

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

Helena, Montana
April 14, 2007

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Cobb excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, 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, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.
Total 7

Absent or not voting: None.
Total 0

Excused: Cobb.
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 Barkus in the chair.

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

HB 3 - Senator Gallus moved **HB 3** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 4 - Senator Wanzenried moved **HB 4** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

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

Total 40

Nays: Balyeat, Barkus, Curtiss, Essmann, McGee, O'Neil, Ryan, Shockley, Story.

Total 9

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

HB 6 - Senator _____ moved **HB 6**, second reading copy, be amended as follows:

1. Page 10, line 14.

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If the funding in [this act] is increased sufficiently to fund all the grants in [section 1(3) of this act], then the renewable resource grant authorization in [section 1(6) of HB 512] is void, and the appropriation of proceeds of borrowed funds in [section 1(5) of HB 512] is reduced by \$2.2 million."

Renumber: subsequent section

Amendment adopted with Senator Brown voting nay.

HB 6 - Senator _____ moved **HB 6**, as amended, be concurred in. Motion carried unanimously.

HB 7 - Senator Lewis moved **HB 7** be concurred in. Motion carried unanimously.

HB 131 - Senator Wanzenried moved **HB 131** be concurred in. Motion carried as follows:

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

Total 38

Nays: Balyeat, Barkus, Cocchiarella, Curtiss, Essmann, Kaufmann, McGee, O'Neil, Perry, Story.

Total 10

Absent or not voting: None.

Total 0

Excused: Cobb, Stapleton.

Total 2

HB 12 - Senator Shockley moved **HB 12** be concurred in. Motion carried with Senator O'Neil, McGee voting nay.

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

HB 95 - Senator Lind moved **HB 95** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, 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, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 43

Nays: Balyeat, Essmann, McGee, O'Neil, Perry, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 9 - Senator Barkus moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, 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 43

Nays: Balyeat, Elliott, Jackson, McGee, O'Neil.
Total 5

Absent or not voting: Brown.
Total 1

Excused: Cobb.
Total 1

HB 125 - Senator Barkus moved **HB 125** be concurred in. Motion carried with Senator Cocchiarella, Squires, Juneau voting nay.

HB 63 - Senator Bales moved **HB 63**, second reading copy, be amended as follows:

1. Page 13, line 27.

Following: "(1), the"

Insert: "calculation of the"

2. Page 13, lines 28 and 29.

Following: "benefits" on line 28

Strike: remainder of line 28 through "excluding" on line 29

Insert: "is limited to the consideration of earned compensation. The calculation of the limit in subsections (1)(a)(i) and (1)(a)(ii) does not limit any other form of remuneration paid to the retired member, and excluded from the calculation of the limit for a retired member are:

(i) for all school districts"

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

3. Page 13, line 30.

Strike: "(i)"

Insert: "(A)"

Renumber: subsequent subsections

4. Page 14, line 6.

Following: "member"

Insert: "; and

(ii) for school districts that have fewer than 370 ANB:

(A) annuities;

(B) allowances for motor vehicles and housing;

(C) professional membership dues;

(D) maintenance;

(E) day care; and

(F) any similar payment for any form of maintenance, allowance, or expense"

5. Page 14, line 7.

Following: line 6

Insert: "(c) The retirement benefit of a retired member who is 70 years of age or older may not be reduced and is not subject to the limitations on maximum compensation."

Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Curtiss, Esp, Essmann, Jackson, Juneau, Kitzenberg, Lewis, McGee, Murphy, Pease, Perry, Peterson, Ryan, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 21

Nays: Balyeat, Brown, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, O'Neil, Schmidt, Shockley, Squires, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

HB 63 - Senator Cooney moved **HB 63** be concurred in. Motion carried as follows:

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

Total 43

Nays: Balyeat, Essmann, Gebhardt, McGee, O'Neil, Perry.

Total 6

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Excused: Cobb.
Total 1

HB 160 - Senator Laible moved **HB 160**, second reading copy, be amended as follows:

1. Page 2, line 24 through line 26.
Strike: section 2 in its entirety
Renumber: subsequent section

Motion **failed** as follows:

Yeas: Gallus, Gebhardt, Gillan, Harrington, Laible, Pease, Weinberg.
Total 7

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.
Total 42

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 160 - Senator Laible moved **HB 160** be concurred in. Motion carried unanimously.

HB 512 - Senator Brueggeman moved **HB 512**, second reading copy, be amended as follows:

1. Page 6, line 12.
Following: "(3)"
Insert: "and for the department of natural resources and conservation project in subsection (6)"

2. Page 6, line 20.
Strike: "\$15,363,890"
Insert: "\$17,563,890"

3. Page 6, line 21.
Insert: "(6) Up to \$2,200,000 is granted to the department of natural resources and conservation in fiscal year 2009, which must be used to fund local government renewable resource projects. The grant may only be awarded for the amount of anticipated shortfall in funding all of the renewable resource program grants authorized in [section 1(3) of House Bill No. 6]. Any unexpended funds remaining from this grant on July 1, 2009, will be remitted to the department of commerce, treasure state endowment program, to be used for repayment of loans."

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Total 33

Nays: Balyeat, Brown, Cocchiarella, Curtiss, Esp, Essmann, Hawks, Jackson, Jent, Juneau, Kaufmann, O'Neil, Squires, Wanzenried, Weinberg, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

HB 512 - Senator Brueggeman moved **HB 512** be concurred in as amended. Motion carried unanimously.

HB 616 - Senator Gillan moved **HB 616** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, J.Tropila, M.Tropila, Williams, Mr. President.

Total 35

Nays: Balyeat, Brown, Esp, Essmann, Kaufmann, Lind, McGee, Shockley, Story, Tash, Wanzenried, Weinberg.

Total 12

Absent or not voting: None.

Total 0

Excused: Cobb, Gallus, Jackson.

Total 3

HB 680 - Senator Elliott moved **HB 680** be concurred in. Motion carried unanimously.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the Senate recess at 10:00 a.m.

Senate reconvened at 11:10 a.m.

Roll Call.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, 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, Lind, McGee, O'Neil.

Total 6

Absent or not voting: None.

Total 0

Excused: Cobb, Shockley.

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Total 2

HB 304 - Senator Black moved **HB 304**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "ISSUES"

Insert: ", INCLUDING AN ECONOMIC ANALYSIS OF THE VALUE OF IRRIGATED AGRICULTURAL OPERATIONS IN MONTANA"

2. Title, line 7.

Strike: "AN APPROPRIATION"

Insert: "APPROPRIATIONS"

3. Page 12, line 26.

Insert: "(3) (a) There is appropriated from the general fund to the department of natural resources and conservation \$200,000 only for the biennium beginning July 1, 2007, and only for the purpose of contracting with an entity to conduct an economic analysis of the value of irrigated agricultural operations to Montana's economy. The economic analysis must include but is not limited to the identification of economic benefits, who benefits and to what extent from existing irrigation, the economic impact of the development of new irrigation projects, and the rehabilitation of older irrigation projects in Montana.

(b) The purchase of contracted services from the appropriation in this section must conform to the state procurement law in Title 18, chapter 4.

(c) The department shall provide a written report of the economic analysis to the water policy interim committee prior to October 1, 2008."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.
Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 24

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

HB 304 - Senator Jackson moved **HB 304**, second reading copy, be amended as follows:

1. Page 2, line 12.

Strike: "MUST"

Insert: "may"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hawks, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser,

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Story, Tash, J.Tropila.
Total 28

Nays: Elliott, Gallus, Gillan, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 304 - Senator Perry moved **HB 304**, as amended, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Harrington, Jackson, Kitzenberg, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Tash, J.Tropila.
Total 25

Nays: Brown, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Squires, Story, M.Tropila, Wanzenried, Weinberg, Williams.
Total 23

Absent or not voting: Mr. President.
Total 1

Excused: Cobb.
Total 1

Senator Williams moved the Senate recess.

Senate reconvened at 11:00 a.m.

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

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

HB 830 - Senator Lind moved **HB 830**, second reading copy, be amended as follows:

1. Page 8, line 13.

Strike: line 13 in its entirety

Renumber: subsequent subsections

2. Page 8, line 14.

Strike: "\$9,115,400"

Insert: "\$10,175,400"

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

3. Page 8, line 15.

Strike: "\$29,193,600"

Insert: "\$30,175,600"

4. Page 14, line 20.

Strike: line 20 in its entirety

Insert: "2,042,000[LRITP] 2,042,000[Total]"

5. Page 16, line 4.

Strike: "\$1.305"

Insert: "\$5.050"

6. Page 16, line 9 through line 21.

Following: "APPROPRIATIONS."

Strike: remainder of line 9 through line 21

Insert: "The northern tier network expansion appropriation may not be used to acquire, operate, or maintain unused fiber-optic facilities in competition with the private sector. The northern tier network expansion project must be performed by contracted services pursuant to Title 18, chapter 4."

Amendment adopted as follows:

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

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

HB 830 - Senator Cooney moved **HB 830**, second reading copy, be amended as follows:

1. Page 11, line 21.

Insert: "The department of fish, wildlife, and parks shall give highest priority consideration to the acquisition of the Culbertson overlook and the south half of Brush Lake in the access Montana initiative." (indent)

Amendment adopted as follows:

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

Total 38

Nays: Balyeat, Barkus, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Tash.

Total 11

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 830 - Senator Wanzenried moved **HB 830**, second reading copy, be amended as follows:

1. Page 3, line 17.
Strike: line 17 in its entirety
Insert: "10,500,000[LRBP] 14,500,000[Total]"

2. Page 8, line 6.
Strike: "\$46.838"
Insert: "\$51.838"

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Wanzenried, Weinberg, Williams.
Total 23

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

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 830 - Senator Lind moved **HB 830**, second reading copy, be amended as follows:

1. Title, line 12.
Following: "ACCOUNT;"
Strike: "PROHIBITING TELECOMMUNICATIONS AND INFORMATION SERVICES COMPETITION;"

2. Page 8, line 14.
Strike: "\$9,115,400"
Insert: "\$9,683,400"

3. Page 14.
Following: line 21
Insert: "University Research Network 568,000[LRITP] 568,000[Total]"

4. Page 16, line 4.
Strike: "\$1.305"
Insert: "\$1.873"

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

5. Page 16, line 5.

Following: "EXPANSION"

Insert: ", the university research network,"

6. Page 27, line 2.

Insert: "NEW SECTION. Section 23. Telecommunication and information services competition prohibited.

(1) The university research network, part of a national research network infrastructure, serves entities within and outside this state. The Montana university system may use the northern tier network infrastructure only for the purpose of supporting the research and education missions of the Montana university system. The Montana university system may not use the university research network infrastructure for traditional internet, voice, video, or other telecommunications services beyond those required for research networks.

(2) The Montana university system or any entity associated with the university system may not resell any portion of the university research network to nonuniversity entities other than research collaborators.

(3) The university research network may not replace any telecommunication network services that are provided by the department of administration to any state agency, city, county, consolidated government, or school district under Title 2, chapter 17, part 5.

(4) The Montana university system shall provide a comprehensive biennial report of the university research network activities for the biennium beginning July 1, 2007, to the legislature in its next regular session as provided in 5-11-210 and shall submit to a biennial audit of the university research network activities beginning with the biennium beginning July 1, 2009."

Renumber: subsequent sections

7. Page 27, line 5.

Following: "18"

Insert: ", "

Strike: "AND"

Following: "19"

Insert: ", and 23"

8. Page 27, line 6.

Following: "18"

Insert: ", "

Strike: "AND"

Following: "19"

Insert: ", and 23"

Amendment adopted 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, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Excused: Cobb.
Total 1

HB 830 - Senator Brueggeman moved **HB 830**, as amended, be concurred in. Motion carried as follows:

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

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Juneau, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash.
Total 15

Absent or not voting: None.
Total 0

Excused: Cobb, Essmann.
Total 2

HB 49 - Senator Hawks moved **HB 49** be concurred in. Motion carried unanimously.

HB 96 - Senator McGee moved **HB 96**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

Strike: "AND FUNDING"

2. Title, page 1, line 7 through line 8.

Strike: "ESTABLISHING" on line 7 through "COSTS;" on line 8

3. Title, page 1, line 8.

Strike: "A STATUTORY"

Insert: "AN"

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, page 1, line 9.

Strike: "AND 17-7-502"

5. Page 1, line 13 through line 25.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 2, line 12 through page 3, line 16.

Strike: section 3 through section 4 in their entirety

Insert: "NEW SECTION. **Section 2. Appropriation.** There is appropriated \$1 from the general fund to the department of military affairs for fiscal year 2008."

Renumber: subsequent sections

Amendment adopted with Senator Lind voting nay.

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

HB 96 - Senator McGee moved **HB 96**, as amended, be concurred in. Motion carried unanimously.

HB 116 - Senator Wanzenried moved **HB 116** be concurred in. Motion carried unanimously.

HB 195 - Senator Gillan moved **HB 195**, second reading copy, be amended as follows:

1. Title, line 8.

Strike: "CASH"

2. Title, line 10.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "20-5-101"

Strike: "AND 53-20-202"

3. Page 2, line 9 through page 3, line 7.

Strike: section 3 in its entirety

Renumber: subsequent sections

4. Page 3, line 16.

Strike: "cash"

Amendment adopted unanimously.

HB 195 - Senator Murphy moved **HB 195**, as amended, be concurred in. Motion carried unanimously.

HB 480 - Senator Laible moved **HB 480**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Williams, Mr. President.
Total 36

Nays: Balyeat, Brown, Esp, Essmann, Gillan, Hansen, Jackson, Juneau, Larson, O'Neil, M.Tropila, Weinberg.
Total 12

Absent or not voting: None.

Total 0

Excused: Cobb, Stapleton.

Total 2

HB 488 - Senator Gillan moved **HB 488** be concurred in. Motion carried unanimously.

HB 592 - Senator J. Tropila moved **HB 592** be concurred in. Motion carried unanimously.

HB 823 - Senator Pease moved **HB 823**, second reading copy, be amended as follows:

1. Page 4, line 4 through line 5.

Strike: section 3 in its entirety

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Renumber: subsequent sections

Amendment adopted unanimously.

HB 823 - Senator Gebhardt moved **HB 823**, as amended, be concurred in. Motion carried with Senator Schmidt voting nay.

HB 829 - Senator Laslovich moved **HB 829** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Barkus 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:

SB 565 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, 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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb, Stapleton.
Total 2

SB 566 passed as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley, Steinbeisser, Story.
Total 15

Absent or not voting: None.
Total 0

Excused: Cobb, Stapleton.

SENATE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2007

Total 2

SB 312, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, 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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Stapleton.
Total 2

SB 527, House Amendments, concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 45

Nays: Balyeat, O'Neil, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Cobb, Stapleton.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Monday, April 16, 2007. Motion carried.

Senate adjourned at 1:58 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate