SENATE JOURNAL 60TH LEGISLATURE NINETIETH LEGISLATIVE DAY

Helena, Montana Senate Chambers
April 27, 2007 State Capitol

Senate convened at 11:20 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, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

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

Total 8

Absent or not voting: None.

Total 0

Excused: Cobb, Perry.

Total 2

MESSAGES FROM THE GOVERNOR

April 27, 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 175 sponsored by Senator Squires on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 27, 2007

Helena, Montana 59620		

Dear Senator Cooney:

Please be informed that I have signed Senate Bill 204 sponsored by Senator Ryan on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 27, 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 219 sponsored by Senator Balyeat on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 27, 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 295 sponsored by Senator Tash on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 27, 2007

Helena.	. Montana	59620		

Dear Senator Cooney:

Please be informed that I have signed Senate Bill 308 sponsored by Senator J. Peterson on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 27, 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 317 sponsored by Senator Lewis on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 27, 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 318 sponsored by Senator J. Peterson on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 27, 2007

Dear Senator Cooney:
Please be informed that I have signed Senate Bill 419 sponsored by Senator Lind on April 27, 2007.
Sincerely,
BRIAN SCHWEITZER Governor
April 27, 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 517 sponsored by Senator Black on April 27, 2007.
Sincerely,
BRIAN SCHWEITZER Governor
April 28, 2007
The Honorable Mike Cooney

Dear Senator Cooney:

President of the Senate

Helena, Montana 59620

Helena, Montana 59620

Please be informed that I have signed Senate Bill 50 sponsored by Senator Gallus on April 28, 2007.

Sincerely,

State Capitol

BRIAN SCHWEITZER Governor

April 28, 2007

Helena, Montana 59620		

Dear Senator Cooney:

Please be informed that I have signed Senate Bill 145 sponsored by Senator Shockley on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 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 181 sponsored by Senator Cobb on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 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 214 sponsored by Senator Lewis on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 2007

Helena, Montana 59620		

Dear Senator Cooney:

Please be informed that I have signed Senate Bill 251 sponsored by Senator Larson on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 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 266 sponsored by Senator Shockley on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 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 269 sponsored by Senator Larson on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 2007

Dear Senator Cooney:	
Please be informed that I have signed Senate Bill 287 sponsored by Senator Weinberg on April 28, 20	07.

BRIAN SCHWEITZER Governor

Helena, Montana 59620

April 28, 2007

Sincerely,

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 289 sponsored by Senator Gallus on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 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 296 sponsored by Senator Weinberg on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 2007

Dear Senator Cooney:
Please be informed that I have signed Senate Bill 302 sponsored by Senator Barkus on April 28, 2007
Sincerely,
BRIAN SCHWEITZER Governor
April 28, 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 312 sponsored by Senator Lind on April 28, 2007.
Sincerely,
BRIAN SCHWEITZER Governor
April 28, 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 335 sponsored by Senator Tash on April 28, 2007.

April 28, 2007

BRIAN SCHWEITZER

Sincerely,

Governor

Helena, Montana 59620

Helena, Montana 59620
Dear Senator Cooney:
Please be informed that I have signed Senate Bill 370 sponsored by Senator Tash on April 28, 2007.
Sincerely,
BRIAN SCHWEITZER Governor
April 28, 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 442 sponsored by Senator Kaufmann on April 28, 2007
Sincerely,
BRIAN SCHWEITZER Governor
April 28, 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 443 sponsored by Senator Squires on April 28, 2007.
Sincerely,
BRIAN SCHWEITZER Governor
April 28, 2007

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Dear Senator Cooney:

Please be informed that I have signed Senate Bill 444 sponsored by Senator Wanzenried on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER Governor

April 28, 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 553 sponsored by Senator Black on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

MOTIONS

SEN. DON RYAN, SD 10, GREAT FALLS moved to change his vote on HB 491 from "yes" to "no". Motion carried.

SEN. DAN HARRINGTON, SD 38, BUTTE moved the Senate Sine Die on this 90th Legislative day. SEN. COREY STAPLETON, SD 27, BILLINGS moved the substitute motion that the Senate Sine Die at 11:00 a.m. April 28, 2007. Motion failed as follows:

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

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

SEN. DAN HARRINGTON, SD 38, BUTTE moved the Senate Sine Die on this 90th Legislative day. Motion carried as follows:

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

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, 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

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 116 - Conference Committee Report No. 1 - Senator Wanzenried moved the Conference Committee report to HB 116 be adopted. Motion carried unanimously.

HB 160 - Conference Committee Report No. 1 - Senator Laible moved the Conference Committee report to HB 160 be adopted. Motion carried unanimously.

HB 592 - Free Conference Committee Report No. 1 - Senator J. Tropila moved the Free Conference Committee report to **HB 592** be adopted. Motion carried unanimously.

HB 768 - Governor's Amendments - Senator Shockley moved Governor's amendments to **HB 768** be concurred in. Motion carried unanimously.

SB 316 - Free Conference Committee Report No. 1 - Senator Elliott moved the Free Conference Committee report to SB 316 be adopted. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman 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 491 concurred in as follows:

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

Nays: Hansen, Murphy, Ryan, Smith.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 46 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, 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 47

Nays: Curtiss, Esp, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 729 Governor's amendments adopted as follows:

Yeas: Bales, Balyeat, Barkus, 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, 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: Jackson, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

HB 353 Governor's amendments 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, 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

SB 161 house amendments be 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 69 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, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President. Total 46

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

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 31 concurred in as follows:

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

Total 35

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

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 393 house amendments concurred in as follows:

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

Total 36

Nays: Barkus, Black, Curtiss, Gebhardt, Hansen, Jackson, Kaufmann, Laslovich, Lind, McGee, Murphy, Perry, Shockley, Smith.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 116 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, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President. Total 48

Nays: Balyeat, Shockley.

Total 2

Absent or not voting: None.

Excused: None.

Total 0

HB 160 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

HB 592 free conference committee report adopted 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, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Esp, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 768 Governor's amendments 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.

A۱	bsent	or	not	voting:	None.
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Total 0

Excused: None.

Total 0

SB 316 free 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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Pro Tempore Harrington moved the Senate adjourn SINE DIE. Motion carried.

Senate adjourned at 12:15 p.m.

JOHN MUDD Secretary of the Senate MIKE COONEY President of the Senate