

**SENATE JOURNAL
60TH LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 29, 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. Senator Gillan excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, 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 41

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

Total 8

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

REPORTS OF STANDING COMMITTEES

JUDICIARY (Laslovich, Chairman):

3/29/2007

HB 300, be amended as follows:

1. Page 2, line 7.

Following: "upon"

Strike: "an"

Insert: "a verifiable"

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

HB 310, be amended as follows:

1. Page 5, line 4.

Strike: "Title 70, chapter 20," in 2 places

Insert: "Title 72, chapter 6" in 2 places

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

HB 587, be concurred in. Report adopted.

HB 768, be concurred in. Report adopted.

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

3/29/2007

HJR 5, be concurred in. Report adopted.

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HJR 34, be concurred in. Report adopted.
HJR 40, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Weinberg, Chairman): 3/29/2007

HB 769, be concurred in. Report adopted.
HB 782, be concurred in. Report adopted.
HJR 22, be concurred in. Report adopted.
HJR 26, be concurred in. Report adopted.
HJR 33, be concurred in. Report adopted.
HJR 42, be concurred in. Report adopted.
HJR 44, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 3/29/2007
SR 8, be adopted. Report adopted.

TAXATION (Elliott, Chairman): 3/29/2007
SB 105, introduced bill, be amended as follows:

1. Title, line 5.

Following: "A"

Insert: "3-YEAR"

Following: "FOR"

Insert: "NEW"

Following: "EQUIPMENT"

Insert: "SPECIFICALLY"

2. Title, line 6.

Following: "CAPTURE,"

Strike: "REUSE"

Insert: "TRANSPORT"

Following: "OR"

Insert: "GEOLOGICALLY"

Following: "DIOXIDE"

Insert: "; PROVIDING THAT CARBON DIOXIDE SEQUESTRATION EQUIPMENT IS TAXED AS CLASS FIVE PROPERTY; AMENDING SECTION 15-6-135, MCA; AND PROVIDING A CONTINGENT VOIDNESS PROVISION"

3. Page 1, lines 10 and 11.

Following: "exempt"

Insert: " -- 3 years"

Strike: "All associated" on line 10 through "dioxide" on line 11

Insert: "For the first 3 tax years after the property becomes operational, all new carbon dioxide sequestration equipment, as defined in 15-6-135,"

4. Page 1, line 13.

Insert: "Section 2. Section 15-6-135, MCA, is amended to read:

"15-6-135. Class five property -- description -- taxable percentage. (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in 15-6-137(1)(a);

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- (b) air and water pollution control equipment as defined in this section;
- (c) new industrial property as defined in this section;
- (d) any personal or real property used primarily in the production of gasohol during construction and for the first 3 years of its operation;
- (e) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development;
- (f) machinery and equipment used in electrolytic reduction facilities;
- (g) all property used and owned by persons, firms, corporations, or other organizations that are engaged in the business of furnishing telecommunications services exclusively to rural areas or to rural areas and cities and towns of 1,200 permanent residents or less;
- (h) except as provided in [section 1], carbon dioxide sequestration equipment as defined in this section.

(2) (a) "Air and water pollution control equipment" means that portion of identifiable property, facilities, machinery, devices, or equipment designed, constructed, under construction, or operated for removing, disposing, abating, treating, eliminating, destroying, neutralizing, stabilizing, rendering inert, storing, or preventing the creation of air or water pollutants that, except for the use of the item, would be released to the environment. Reduction in pollutants obtained through operational techniques without specific facilities, machinery, devices, or equipment is not eligible for certification under this section.

(b) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.

(c) The department of environmental quality shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify air and water pollution control equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of qualifying air and water pollution control equipment. The department of environmental quality shall identify and track compliance in the use of certified air and water pollution control equipment and report continuous acts or patterns of noncompliance at a facility to the department of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.

(d) A person may appeal the certification, classification, and valuation of the property to the state tax appeal board. Appeals on the property certification must name the department of environmental quality as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent.

(3) (a) "Carbon dioxide sequestration equipment" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.

(b) The department shall include:

- (i) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions unless the business or profession meets the requirements of subsection (5)(b)(v);
- (ii) a plant that will create adverse impact on existing state, county, or municipal services; or
- (iii) property used or employed in an industrial plant that has been in operation in this state for 3 years or longer.

(4) (a) "New industrial property" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.

(b) New industry includes only those industries that:

- (i) manufacture, mill, mine, produce, process, or fabricate materials;
- (ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials;
- (iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual prepared by the United States office of management and budget;

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(iv) engage in the transportation, warehousing, or distribution of commercial products or materials if 50% or more of an industry's gross sales or receipts are earned from outside the state; or

(v) earn 50% or more of their annual gross income from out-of-state sales.

(5) (a) "Carbon dioxide sequestration equipment" means "new industry" identifiable equipment designed and constructed primarily for the purpose of the capture, transport, or geological sequestration of carbon dioxide that would otherwise be released into the atmosphere. Property that results in a reduction in carbon dioxide emissions through operational techniques, facility improvement, or without the use of specifically designed and constructed equipment is not carbon dioxide sequestration equipment classified under this section.

(b) The department shall provide, by rule, specific criteria necessary for the classification of carbon dioxide sequestration equipment. The rules relating to carbon dioxide sequestration must be adopted based upon rules adopted by the board of environmental review pursuant to [section 2 of Senate Bill No. 218]. The rules must also address application procedures, definitions, valuation of the equipment, and other matters that the department considers necessary for the administration of the classification of carbon dioxide sequestration equipment.

~~(5)~~(6) Class five property is taxed at 3% of its market value."

Renumber: subsequent section

5. Page 1, line 15.

Strike: "6, part 2" in both places

Insert: "32" in both places

6. Page 1, line 16.

Insert: "NEW SECTION. Section 4. Contingent voidness. If Senate Bill No. 218 is not passed and approved, then [this act] is void."

And, as amended, do pass. Report adopted.

SB 551, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 11.

Strike: "PROVIDING" on line 8 through "TAXED;" on line 11

2. Page 2, line 9.

Following: "50%"

Insert: "of the first year's production"

3. Page 2, line 11.

Strike: "3"

Insert: "5"

Following: "if the"

Insert: "first year's new production of"

4. Page 2, line 13.

Strike: "3"

Insert: "5"

5. Page 2, line 15 through line 23.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

6. Page 2, line 24.

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Strike: "or an adjusted rate under subsection (4)(b)"

7. Page 2.

Following: line 25

Insert: "(c) The exemptions under subsections (4)(a)(i) and (4)(a)(ii) continue for the full 5-year term if the number of tons of production necessary to qualify for the exemption in the first year does not decrease."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/28/2007

HB 12, introduced by Callahan

House bill passed and transmitted to the Senate for concurrence: 3/28/2007

HB 95, introduced by Olson

House bill passed and transmitted to the Senate for concurrence: 3/28/2007

HB 125, introduced by Kasten

House bill passed and transmitted to the Senate for concurrence: 3/28/2007

HB 829, introduced by L. Jones

HB 298, introduced by Hiner, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

Yeas - 92
Nays - 8

3/28/2007

Senate bill concurred in and returned to the Senate: 3/28/2007

SB 77, introduced by Laible

Senate bill concurred in and returned to the Senate: 3/28/2007

SB 164, introduced by Gallus

Senate bill concurred in and returned to the Senate: 3/28/2007

SB 170, introduced by Perry

Senate bill concurred in and returned to the Senate: 3/28/2007

SB 203, introduced by Balyeat

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Senate bill concurred in and returned to the Senate:	3/28/2007
SB 245 , introduced by McGee	
Senate bill concurred in and returned to the Senate:	3/28/2007
SB 466 , introduced by Cocchiarella	
Senate bill concurred in and returned to the Senate:	3/28/2007
SB 467 , introduced by Cocchiarella	
Senate bill concurred in and returned to the Senate:	3/28/2007
SB 536 , introduced by Perry	
Senate bill concurred in and returned to the Senate:	3/28/2007
SB 537 , introduced by Brown	
Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
SB 145 , introduced by Shockley	
Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
SB 214 , introduced by Lewis	
Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
SB 289 , introduced by Gallus	
Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
SB 339 , introduced by Murphy	
Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
SB 544 , introduced by Hansen	

MOTIONS

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to re-refer **SB 356** to Finance and Claims Committee. Motion carried as follows:

Yeas: Elliott, Gallus, Gebhardt, Gillan, 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

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.
Total 22

Absent or not voting: None.
Total 0

Excused: Tash.
Total 1

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to re-refer **SB 375** to Finance and Claims Committee. Motion carried as follows:

Yeas: Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story.
Total 23

Absent or not voting: None.
Total 0

Excused: Tash.
Total 1

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to re-refer **SB400** to Finance and Claims Committee. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Curtiss, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jent, Kitzenberg, Larson, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 31

Nays: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Harrington, Jackson, Juneau, Kaufmann, Laible, Laslovich, Lewis, McGee, Squires, Story, M.Tropila.
Total 18

Absent or not voting: None.
Total 0

Excused: Tash.
Total 1

SEN. DANIEL MCGEE, SD 29, LAUREL moved to re-refer **SB 220** to Finance and Claims Committee. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson,

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Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.
Total 23

Nays: 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

Absent or not voting: None.
Total 0

Excused: Tash.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 567, introduced by Gillan, Laslovich, referred to Taxation.

**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 450 - Senator Larson moved **HB 450**, second reading copy, be amended as follows:

1. Title, line 9.

Strike: "A CONTINGENT"

Insert: "AN IMMEDIATE"

Following: "DATE"

Insert: "AND A CONTINGENT TERMINATION DATE"

2. Page 5, line 19 through line 24.

Strike: section 4 in its entirety

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 5. Contingent termination.** [This act] terminates 3 years after [the effective date of this act] unless the director of the department of public health and human certifies to the governor and the secretary of state and provides written notice to the code commissioner that an extension to the use of the last four digits of a social security number for recreational licenses has been granted by the federal government."

Amendment adopted unanimously.

HB 450 - Senator Larson moved **HB 450**, as amended, be concurred in. Motion carried with Senator McGee voting nay.

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SB 356 - Senator Brueggeman moved **SB 356** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.
Total 38

Nays: Balyeat, Barkus, Hawks, Juneau, McGee, Murphy, O'Neil, Peterson, Schmidt, Shockley, Wanzenried, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 - Senator McGee moved **SB 375** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, McGee, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila.
Total 32

Nays: Balyeat, Cobb, Hansen, Harrington, Hawks, Juneau, Larson, Lind, Moss, Murphy, O'Neil, Schmidt, Shockley, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 400 - Senator Kaufmann moved **SB 400** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.
Total 39

Nays: Bales, Balyeat, Curtiss, Jackson, McGee, Murphy, O'Neil, Shockley, Steinbeisser, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

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SB 550 - Senator Laible moved **SB 550** do pass. Motion carried unanimously.

SB 436 - Senator Gebhardt moved **SB 436** do pass. Motion carried unanimously.

HB 112 - Senator Gebhardt moved **HB 112** be concurred in. Motion carried unanimously.

HB 265 - Senator Esp moved **HB 265** be concurred in. Motion carried unanimously.

SB 220 - Senator Cobb moved **SB 220**, second reading copy, be amended as follows:

1. Title, line 23.

Following: "EXCEEDED;"

Insert: "EXEMPTING FROM TAXATION ITEMS OF PERSONAL PROPERTY WITH A MARKET VALUE OF LESS THAN \$100;"

2. Title, page 1, line 24.

Strike: the first "AND"

Insert: ", "

Following: "15-6-138,"

Insert: "AND 15-6-219,"

3. Page 23, line 23.

Insert: "Section 25. Section 15-6-219, MCA, is amended to read:

"15-6-219. Personal and other property exemptions. The following categories of property are exempt from taxation:

(1) items of personal property with a market value of less than \$100;

~~(+)~~(2) harness, saddlery, and other tack equipment;

~~(2)~~(3) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(a) construct, repair, and maintain improvements to real property; or

(b) repair and maintain machinery, equipment, appliances, or other personal property;

~~(3)~~(4) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

~~(4)~~(5) a bicycle, as defined in 61-8-102, used by the owner for personal transportation purposes;

~~(5)~~(6) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(a) the acquired cost of the personal property is less than \$15,000;

(b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(c) the lease of the personal property is generally on an hourly, daily, or weekly basis;

~~(6)~~(7) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance; and

~~(7)~~(8) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105."

Renumber: subsequent sections

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Amendment adopted unanimously.

SB 220 - Senator Elliott moved **SB 220**, second reading copy, be amended as follows:

1. Page 11, line 18.

Strike: "POTENTIAL FOR EVASION OF TAX -- TAX"

Insert: "Tax"

Amendment adopted unanimously.

SB 220 - Senator Elliott moved **SB 220**, second reading copy, be further amended as follows:

1. Title, lines 21 and 22.

Strike: "THRESHOLD" on line 21 through "\$150,000" on line 22

Insert: "TO THE FIRST \$80,000 OF MARKET VALUE OF PROPERTY"

2. Page 23, line 6.

Following: "THE"

Insert: "first \$80,000 of market value of"

Following: "property"

Strike: "of"

Insert: "owned by"

3. Page 23, line 7 through line 8.

Strike: "that" on line 7 through "less" on line 8

Amendment adopted with Senator Harrington, Gallus, Kaufmann voting nay.

SB 220 - Senator Elliott moved **SB 220**, as amended, do pass. Motion carried as follows:

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

Total 27

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

Excused: None.

Total 0

Senator Williams moved the committee rise and report. 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.

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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:

HJR 17 concurred in as follows:

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

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 738 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 524 concurred in as follows:

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

Total 36

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Gallus, Jackson, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Wanzenried.

Total 14

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 786 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 201 passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Steinbeisser, Story.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 57 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

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 198 concurred in as follows:

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

Nays: Balyeat, Esp, McGee, Murphy, O'Neil, Stapleton, Steinbeisser.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 437 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: Shockley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 1 concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, 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 29

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 29, 2007

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 4 concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, 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, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 39

Nays: Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Story, Tash.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 549 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, 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 48

Nays: Curtiss, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 210 passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.
Total 41

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 29, 2007

Nays: Balyeat, Barkus, Esp, Hawks, O'Neil, Schmidt, Shockley, Wanzenried, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 7 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Esp, Jackson, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 281 passed 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 552 passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

SENATE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 29, 2007

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Friday, March 30, 2007. Motion carried.

Senate adjourned at 4:42 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate