

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 11, 2007

Senate Chambers  
State Capitol

Senate convened at 9:00 a.m. President Cooney presiding. Invocation by Rep. Jonathan Windy Boy, Chippewa Cree Tribe. Pledge of Allegiance to the Flag.

Roll Call. Senator Wanzenried excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Juneau, Wanzenried.  
Total 2

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** and **SEN. COREY STAPLETON, SD 27, BILLINGS** called for Democrats and Republicans to caucus.

Roll Call. All Senators present. Quorum present.

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

Nays: Balyeat, Brown, Cobb, Esp, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Gillan, Chairman):  
**HB 49**, be amended as follows:

4/11/2007

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

1. Page 1, line 15.  
**Strike:** "and authorities"
2. Page 1, line 25 through line 26.  
**Strike:** subsection (b) in its entirety  
**Re-number:** subsequent subsections
3. Page 2, line 15.  
**Following:** "and"  
**Insert:** "and"
4. Page 2, line 16 through line 17.  
**Strike:** "; AND" on line 16 through "MEMBER" on line 17
5. Page 2, line 25.  
**Following:** "districts"  
**Strike:** "and" through "port authorities"
6. Page 3, line 3.  
**Following:** "\$20,000"  
**Insert:** "for the biennium beginning July 1, 2007,"

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

<b>HIGHWAYS AND TRANSPORTATION</b> (Pease, Chairman):	4/11/2007
<b>HB 556</b> , be concurred in. Report adopted.	
<b>NATURAL RESOURCES AND ENERGY</b> (Lind, Chairman):	4/11/2007
<b>HB 304</b> , be concurred in. Report adopted.	
<b>HB 569</b> , be concurred in. Report adopted.	
<b>HB 611</b> , be concurred in. Report adopted.	

**MESSAGES FROM THE GOVERNOR**

April 11, 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 60** sponsored by Senator Cobb on April 10, 2007.

Sincerely,

BRIAN SCHWEITZER

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Governor

April 11, 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 77** sponsored by Senator Laible on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 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 164** sponsored by Senator Gallus on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 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 170** sponsored by Senator Perry on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Governor

April 11, 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 203** sponsored by Senator Balyeat on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 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 245** sponsored by Senator McGee on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 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 341** sponsored by Senator Lewis on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Governor

April 11, 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 466** sponsored by Senator Cocchiarella on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 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 467** sponsored by Senator Cocchiarella on April 10, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 10, 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

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

hereby return with amendments House Bill 259, "AN ACT DEFINING TERMS; RESTRICTING THE USE AND LOCATION OF GRAY WATER REUSE SYSTEMS; DIRECTING THE BOARD OF ENVIRONMENTAL REVIEW TO CREATE RULES REGULATING RESIDENTIAL GRAY WATER REUSE SYSTEMS; AMENDING SECTION 75-5-305, MCA; AND PROVIDING AN APPLICABILITY CLAUSE."

House Bill 259 creates a regulatory system for wastewater treatment of "gray water," which is reusable, separate from other wastewaters. As drafted, the definitions in section 1 of the bill do not apply to section 3 of the bill, even though the terms defined in section 1 are used in section 3. My proposed amendment, a copy of which is attached, simply clarifies what appears to have been an oversight in drafting.

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

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 259

1. Page 1, line 11.

**Strike:** "[sections" through "4]"

**Insert:** "this part"

**MESSAGES FROM THE OTHER HOUSE**

**HB 24** - 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 24**.

4/10/2007

Representative Klock, Chair  
Representative Groesbeck  
Representative Rice

**HB 608** - 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 608**:

4/10/2007

Representative Olson, Chair  
Representative Wells  
Representative Jayne

**HB 668** - 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 668**:

4/10/2007

Representative Stahl, Chair  
Representative Everett  
Representative Kottel

**HB 715** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 715:**  
4/10/2007

Representative Olson, Chair  
Representative Himmelberger  
Representative Driscoll

**HB 766** - 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 766:**  
4/10/2007

Representative Sonju, Chair  
Representative Mendenhall  
Representative Keane

**MOTIONS**

**SEN. KEITH BALES, SD 20, OTTER** moved to change his vote on **SB 369** from "no" to "yes". Motion carried.

**SEN. DAVE LEWIS, SD 42, HELENA** moved to change his vote on **HB 583** from "yes" to "no". Motion carried

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 28**, introduced by Hawks, referred to Education and Cultural Resources.

**SJR 29**, introduced by Balyeat, Cocchiarella, Lewis, Brown, J. Tropila, Smith, Jackson, Steinbeisser, Larson, Squires, Weinberg, Stahl, Keane, Mendenhall, Koopman, referred to Business, Labor, and Economic Affairs.

**SJR 30**, introduced by Smith, Cocchiarella, Ryan, Brown, J. Tropila, Jackson, Steinbeisser, Larson, referred to Business, Labor, and Economic Affairs.

**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 19** 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

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Excused: None.  
Total 0

**HB 139** 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, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Schmidt.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 540** 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 583** concurred in as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Esp, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 17

Absent or not voting: None.



SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Total 0

Excused: None.

Total 0

**HB 77** 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 45** concurred in as follows:

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

Total 44

Nays: Balyeat, Barkus, Esp, Gebhardt, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 778** concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Jackson, Jent, 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 43

Nays: Balyeat, Barkus, Essmann, Gebhardt, Hawks, Juneau, O'Neil.

Total 7

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 225**, house amendments, be concurred in as follows:

Yeas: Bales, 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, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Barkus, McGee, O'Neil, Stapleton.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 50**, 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 102**, 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.

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 175**, 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, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 269**, 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, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 369**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, 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, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Nays: Black, McGee, Story.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 95**, 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 145**, 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, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 214**, 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,

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 289**, 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 339**, 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

Senate recessed at 11:50 a.m. Convened at 1:00 p.m.

Roll Call. All Senators present. Quorum present.

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, 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 40

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

Total 10

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 Laslovich in the chair.

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

**HB 818** - Senator Story moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 15

**Insert:** "a. Tax Policy and Education Research and Analysis (Restricted/Biennial)  
600,000" [general fund FY08]

Amendment **not** adopted as follows:

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

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: McGee.

Total 1

**HB 818** - Senator Laible moved **HB 818**, second reading copy, be amended as follows:

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

1. Page A-1.

**Following:** line 15

**Insert:** "a. Government Performance Training (Restricted/Biennial/OTO)  
18,900" [general fund FY08]

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jent, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Balyeat, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Schmidt, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Jackson, Wanzenried.  
Total 2

**HB 818** - Senator Laible moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 15.

**Insert:** "a. MBARS Changes to Allow Multiple Budgeting Bills (Restricted/Biennial/OTO)  
200,000" [general fund FY08]

Amendment **not** adopted as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, Murphy, Perry, Peterson, Steinbeisser, Story, Tash.  
Total 17

Nays: Balyeat, Barkus, Brown, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Absent or not voting: None.  
Total 0

Excused: McGee.  
Total 1

**HB 818** - Senator Harrington moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 13

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

**Insert:** "b. Constituency Account (Restricted/Biennial/OTO) 137,500 137,500" [general fund FY08 and FY09]

2. Page A-1.

**Following:** line 23

**Insert:** "Constituency Account is restricted to use by members of the legislature during the interim up to one month prior to a primary or general election in which the member is a participant, for travel, communication and education reimbursement for member who do not have a constituency account."

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Gallus, Gebhardt, Harrington, Jackson, Kaufmann, Larson, Shockley, Williams.

Total 9

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Essmann, Gillan, Hansen, Hawks, Jent, Juneau, Kitzenberg, Laible, 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, Mr. President.

Total 40

Absent or not voting: None.

Total 0

Excused: Esp.

Total 1

**HB 818** - Senator J. Peterson moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 15

**Insert:** "a. Tax Policy and Education Research and Analysis (Restricted/Biennial) 600,000" [general fund FY08]

Amendment **not** adopted as follows:

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

Total 25

Nays: Cocchiarella, Elliott, Gallus, 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 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 818** - Senator Schmidt moved **HB 818**, as amended, be concurred in. Motion carried as follows:



SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

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

Total 40

Nays: Balyeat, Barkus, Black, Brown, Essmann, McGee, O'Neil, Peterson, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**HB 819** - Senator Schmidt moved **HB 819** be concurred in. Motion carried with Senator Balyeat, McGee, Bales, Essmann, Barkus, O'Neil voting nay.

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 Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SB 291** - Senator Perry moved **SB 291** do pass. Motion carried unanimously.

**HB 820** - Senator Schmidt moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8.

**Following:** line 1

**Insert:** "g. Clark Fork River Basin Task Force (OTO) 45,000 45,000" [general fund FY08 and FY09]

Amendment **adopted** with Senator Wanzenreid, Juneau, M. Tropila, Smith, O'Neil, Moss, Balyeat, voting nay.

**HB 820** - Senator Schmidt moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8.

**Following:** line 1

**Insert:** "g. Hungry Horse Dam Water Leasing Study  
(Restricted/Biennial/OTO) 130,000 130,000" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Stapleton, Steinbeisser, Story, Tash, Weinberg.

Total 25

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

Total 25

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 18

**Insert:** "a. Warden Vacancy Savings 212,545 213,424 [state special revenue FY08 and FY09]  
9,691 6,737 [federal special revenue]

b. Increased Snowmobile Fees 10,573 10,573" [state special revenue FY08 and FY09

2. Page C-2.

**Following:** line 3

**Insert:** "b. Increased Snowmobile Fees 80,883 80,883" [state special revenue FY08 and FY09]

3. Page C-2.

**Following:** line 15

**Insert:** "d. Increased Snowmobile Fees 5,287 5,287" [state special revenue FY08 and FY09]

4. Page C-2.

**Following:** line 25

**Insert:** "If Senate Bill No. 205 is not passed and approved, Warden Vacancy Savings is void.  
If House Bill No. 348 is not passed and approved, Increased Snowmobile Fees is void."

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3.

**Following:** line 10

**Insert:** "b. Recycling and Electronic Waste Disposal Education 16,500 16,500 [general fund FY08 and FY09]

c. Expand Alternative Energy Program

33,534 31,816 [general fund FY08 and FY09]

289,117 289,117" [state special revenue FY08 and FY09]

2. Page C-3, line 24.

**Strike:** "13,633,712 13,635,303" [state special revenue FY08 and FY09]

**Insert:** "13,883,712 13,885,303"[state special revenue FY08 and FY09]

**Strike:** "5,527,720 5,526,296" [federal special revenue FY08 and FY09]

**Insert:** "5,277,720 5,276,296" [federal special revenue FY08 and FY09]

3. Page C-4.

**Following:** line 13

**Insert:** "i. Gray Water Permit 10,000 [state special revenue FY08]

j. Increased County Junk Vehicle Grants 171,397 173,593" [state special revenue FY08 and FY09]

4. Page C-4.

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

**Following:** line 21

**Insert:** " If House Bill No. 555 is not passed and approved, Recycling and Electronic Waste Disposal Education is void.

If Senate Bill No. 445 is not passed and approved, Expand Alternative Energy Program is void."

5. Page C-4.

**Following:** line 27

**Insert:** "If House Bill No. 688 is not passed and approved, Permitting and Compliance Division is reduced by \$250,000 in state special revenue in fiscal year 2008 and fiscal year 2009 and increased by a like amount of federal special revenue in fiscal year 2008 and fiscal year 2009."

6. Page C-5.

**Following:** line 1

**Insert:** "If House Bill No. 259 is not passed and approved, Gray Water Permit is void.

If Senate Bill No. 261 is not passed and approved, Increased County Junk Vehicle Grants is void. "

Amendment adopted with Senator Brown, Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3.

**Following:** line 10

**Insert:** "b. Recycling and Electronic Waste Disposal Education 16,500 16,500 [general fund FY08 and FY09]  
c. Expand Alternative Energy Program  
33,534 31,816 [general fund FY08 and FY09]  
289,117 289,117" [state special revenue FY08 and FY09]

2. Page C-3, line 24.

**Strike:** "13,633,712 13,635,303" [state special revenue FY08 and FY09]

**Insert:** "13,883,712 13,885,303"[state special revenue FY08 and FY09]

**Strike:** "5,527,720 5,526,296" [federal special revenue FY08 and FY09]

**Insert:** "5,277,720 5,276,296" [federal special revenue FY08 and FY09]

3. Page C-4.

**Following:** line 13

**Insert:** "i. Gray Water Permit 10,000 [state special revenue FY08]

j. Increased County Junk Vehicle Grants 171,397 173,593" [state special revenue FY08 and FY09]

4. Page C-4.

**Following:** line 21

**Insert:** " If House Bill No. 555 is not passed and approved, Recycling and Electronic Waste Disposal Education is void.

If Senate Bill No. 445 is not passed and approved, Expand Alternative Energy Program is void."

5. Page C-4.

**Following:** line 27

**Insert:** "If House Bill No. 688 is not passed and approved, Permitting and Compliance Division is reduced by \$250,000 in state special revenue in fiscal year 2008 and

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

fiscal year 2009 and increased by a like amount of federal special revenue in fiscal year 2008 and fiscal year 2009."

6. Page C-5.

**Following:** line 1

**Insert:** "If House Bill No. 259 is not passed and approved, Gray Water Permit is void.

If Senate Bill No. 261 is not passed and approved, Increased County Junk Vehicle Grants is void. "

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-12.

**Following:** line 2

Insert: "e. Coal Development Impact Fund -- HB 196

60,403

57,862 [state special revenue FY08 and FY09]

f. Increase Coal Board Funding -- HB 533

226,512

216,984 [state special revenue FY08 and FY09]

g. Impact Assistance for Major Energy Project Development -- SB 567

7,236,616

7,857,239"[state special revenue FY08 and FY09]

2. Page C-12

**Following:** line 22

**Insert:** "If House Bill No. 196 is not passed and approved, Coal Development Impact Fund--HB 196 is void.

If House Bill No. 533 is not passed and approved, Increase Coal Board Funding--HB 533 is void.

If Senate Bill No. 567 is not passed and approved, Impact Assistance for Major Energy Project Development--SB 567 is void."

Amendment adopted as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-10.

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

**Following:** line 12

**Insert:** "d. Revise Nursery Laws -- HB 569

34,598

34,598"

[state special revenue FY08 and FY09]

2. Page C-10.

**Following:** line 18

**Insert:** "c. Montana Certified Beef Natural Marketing Program -- SB 544

5,000 [state special revenue FY09]

d. Increase Payment to Advisory Board Members -- SB 62 11,375

11,659[state special revenue FY08 and FY09]

125

128 [federal special revenue FY08 and FY09]

250

256" [proprietary funds FY08 and FY09]

3. Page C-10.

**Following:** line 21

**Insert:** "If House Bill No. 569 is not passed and approved, Revise Nursery Laws--HB 569 is void.

If Senate Bill No. 544 is not passed and approved, Montana Certified Beef Natural Marketing Program--SB 544 is void.

If Senate Bill No. 62 is not passed and approved, Increase Payment to Advisory Board Members--SB 62 is void."

Amendment adopted as follows:

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

Total 37

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-5.

**Following:** line 12

**Insert:** "d. Telephone Account Wagering on Internet Horseracing -- HB 390

182,000

182,000" [state special revenue FY08 and FY09]

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

2. Page C-6.

**Following:** line 10

**Insert:** "If House Bill No. 390 is not passed and approved, Telephone Account Wagering on Internet Horseracing--HB 390 is void."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gebhardt, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Kitzenberg moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 6

**Insert:** "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 1,011,000" [state special revenue FY08]

2. Page C-2.

**Following:** line 20

**Insert:** "Culbertson Overlook State Park is restricted to up to \$1 million for land purchase costs and \$11,000 for development and maintenance costs."

Amendment **not** adopted as follows:

Yeas: Cobb, Curtiss, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Tash, Wanzenried, Weinberg.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

**HB 820** - Senator Hansen moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2, line 7.

Strike: "200,000 200,000" [state special revenue FY08 and FY09]

Insert: "100,000 100,000" [state special revenue FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Elliott, Esp, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg.  
Total 24

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Harrington, Jackson, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Stapleton, Story, Wanzenried, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Perry.

Total 1

**HB 820** - Senator Hansen moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1, line 6.

**Strike:** "300,000 300,000" [general fund FY08 and FY09]

**Insert:** "500,000 500,000" [general fund FY08 and FY09]

2. Page C-3.

**Following:** line 10

**Insert:** "b. Energy Planning 160,641 165,922" [general fund FY08 and FY09]

3. Page C-10, line 18.

**Strike:** "486,156 486,154" [general fund FY08 and FY09]

**Insert:** "125,512 120,232" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Cocchiarella, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Moss, Pease, Ryan, Schmidt, Smith, Squires, Williams, Mr. President.

Total 18

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Jent, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg.

Total 31

Absent or not voting: Elliott.

Total 1

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Excused: None.  
Total 0

**HB 820** - Senator Jackson moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8.

**Following:** line 1

**Insert:** "g. Hungry Horse Dam Water Leasing Study  
(Restricted/Biennial/OTO) 130,000 130,000" [general fund FY08 and FY09]

2. Page C-9, following line 13.

**Insert:** "If House Bill No. 443 is passed and approved, Hungry Horse Dam Water Leasing Study is void."

Amendment adopted with Senator Balyeat, Juneau, Smith, Larson, Wanzenried voting nay.

**HB 820** - Senator Esp moved **HB 820**, second reading copy, be amended as follows:

1. Page C-5, following line 12.

**Insert:** "d. Livestock Loss Reduction and Mitigation (Restricted/Biennial/OTO) 30,000" [general fund FY08]

2. Page C-6, following line 10.

**Insert:** "Livestock Loss Reduction and Mitigation may be used only to compensate livestock owners for losses caused by wolves."

Amendment adopted with Senator Juneau, M. Tropila voting nay.

**HB 820** - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page C-9.

**Strike:** line 20 through line 21 in their entirety

Amendment carried unanimously.

**HB 820** - Senator Kitzenberg moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 6

**Insert:** "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 1,011,000" [state special revenue FY08]

2. Page C-2.

**Following:** line 20

**Insert:** "Culbertson Overlook State Park is restricted to up to \$1 million for land purchase costs and \$11,000 for development and maintenance costs."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Curtiss, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann,



SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Kitzenberg, Larson, Lewis, Moss, Pease, Ryan, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Laslovich, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Gillan moved **HB 820**, second reading copy, be amended as follows:

1. Page C-5.

**Following:** line 12

**Insert:** "d. Parimutuel Wagering on Fantasy Sports Leagues -- HB 616 (Restricted)  
316,000 149,934" [state special revenue FY08 and FY09]

2. Page C-6.

**Following:** line 10

**Insert:** "If House Bill No. 616 is not passed and approved, Parimutuel Wagering on Fantasy Sports Leagues--  
HB 616 is void."

Amendment adopted as follows:

Yeas: Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 32

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Wanzenried.  
Total 1

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-7, line 7.

**Strike:** "2,808,331" [general fund FY09]

**Insert:** "2,940,457" [general fund FY09]

2. Page A-11, line 14.

**Strike:** "18,696,225 18,598,670" [general fund FY08 and FY09]

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

**Insert:** "18,621,225 18,523,670" [general fund FY08 and FY09]

3. Page B-3, line 16.

**Strike:** "12,232,673 12,270,190" [state special revenue FY08 and FY09]

**Insert:** "12,362,673 12,400,190" [state special revenue FY08 and FY09]

4. Page B-7, line 14.

**Strike:** "1,678,443"[state special revenue FY09]

**Insert:** "1,578,443"[state special revenue FY09]

5. Page B-14, line 18.

**Following:** "nursing home services"

**Insert:** "each fiscal year of the biennium"

6. Page B-14, line 19.

**Following:** "appropriated"

**Insert:** "each fiscal year of the biennium"

7. Page B-14, line 19.

**Following:** "appropriation"

**Insert:** "each year of the biennium"

8. Page C-7, line 2.

**Strike:** "2,909,409 2,912,084" [state special revenue FY08 and FY09]

**Insert:** "2,949,409 2,952,084" [state special revenue FY08 and FY09]

9. Page C-7, line 3.

**Strike:** "(OTO)"

**Insert:** "(Restricted)"

10. Page C-7, line 4.

**Strike:** "154,000 154,000"[state special revenue FY08 and FY09]

**Insert:** "114,000 114,000"[state special revenue FY08 and FY09]

11. Page C-10, line 24.

**Strike:** "2,386,616"

[state special revenue FY09]

**Insert:** "2,313,407"

[state special revenue FY09]

12. Page C-11, line 5.

**Strike:** "0"

[state special revenue FY09]

**Insert:** "73,209"

[state special revenue FY09]

13. Page D-1, line 10.

**Following:** "appropriations,"

**Insert:** "up to \$1,809,118 in general fund money, \$180,000 in state special revenue, and \$12,428,514 in federal funds,"

14. Page E-8, line 22.

**Strike:** "177,000"

[general fund FY09]

**Insert:** "150,000"

[general fund FY09]

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page D-6.

**Following:** line 8

**Insert:** "i. SB 547 -- Additional Sex Offender Treatment Hours 492,158 1,359,997" [general fund FY08 and FY09]

2. Page D-6.

**Following:** line 26

**Insert:** "h. SB 146 -- Transportation From Youth Secure Facility 2,501 2,501" [general fund FY08 and FY09]

3. Page D-7.

**Following:** line 7

**Insert:** "If Senate Bill No. 547 is not passed and approved, funding in SB 547--Additional Sex Offender Treatment Hours is void."

4. Page D-7.

**Following:** line 11

**Insert:** "If Senate Bill No. 146 is not passed and approved, funding in SB 146--Transportation From Youth Secure Facility is void."

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page D-7.

**Following:** line 14

**Insert:** "a. Increase Payment to Advisory Board Members -- SB 62  
3,900 3,998 [federal special revenue FY08 and FY09]

b. Revise Membership of Workforce Investment Boards -- SB 440  
7,422 7,422" [federal special revenue FY08 and FY09]

2. Page D-7.

**Following:** line 22

**Insert:** "a. Increase Payment to Advisory Board Members -- SB 62  
1,500 1,538" [state special revenue FY08 and FY09]

3. Page D-7.

**Following:** line 26

**Insert:** "b. Revise Nursing Home Administration Laws -- HB 378  
1,188 1,188 [state special revenue FY08 and FY09]

c. Wholesale Licensure and Prescription Medication Integrity Act -- HB 536  
5,944 233,386 [state special revenue FY08 and FY09]

d. License and Regulate Athletic Trainers -- HB 665  
50,732 46,229 [state special revenue FY08 and FY09]

e. Alternative Adolescent Registration -- HB 769  
800 15,382 [state special revenue FY08 and FY09]

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

- f. Increase Payment to Advisory Board Members -- SB 62  
500 512 [state special revenue FY08 and FY09]
- g. Revise Professional and Occupational Licensing Laws -- SB 153  
11,290 11,290 [state special revenue FY08 and FY09]
- h. Board of Private Security Patrol Officers -- SB 209  
1,947 1,105 [state special revenue FY08 and FY09]
- i. Marriage and Family Therapist Licensure and Regulation -- SB 434 5,418 1,188 [state special revenue FY08 and FY09]
- j. Scaffold Erectors Licensure -- SB 475  
49,280 64,440" [state special revenue FY08 and FY09]

4. Page D-8.

**Following:** line 8

**Insert:** "If Senate Bill No. 62 is not passed and approved, Increase Payment to Advisory Board Members--SB 62 is void.

If Senate Bill No. 440 is not passed and approved, Revise Membership of Workforce Investment Boards--SB 440 is void."

5. Page D-8.

**Following:** line 13

**Insert:** "If House Bill No. 378 is not passed and approved, Revise Nursing Home Administration Laws--HB 378 is void.

If House Bill No. 536 is not passed and approved, Wholesale Licensure and Prescription Medication Integrity Act--HB 536 is void.

If House Bill No. 665 is not passed and approved, License and Regulate Athletic Trainers--HB 665 is void.

If House Bill No. 769 is not passed and approved, Alternative Adolescent Registration--HB 769 is void.

If Senate Bill No. 153 is not passed and approved, Revise Professional and Occupational Licensing Laws--SB 153 is void.

If Senate Bill No. 209 is not passed and approved, Board of Private Security Patrol Officers--SB 209 is void.

If Senate Bill No. 434 is not passed and approved, Marriage and Family Therapist Licensure and Regulation--SB 434 is void.

If Senate Bill No. 475 is not passed and approved, Scaffold Erectors Licensure--SB 475 is void."

Amendment adopted as follows:

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

Total 30

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

Total 19

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page D-9.

**Following:** line 17

**Insert:** "b. Site Selection Committee for Southwest Montana Veterans' Home -- SB 235  
20,000" [general fund FY08 and FY09]

2. Page D-9.

**Following:** line 20

**Insert:** "If Senate Bill No. 235 is not passed and approved, Site Selection Committee for Southwest Montana Veterans' Home--SB 235 is void."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gallus, Jackson, O'Neil, Perry, Peterson, Stapleton, Story.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Wanzenried.  
Total 1

**HB 820** - Senator Jent moved **HB 820**, second reading copy, be amended as follows:

1. Page D-1, line 4.

**Strike:** "1,339,732 1,359,731" [general fund FY08 and FY09]

**Insert:** "1,319,767 1,339,766" [general fund FY08 and FY09]

2. Page D-1.

**Following:** line 9

**Insert:** "Justice System Support Service includes a reduction of 0.5 FTE and general fund money of \$19,965 in fiscal year 2008 and fiscal year 2009 that is contingent upon passage and approval of Senate Bill No. 273. If Senate Bill No. 273 is not passed and approved, FTE and funding in Justice System Support Service are increased by this amount."

3. Page D-2, line 11.

**Strike:** "4,292,530 4,429,473" [general fund FY08 and FY09]

**Insert:** "4,377,744 4,512,048" [general fund FY08 and FY09]

4. Page D-3.

**Following:** line 10

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

**Insert:** "Division of Criminal Investigation includes 1.5 FTE and general fund money of \$85,214 in fiscal year 2008 and \$82,575 in fiscal year 2009 that are contingent upon passage and approval of Senate Bill No. 273. If Senate Bill No. 273 is not passed and approved, FTE and funding in Division of Criminal Investigation are reduced by this amount."

Amendment adopted as follows:

Yeas: Black, Brueggeman, Cobb, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Brown, Cocchiarella, Esp, Essmann, Jackson, Juneau, Lind, O'Neil, Perry, Shockley, Squires, Stapleton, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Brueggeman moved **HB 820**, second reading copy, be amended as follows:

1. Page D-1, line 18.

**Strike:** "554,663 557,807" [state special FY08 and FY09]

**Insert:** "557,813 560,957" [state special FY08 and FY09]

2. Page D-2, line 1.

**Strike:** "7,014,615 7,038,530 [general fund FY08 and FY09]

4,991,696 5,007,578" [state special FY08 and FY09]

**Insert:** "7,231,338 7,255,253 [general fund FY08 and FY09]

5,136,178 5,152,060" [state special FY08 and FY09]

3. Page D-2, line 9.

**Strike:** "175,039 [general fund FY08]

22,688,544 22,977,541" [state special FY08 and FY09]

**Insert:** "336,789 [general fund FY08]

22,689,544 22,978,541" [state special FY08 and FY09]

4. Page D-2, line 11.

**Strike:** "1,819,784 1,828,865" [state special FY08 and FY09]

**Insert:** "1,885,784 1,894,865" [state special FY08 and FY09]

5. Page D-3.

**Following:** line 10

**Insert:** "Office of Consumer Protection includes \$3,150 in state special revenue in fiscal year 2008 and 2009 that is contingent upon passage and approval of House Bill No. 630. If House Bill No. 630 is not passed and approved, funding in Office of Consumer Protection is reduced by this amount."

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Motor Vehicle Division includes general fund money of \$206,447 in fiscal year 2008 and fiscal year 2009 and \$137,632 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 273. If House Bill No. 273 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount.

Motor Vehicle Division includes general fund money of \$10,276 in fiscal year 2008 and fiscal year 2009 and \$6,850 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 840. If House Bill No. 840 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount.

Highway Patrol Division includes general fund money of \$161,750 in fiscal year 2008 and \$1,000 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 781. If House Bill No. 781 is not passed and approved, funding in Highway Patrol Division is reduced by this amount. Division of Criminal Investigation includes state special revenue of \$66,000 in fiscal year 2008 and 2009 that is contingent upon passage and approval of House Bill No. 461. If House Bill No. 461 is not passed and approved, funding in Division of Criminal Investigation is decreased by \$66,000 in state special revenue in fiscal year 2008 and 2009."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gebhardt, Juneau, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, M.Tropila, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cooney moved **HB 820**, second reading copy, be amended as follows:

1. Page D-2, line 11.

**Strike:** "4,292,530 4,429,473 [general fund for FY 2008 and FY 2009]"

**Insert:** "4,207,016 4,272,690 [general fund for FY 2008 and FY 2009]"

Amendment adopted unanimously.

**HB 820** - Senator Gallus moved **HB 820**, second reading copy, be amended as follows:

1. Page D-2, line 13.

**Strike:** "1,000,000" [general fund FY08]

**Insert:** "2,000,000" [general fund FY08]

Amendment adopted as follows:

Yeas: Barkus, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan,

SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Black, Cobb, Hansen, Juneau, Kaufmann, Lind, O'Neil, Schmidt, Shockley, Stapleton, Story, Wanzenried, Weinberg.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Kaufmann moved **HB 820**, second reading copy, be amended as follows:

1. Page D-1.

**Following:** line 22

**Insert:** "c. Restorative Justice Grants to Local Communities (OTO) 350,000 350,000" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Elliott, Esp, Gallus, Harrington, Jent, Juneau, Kaufmann, Larson, McGee, Smith, J.Tropila, Wanzenried, Williams.  
Total 14

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Weinberg, Mr. President.  
Total 36

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 9:00 a.m., Thursday, April 12, 2007. Motion carried.

Senate adjourned at 4:35 p.m.



SENATE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 11, 2007

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate