

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

Helena, Montana
March 12, 2007

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

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

Total 43

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

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Weinberg, Chairman): 3/12/2007
HB 144, be concurred in. Report adopted.
HB 449, be concurred in. Report adopted.

FINANCE AND CLAIMS (Schmidt, Chairman): 3/12/2007
HB 13, be concurred in. Report adopted.

NATURAL RESOURCES AND ENERGY (Lind, Chairman): 3/12/2007
HJR 20, be concurred in as amended as follows:

1. Page 1, line 26.

Following: "estimate a"

Insert: "minimum"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 3/12/2007
HB 51, be concurred in. Report adopted.
HB 62, be concurred in. Report adopted.
HB 67, be concurred in. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 20, introduced by Shockley

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 39, introduced by Brown

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 40, introduced by Cocchiarella

Senate bill passed and transmitted to the Senate for concurrence: 3/12/2007
SB 101, introduced by Jent

MOTIONS

SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS moved his vote on **HB 156** be changed from "yes" to "no".
Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 497, introduced by Pomnichowski, referred to Business, Labor, and Economic Affairs.
HB 678, introduced by Lange, referred to Education and Cultural Resources.

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

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

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

HB 84 - Senator Shockley moved **HB 84** be concurred in. Motion carried unanimously.

HB 20 - Senator Shockley moved **HB 20** be concurred in. Motion carried unanimously.

HB 143 - Senator Brueggeman moved **HB 143** be concurred in. Motion carried unanimously.

HB 334 - Senator Smith moved **HB 334** be concurred in. Motion carried unanimously.

HB 264 - Senator Barkus moved **HB 264** be concurred in. Motion carried unanimously.

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HB 94 - Senator M. Tropila moved **HB 94** be concurred in. Motion carried unanimously.

HB 167 - Senator Gebhardt moved **HB 167** be concurred in. Motion carried unanimously.

HB 43 - Senator Essmann moved **HB 43** be concurred in. Motion carried unanimously.

HB 31 - Senator Cocchiarella moved consideration of **HB 31** be passed for the day. Motion carried.

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

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 255 be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, 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 47

Nays: Cobb, Gallus, Larson.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 111 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.

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Total 0

HB 38 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

HB 82 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

HB 226 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

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Excused: None.
Total 0

HB 156 be concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 41

Nays: Barkus, Curtiss, Lewis, McGee, Murphy, O'Neil, Stapleton, Steinbeisser, Tash.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 290 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

HB 137 be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 43

Nays: Brown, Esp, Gebhardt, Juneau, McGee, O'Neil, Shockley.
Total 7

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

LEGISLATIVE ADMINISTRATION (Smith, Chairman):

3/12/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Saturday, March 10, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Jillisa Stewart, Dillon Janell Zerbe, Lustre Kevin Knudson, Harlowton Shalaine Watson, Forsyth Creede Caldwell, Helena Spencer Bold, Winifred Roy Brown Jr., Billings

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 12, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Tamara Ruffatto, Brockton Brandon Norick, Columbia Falls Alexandra Hurley, Anaconda Frances Eagleman, Havre Ashley Sue Ames, Helena Robin Patrick, Hingham

Report Adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, March 13, 2007. Motion carried.

Senate adjourned at 2:00 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate