

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

Helena, Montana
April 26, 2007

Senate Chambers
State Capitol

Senate convened at 11:00 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, 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, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

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

Total 8

Absent or not voting: None.

Total 0

Excused: Story.

Total 1

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 116**

Report No. 1, April 25, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 116** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 116** (reference copy -- salmon) be amended as follows:

1. Title, line 20.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 15, line 27.

Following: "submit"

Strike: ", as" through "17-7-111,"

Insert: "to the legislative finance committee"

Following: "complete"

Insert: "annual"

3. Page 15, line 29.

Following: "report"

Insert: "by September 15 following the end of the fiscal year"

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4. Page 21, line 29 through page 22, line 1.

Strike: line 29 through page 22, line 1

5. Page 39, line 1 through line 3.

Strike: subsection (1) in its entirety

Insert: "(1) For the biennium beginning July 1, 2007, the department of administration shall transfer \$500,000 from the general fund as follows:

(a) \$346,145 to the orphan share fund as provided for in 75-10-743; and

(b) \$153,855 to the environmental contingency account as provided for in 75-1-1101."

6. Page 39, line 16.

Following: line 15

Insert: "NEW SECTION. **Section 33. Termination.** [Section 9] terminates June 30, 2009. "

For the House:

Ripley, Chairman
Jore
Witte

For the Senate:

Wanzenried, Chairman
Laible
M. Tropila

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 160**
Report No. 1, April 26, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 160** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 160** (reference copy -- salmon) be amended as follows:

1. Page 1, line 12.

Strike: "\$446,987"

Insert: "\$822,774.07"

2. Page 1, line 13.

Following: "interest"

Insert: "plus interest"

3. Page 1, line 19.

Following: "interest"

Insert: "plus interest"

4. Page 1, line 22.

Strike: "\$5.40"

Insert: "\$5.94"

5. Page 1, line 23.

Strike: "\$14,242.87"

Insert: "\$14,500.19"

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6. Page 1, line 24.

Strike: "\$737.95"

Insert: "\$761.97"

7. Page 1, line 25.

Strike: "\$5,881.98"

Insert: "\$6,060.68"

8. Page 1, line 26 through line 28.

Strike: lines 26 through 28 in their entirety

Renumber: subsequent subsections

9. Page 1, line 29.

Strike: "STATE SPECIAL REVENUE FUND"

Strike: "\$9.26"

Insert: "\$10.40"

10. Page 1, line 30.

Strike: "STATE SPECIAL REVENUE FUND"

11. Page 2, line 1.

Strike: "\$17.06"

Insert: "\$19.24"

12. Page 2, line 2.

Following: "SCHOOLS"

Insert: "common schools"

Strike: "STATE SPECIAL REVENUE FUND"

13. Page 2, line 3.

Strike: "CAPITOL LAND GRANT PROJECTS FUND ("

Following: "BUILDINGS"

Strike: ")"

Strike: "\$25,848.25"

Insert: "\$29,149.38"

14. Page 2, line 12.

Strike: "TRANSFERRED"

Insert: "appropriated"

15. Page 2, line 13.

Following: the first "SCHOOLS"

Insert: "common schools"

Strike: "STATE SPECIAL REVENUE FUND"

16. Page 2, line 14.

Following: line 13

Insert: "common schools"

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For the House:

Stoker, Chairman
Musgrove
Ripley

For the Senate:

Wanzenried, Chairman
Hawks
Laible

FREE CONFERENCE COMMITTEE
on **House Bill 592**
Report No. 1, April 25, 2007

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 592** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 592** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14 through line 15.

Following: "signs." on line 14

Strike: remainder of line 14 through line 15

For the House:

Wilson, Chairman
McGillvray
Klock

For the Senate:

Schmidt, Chairman
M. Tropila
Steinbeisser

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 316**

Report No. 1, April 26, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 316** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 316** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

2. Page 3, line 20.

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If House Bill No. 488 and [this act] are both passed and approved, then [section 2] of House Bill No. 488 relating to the appropriation for the study of the revaluation of certain property, including agricultural land, must read as follows:

"NEW SECTION. Section 2. Appropriation. There is appropriated \$50,000 from the general fund to the legislative services division for the 2009 biennium for the operating expenses and personnel expenses related to the study required by [section 1] of House Bill No. 488."

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

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Renumber: subsequent section

3. Page 3, line 21.

Following: "Applicability"

Insert: "-- retroactive applicability"

4. Page 3, line 25.

Following: "applies"

Insert: "retroactively, within the meaning of 1-2-109,"

For the Senate:

Elliott, Chairman
Harrington
Peterson

For the House:

Mendenhall, Chairman
Lambert
Jopek

MESSAGES FROM THE GOVERNOR

April 26, 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 89** sponsored by Senator Williams on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 26, 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 95** sponsored by Senator Smith on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 26, 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 102** sponsored by Senator Lind on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 26, 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 114** sponsored by Senator Larson on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 26, 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 132** sponsored by Senator Gallus on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 26, 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 246** sponsored by Senator Gallus on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 26, 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 339** sponsored by Senator Murphy on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 26, 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 406** sponsored by Senator Bales on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 26, 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 422** sponsored by Senator Gebhardt on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 26, 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 532** sponsored by Senator Gallus on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 26, 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 544** sponsored by Senator Hansen on April 26, 2007.

Sincerely,

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BRIAN SCHWEITZER
Governor

April 26, 2007

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

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

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 406, "AN ACT EXPANDING ACCESS TO HEALTH CARE SERVICES BY ESTABLISHING A GRANT PROGRAM FOR COMMUNITY HEALTH CENTERS; CREATING AN ADVISORY GROUP; REQUIRING A REPORT TO THE LEGISLATURE; TRANSFERRING GENERAL FUND MONEY; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

HB 406 establishes a grant program for local community health centers, to be administered by the Department of Public Health and Human Services (DPHHS). The bill appropriates \$650,000 from the general fund for each year of the biennium to DPHHS to be allocated to communities. However, the bill neglects to direct any appropriations to DPHHS for the costs incurred in administering the program, such as setting up the program, establishing a grant process, determining federal eligibility requirements, staffing the advisory committee established in the bill, or paying the travel and reimbursement expenses of the advisory committee.

My proposed amendment authorizes DPHHS to spend up to .5% of the amount appropriated to cover its administrative expenses.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 26, 2007

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

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

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Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 683, "AN ACT PROVIDING THAT A FULL GUARDIAN MAY NOT CONSENT TO THE WITHHOLDING OR WITHDRAWAL OF LIFE SUSTAINING TREATMENT OR TO A DO NOT RESUSCITATE ORDER IF THE GUARDIAN DOES NOT HAVE CONSENT AUTHORITY PURSUANT TO THE MONTANA RIGHTS OF THE TERMINALLY ILL ACT, THE LAWS PROVIDING FOR DO NOT RESUSCITATE ORDERS, OR A COURT ORDER; AND AMENDING SECTIONS 50-9-106 AND 72-5-321, MCA."

HB 683 codifies current practice that a guardian of an incapacitated person may not withhold or withdraw life sustaining treatment absent a legal written advanced directive under the Montana Rights of the Terminally Ill Act and the do not resuscitate provisions of Montana law. HB 683 clarifies that absent a written directive, the guardian must petition a court for permission to withdraw treatment. My proposed amendment is intended to clarify that the standard employed by the court when acting on a petition under the guardianship laws is the same as the standard the court employs under the Montana Rights of the Terminally Ill Act.

I have discussed my proposed amendment with the sponsor of the bill, Representative Reinhart, who has expressed her support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

MESSAGES FROM THE OTHER HOUSE

Free Conference Committee Report No.1 adopted: 4/26/2007

SB 51, introduced by Hawks

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/26/2007

SB 161, introduced by Laible

Governor's amendments to House bill concurred in and returned to the Senate: 4/26/2007

HB 768, introduced by Gallik

HB 818 - The House failed to concur in Senate amendments to **HB 818**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 818**:

4/26/2007

Representative , Chair
Representative

HB 818 - 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 818**:

4/26/2007

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Representative Sinrud, Chair
Representative Taylor
Representative Bergren

SB 316 - 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 316:**

4/26/2007

Representative Mendenhall, Chair
Representative Lambert
Representative Jopek

Conference Committee Report No.1 adopted:

4/26/2007

HB 304, introduced by Furey

Free Conference Committee Report No.1 adopted:

4/26/2007

HB 337, introduced by Cohenour

Free Conference Committee Report No.1 adopted:

4/26/2007

HB 462, introduced by Sands

Free Conference Committee Report No.1 adopted:

4/26/2007

HB 715, introduced by Olson

Free Conference Committee Report No.1 adopted:

4/26/2007

HB 829, introduced by L. Jones

Conference Committee Report No.1 adopted:

4/26/2007

SB 96, introduced by Williams

Free Conference Committee Report No.1 adopted:

4/26/2007

SB 276, introduced by Steinbeisser

Free Conference Committee Report No.1 adopted:

4/26/2007

SB 51, introduced by Hawks

Senate bill passed and transmitted to the Senate for concurrence:

4/26/2007

SB 115, introduced by Jent

Senate bill passed and transmitted to the Senate for concurrence:

4/26/2007

SB 166, introduced by J. Tropila

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Senate bill passed and transmitted to the Senate for concurrence: 4/26/2007
SB 273, introduced by Jent

Senate bill passed and transmitted to the Senate for concurrence: 4/26/2007
SB 417, introduced by Brown

Senate joint resolution passed and transmitted to the Senate for concurrence: 4/26/2007
SJR 23, introduced by Harrington

Senate bill concurred in and returned to the Senate: 4/26/2007
SB 206, introduced by Cobb

Senate bill concurred in and returned to the Senate: 4/26/2007
SB 69, introduced by Wanzenried

MOTIONS

SEN. DANIEL MCGEE, SD 29, LAUREL moved to Suspend the Rules on **HB 491** and place it on third reading this 89th Legislative day. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. RICK LAIBLE, SD 44, DARBY moved to Suspend the Rules on **HB 161** and place it on second reading this 89th Legislative day. Motion carried as follows:

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

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Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the appointment of a Conference Committee on **HB 818**. The President appoints Senator Larson, Chair, Senators Wanzenried and Laible. Motion carried unanimously.

SEN. DAVID WANZENRIED, SD 49, MISSOULA moved to Suspend the Rules to transfer **SB 69** out of the House and brought to the Senate and placed on second reading this 89th Legislative day. Motion carried as follows:

Yeas: Bales, 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, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Balyeat, Esp, McGee, O'Neil.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. AUBYN CURTISS, SD 1, FORTINE moved to transfer **HJR 31** out of Committee and placed on second reading the 89th Legislative day. Motion carried as follows:

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

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

Total 24

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SEN. KIM GILLAN, SD 24, BILLINGS moved to place **SB 393** on second reading this 89th Legislative day.
Motion carried as follows:

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

Total 40

Nays: Barkus, Gallus, Hansen, Jackson, Kaufmann, McGee, Murphy, Perry, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**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 Elliott in the chair.

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

HB 491 - Senator Shockley moved **HB 491**, second reading copy, be amended as follows:

1. Page 1, line 12 through line 14.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 1, line 18.

Strike: "UP TO 18"

Insert: "under 16"

Following: "AGE"

Strike: "OR YOUNGER"

3. Page 1, line 28.

Following: "OR DEFENSE."

Strike: "(1)"

Following: the second "OR DEFENSE"

Insert: "if the defense intends to call a child witness other than the victim in its case in chief"

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4. Page 2, line 1 through line 3.
Strike: subsection (2) in its entirety
5. Page 2, line 8.
Following: "SECTION 2"
Strike: "(1)"
6. Page 2, line 9.
Following: "SECTION 2"
Strike: "(1)"
7. Page 2, line 16 through line 18.
Following: "offense" on line 16
Strike: remainder of line 16 through "crime" on line 18
8. Page 2, line 20 through line 24.
Following: "proceeding" on line 20
Strike: remainder of line 20 through "family." on line 24
Insert: ";
9. Page 2, line 28 through line 29.
Following: "OF" on line 28
Strike: remainder of line 28 through "limited to" on line 29
10. Page 2, line 29.
Following: "psychologists"
Strike: "or counselors"
11. Page 2, line 29 through line 30.
Following: "witness" on line 29
Strike: remainder of line 29 through "ad litem" on line 30
12. Page 3, line 1 through line 7.
Strike: subsection (5) through subsection (6) in their entirety
13. Page 3, line 28.
Strike: subsection (e) in its entirety
Renumber: subsequent subsections
14. Page 4, line 4 through line 14.
Strike: subsection (4) through subsection (5) in their entirety
Renumber: subsequent subsections
15. Page 4, line 18 through line 25.
Strike: subsection (7) through subsection (8) in their entirety

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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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: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 491 - Senator McGee moved **HB 491**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Larson, Lewis, Lind, McGee, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg.
Total 33

Nays: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laslovich, Moss, Murphy, Pease, Ryan, Schmidt, Squires, Williams, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 46 - Senator J. Tropila moved **HJR 46** be concurred in. Motion carried unanimously.

HB 829 - Free Conference Committee Report No. 1 - Senator Laslovich moved the Free Conference Committee report to **HB 829** be adopted. Motion carried unanimously.

HB 353 - Senator Shockley moved consideration of **HB 353** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 337 - Conference Committee Report - Senator _____ moved the Conference Committee report to **HB 337** be adopted. 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 462 - Free Conference Committee Report No. 1 - Senator Williams moved the Free Conference Committee report to **HB 462** be adopted. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Curtiss, Esp, Gebhardt, McGee, Murphy, O'Neil, Peterson, Ryan, Shockley, Story, Tash.
Total 13

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

HB 729 - Governor's Amendments - Senator Squires moved Governor's amendments to **HB 729** be concurred in. 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 Elliott moved the Committee of the Whole report be adopted. Report adopted unanimously.

4:09 p.m. Senate reconvenes.

Roll Call. All Senators present. Quorum present.

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.

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Total 0

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

SB 25 - Conference Committee Report No. 1 - Senator Larson moved the Conference Committee report to **SB 25** be adopted. Motion carried unanimously.

SB 103 - Conference Committee Report No. 1 - Senator Lind moved the Conference Committee report to **SB 103** be adopted. Motion carried with Senator Juneau voting nay.

SB 547 - Free Conference Committee Report No. 1 - Senator Perry moved the Free Conference Committee report to **SB 547** be adopted. Motion carried as follows:

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

Total 39

Nays: Cobb, Cocchiarella, Esp, Gallus, Gebhardt, Hansen, Harrington, Kaufmann, Moss, Ryan, Weinberg.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate in recess.

Senate reconvened at 7:30 p.m.

Roll Call. Senator Stapleton excused. Quorum present.

Yeas: Cobb, Curtiss, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Perry, Peterson, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Jackson, Lind, McGee, Murphy, O'Neil, Pease, Ryan, Shockley, Steinbeisser.

Total 20

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

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

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

SB 550 - Conference Committee Report No. 1 - Senator Laible moved the Conference Committee report to **SB 550** be adopted. Motion carried with Senator Lind voting nay.

HB 353 - Governor's Amendments - Senator Shockley moved Governor's amendments to **HB 353** be concurred in. Motion carried unanimously.

SB 161 - House Amendments - Senator Laible moved House amendments to **SB 161** be concurred in. Motion carried unanimously.

SB 69 - House Amendments - Senator Wanzenried moved House amendments to **SB 69** be concurred in. Motion carried with Senator McGee voting nay.

HJR 31 - Senator Curtiss moved **HJR 31** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Steinbeisser, Story, Tash, J.Tropila.

Total 30

Nays: Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Moss, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

SB 393 as amended by the House - Senator Gillan moved **SB 393** be concurred in. Motion carried as follows:

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

Total 37

Nays: Barkus, Black, Curtiss, Gallus, Hansen, Jackson, Kaufmann, Lind, Murphy, Perry, Shockley, Tash, Williams.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Elliott 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 828 concurred in as follows:

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

Total 46

Nays: Brown, Jackson, McGee, Steinbeisser.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 57 concurred in as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 47 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, 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.

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Total 47

Nays: Brown, Jackson, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 48 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

HJR 52 concurred in as follows:

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

Nays: Black, Esp, Jackson, McGee, Shockley, Story.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 524 house amendments be 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,

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Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Esp, McGee, Steinbeisser.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 577 concurred in as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 829 free conference committee report be 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

HB 337 conference committee report be 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,

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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 462 free conference committee report be adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 39

Nays: Balyeat, Cobb, Esp, Gebhardt, McGee, Murphy, O'Neil, Peterson, Ryan, Shockley, Steinbeisser.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 25 conference committee report 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

SB 103 conference committee report be 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

SB 547 free conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gillan, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 37

Nays: Cobb, Esp, Gallus, Gebhardt, Hansen, Harrington, Kaufmann, Moss, O'Neil, Pease, Ryan, Smith, Weinberg.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 550 conference committee report adopted 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, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 45

Nays: Balyeat, Lind, McGee, Wanzenried, Weinberg.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SPECIAL ORDERS OF THE DAY

SEN. VICKI COCCHIARELLA, SD 47, HELENA read a tribute to Stephen Maly.

Senate convened at 9:00 a.m.

Roll Call. Senators Ryan, Gillan, McGee excused. Quorum present.

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

Total 39

Nays: Balyeat, Brown, Cobb, Essmann, Gebhardt, Lind, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Gillan, McGee, Ryan.

Total 3

Recess 9:11 a.m. until 10:30 a.m.

Roll Call. Senators Lewis, Cobb excused. Quorum present.

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

Total 41

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

Total 7

Absent or not voting: None.

Total 0

Excused: Cobb, Lewis.

Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 11:00 a.m., Friday, April 27, 2007. Motion carried.

Senate adjourned at 10:58 a.m.

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JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate