19/2007
HB 480 , introduced by Lake	

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Senate amendments to House bill concurred in: 4/19/2007
HB 488, introduced by Jopek

Senate amendments to House bill concurred in: 4/19/2007
HB 512, introduced by L. Jones

Senate amendments to House bill concurred in: 4/19/2007
HB 536, introduced by Becker

Senate amendments to House bill concurred in: 4/19/2007
HB 616, introduced by McChesney

Senate amendments to House bill concurred in: 4/19/2007
HB 823, introduced by Small-Eastman

Senate amendments to House bill concurred in: 4/19/2007
HB 840, introduced by Hilbert

HB 337 - The House failed to concur in Senate amendments to **HB 337**, authorized the Speaker to appoint a Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 337**. Conference Committee Report No. 1 adopted: 4/19/2007

HB 24, introduced by Klock

Conference Committee Report No.1 adopted: 4/19/2007

HB 25, introduced by Olson

Conference Committee Report No.1 adopted: 4/19/2007

HB 533, introduced by Ankney

Conference Committee Report No.1 adopted: 4/19/2007

SB 74, introduced by Jent

House joint resolution passed and transmitted to the Senate for concurrence: 4/19/2007

HJR 61, introduced by Cohenour

SB 436, introduced by Gebhardt, 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:
4/19/2007

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Yeas - 63
Nays - 37

SB 550, introduced by Laible, 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:

4/19/2007

Yeas - 81
Nays - 19

MOTIONS

SEN. STEVE GALLUS, SD 37, BUTTE moved to take **HB 155** from Senate Finance and Claims Committee table and placed on second reading this 84th Legislative day. Motion carried as follows:

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

Total 44

Nays: Barkus, Cobb, Esp, Hawks, Schmidt, Stapleton.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. LARRY JENT, SD 32, BOZEMAN moved to take **HB 491** from Judiciary Committee table and placed on second reading this 84th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Jent, Laible, Lewis, McGee, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J. Tropila.

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. KELLY GEBHARDT, SD 23, ROUNDUP moved to take **HB 637** from Taxation Committee table and placed on second reading this 84th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Gebhardt, Jackson, Jent, Kitzenberg, Laible,

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Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. LANE LARSON, SD 22, BILLINGS moved to Suspend the Rules in order to allow **SB 25** to be transferred to Senate and heard in second reading this 84th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, 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 49

Nays: Curtiss.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. KELLY GEBHARDT, SD 23, ROUNDUP moved to take **HB 610** from Judiciary Committee table and placed on second reading this 84th Legislative day. Motion carried as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SEN. JOHN BRUEGGEMAN, SD 6, POLSON moved to take **HB 822** from Senate Taxation Committee table and placed on second reading the 85th Legislative day. Motion **failed** as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gebhardt, Hansen, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Murphy, Peterson, Smith, Stapleton, Steinbeisser, J.Tropila.
Total 19

Nays: Bales, Balyeat, Barkus, Brown, Elliott, Esp, Essmann, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Larson, Lind, McGee, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. RICK LAIBLE, SD 44, DARBY move to Suspend the Rules on **SB 550** moving it to second reading on the 85th Legislative day. Motion carried as follows:

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

Nays: Balyeat, O'Neil, Smith, M.Tropila.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS moved to change his vote on **SB 433** from "no" to "yes" today on third reading. Motion carried.

SEN. JOE BALYEAT, SD 34, BOZEMAN moved to change his vote on **SB 354** from "yes" to "no" today on third reading. Motion carried.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved to dissolve the Conference Committees and appoint Free Conference Committees for the following:

HB 829, President appoints Senator Laslovich, Chair, Senators Juneau, Black. Motion carried.

SB 118, President appoints Senator Cobb, Chair, Senators Wanzenried, Laslovich. Motion carried.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved to appoint Conference Committees for the following:

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SB 316, President appoints Senator Elliott, Chair, Senators Harrington, Peterson. Motion carried.

SB 393, President appoints Senator Gillan, Chair, Senators Laslovich, Shockley. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HJR 61, introduced by Cohenour, referred to Taxation.

**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 Schmidt in the chair.

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

SJR 28 - Senator Hawks moved **SJR 28** be adopted. Motion adopted unanimously.

HB 687 - Conference Committee Report No. 1 - Senator Moss moved the Conference Committee report to **HB 687** be adopted. Motion carried unanimously.

SB 12 - Conference Committee Report No. 1 - Senator Williams moved the Conference Committee report to **SB 12** be adopted. Motion carried with Senator McGee voting nay.

SB 121 - Conference Committee Report No. 1 - Senator Elliott moved the Conference Committee report to **SB 121** be adopted. Motion carried with Senator McGee voting nay.

SB 227 - Conference Committee Report No. 1 - Senator Laslovich moved the Conference Committee report to **SB 227** be adopted. Motion carried unanimously.

SB 404 - Conference Committee Report No. 1 - Senator Lind moved the Conference Committee report to **SB 404** be adopted. Motion carried unanimously.

SB 393 - House Amendments - Senator Gillan moved House amendments to **SB 393** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 43

Nays: Balyeat, Barkus, Jackson, Murphy, Stapleton, Steinbeisser.
Total 6

Absent or not voting: None.

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Total 0

Excused: Cobb.

Total 1

SB 363 - House Amendments - Senator Kaufmann moved House amendments to **SB 363** be concurred in. Motion carried unanimously.

SB 384 - House Amendments - Senator Wanzenried moved House amendments to **SB 384** be concurred in. Motion carried unanimously.

SB 424 - House Amendments - Senator Moss moved House amendments to **SB 424** be concurred in. Motion carried unanimously.

SB 449 - House Amendments - Senator Gillan moved House amendments to **SB 449** be concurred in. Motion carried unanimously.

SB 489 - House Amendments - Senator Cocchiarella moved House amendments to **SB 489** be concurred in. Motion carried with Senator Lind voting nay.

SB 505 - House Amendments - Senator Squires moved House amendments to **SB 505** be concurred in. Motion carried unanimously.

SB 342 - House Amendments - Senator Squires moved House amendments to **SB 342** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate recessed until 12:00 p.m.

**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 Schmidt in the chair.

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

SJR 12 - House Amendments - Senator Brueggeman moved House amendments to **SJR 12** be concurred in. Motion carried unanimously.

SJR 25 - House Amendments - Senator J. Peterson moved House amendments to **SJR 25** be concurred in. Motion carried unanimously.

SJR 15 - House Amendments - Senator Gillan moved House amendments to **SJR 15** be concurred in. Motion carried unanimously.

SJR 3 - House Amendments - Senator Weinberg moved House amendments to **SJR 3** be concurred in. Motion

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carried unanimously.

SB 168 - Governor's Amendments - Senator Jent moved Governor's amendments to **SB 168** be concurred in. Motion carried unanimously.

SB 537 - Governor's Amendments - Senator Brown moved Governor's amendments to **SB 537** be **not** concurred in. Motion carried unanimously.

HB 155 - Senator Gallus moved **HB 155** be concurred in. Motion carried unanimously.

HB 637 - Senator Gebhardt moved **HB 637**, second reading copy, be amended as follows:

1. Page 2, line 22.

Strike: "2008"

Insert: "2009"

Amendment **not** adopted as follows:

Yeas: Balyeat, Barkus, Curtiss, Gebhardt, Harrington, Jackson, O'Neil, Pease, Shockley, Smith, Tash, J.Tropila, M.Tropila.

Total 13

Nays: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

HB 637 - Senator J. Tropila moved **HB 637** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Gebhardt, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Tash, J.Tropila.

Total 24

Nays: Black, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, Moss, Ryan, Schmidt, Squires, Story, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

HB 637 - Senator Williams moved **HB 637** be **indefinitely postponed**. Motion carried as follows:

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Yeas: Bales, Black, Brown, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, McGee, Moss, Ryan, Schmidt, Squires, Story, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Balyeat, Barkus, Brueggeman, Curtiss, Gebhardt, Jackson, Laible, Laslovich, Lewis, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Tash, J.Tropila.

Total 20

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

HB 610 - Senator Gebhardt moved **HB 610** be concurred in. Motion **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 610 - Senator Williams moved **HB 610** be **indefinitely postponed**. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, 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 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

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President Cooney in the chair. Chairman Schmidt 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 608, conference committee report, concurred in as follows:

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

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 668, conference committee report, 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, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.
Total 46

Nays: Lind, McGee, Shockley, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533, conference committee report, concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg.
Total 30

Nays: Balyeat, Cobb, Elliott, Gillan, Hansen, Hawks, Kaufmann, Laslovich, Lind, Moss, O'Neil, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

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Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 192 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 478 house amendments concurred in as follows:

Yeas: Bales, Balyeat, 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 49

Nays: Barkus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 48 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 213 house amendments concurred in as follows:

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

Total 34

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Hansen, Kitzenberg, McGee, Murphy, O'Neil, Perry, Stapleton, Steinbeisser, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 258 house amendments **not** concurred in as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 284 house amendments concurred in as follows:

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

Total 40

Nays: Balyeat, Barkus, Esp, Essmann, McGee, Murphy, O'Neil, Shockley, Stapleton, Story.

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Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 324 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 354 house amendments concurred in as follows:

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

Total 48

Nays: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 379 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 419 house amendments concurred in as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, McGee, Murphy, O'Neil, Perry, Steinbeisser, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 433 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

HB 259 Governor's 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.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 439 house amendments concurred in as follows:

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

Total 43

Nays: Barkus, Jackson, McGee, Murphy, Perry, Shockley, Steinbeisser.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 491 house amendments concurred in as follows:

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

Total 41

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, McGee, O'Neil, Stapleton.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 253 house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, 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, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Cobb, Esp, Essmann, McGee, O'Neil, Smith.

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Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 492 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

SPECIAL ORDERS OF THE DAY

REP. BRUCE MALCOLM, HD 61, EMIGRANT presented to the Senate an unusual tidbit on the history of Montana's State Capitol.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, April 21, 2007. Motion carried.

Senate adjourned at 1:45 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate