

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

Helena, Montana
March 31, 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 Stapleton excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, 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, 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: Stapleton.

Total 1

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

3/31/2007

HB 291, be concurred in. Report adopted.

HJR 14, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

3/31/2007

SR 9, be adopted. Report adopted.

HB 225, be concurred in. Report adopted.

HB 433, be amended as follows:

1. Title, line 6.

Following: "ELECTED"

Insert: "OR APPOINTED"

Following: "OFFICIAL"

Insert: "; REQUIRING STATE AGENCIES AND LOCAL GOVERNMENTS TO DESIGNATE AN OFFICE FROM WHICH THE SUMMARY REPORT MAY BE OBTAINED; AND REQUIRING STATE AGENCIES AND LOCAL GOVERNMENTS TO POST THE SUMMARY REPORT TO THE INTERNET"

2. Page 1.

Following: line 14

Insert: "(2) Each state agency and local government subject to subsection (1) shall:

(a) designate an office from which a copy of the report may be obtained; and

(b) post a copy of the report to the agency's or local government's website on the internet, if the agency or local government has a website."

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Renumber: subsequent subsection

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

HB 487, be amended as follows:

1. Title, line 6.

Strike: "AMENDING RELATED FEES;"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "2-7-503"

Insert: ", "

Strike: "AND"

2. Title, line 7.

Strike: "2-7-514,"

3. Page 1, line 22.

Strike: "\$400,000"

Insert: "the threshold dollar amount established by the director of the office of management and budget pursuant to 31 U.S.C. 7502(a)(3), but regardless of the source of revenue or financial assistance,"

4. Page 2, line 15 through page 3, line 1.

Strike: section 2 through section 3 in their entirety

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

HB 650, be concurred in. Report adopted.

HB 690, be concurred in. Report adopted.

HB 706, be amended as follows:

1. Page 2, line 10.

Strike: "June"

Insert: "January"

Strike: "prior to the"

2. Page 2, line 11.

Strike: "year"

Strike: "June 2007"

Insert: "January 2003"

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

HB 729, be concurred in. Report adopted.

HB 765, be amended as follows:

1. Title, line 4 through line 5.

Strike: "PROVIDING" on line 4 through "PARTICIPATION" on line 5

Insert: "ALLOWING A LEGISLATOR TO CONTINUE ACTIVE MEMBERSHIP"

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2. Title, line 5.

Following: "IN"

Strike: "A"

Insert: "THE"

Following: "SYSTEM"

Insert: "OF WHICH THE LEGISLATOR IS A MEMBER"

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, line 6.

Following: "5-2-304"

Insert: "AND 19-3-412"

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 10 through page 2, line 26.

Strike: sections 1 through section 3 in their entirety

5. Page 2.

Following: line 26

Insert: "Section 1. Section 5-2-304, MCA, is amended to read:

"5-2-304. ~~Continued participation~~ Participation in public retirement systems. (1) The purpose of this section is to ~~provide a means whereby persons serving in~~ allow a person who is elected or appointed to the Montana legislature ~~may~~ and who is also a member of a retirement system provided for in Title 19, chapter 3, 5, 6, 7, 8, 9, 13, 20, or 21, by virtue of the person's nonlegislative employment, to continue ~~their the person's~~ participation in the public retirement ~~systems governed by state law~~ system of which the person is a member.

(2) This section is not intended to provide duplicate credit for the same service in two retirement systems supported wholly or in part by public funds. This section does not affect contribution rates or benefit payments specifically provided for in the laws governing the operation of individual retirement systems.

(3) (a) A person who is an inactive or retired member of a retirement system provided for in Title 19, chapter 5, 6, 7, 8, 9, 13, 20, or 21, and who is elected or appointed to be a legislator ~~may~~:

(i) return to active membership in the system of which the person is an inactive or retired member under the requirements of that system; or

(ii) remain an inactive or retired member of the retirement system and become an active member of the public employees' retirement system pursuant to 19-3-412.

(b) A person who is an inactive or retired member of the public employees' retirement system provided for in Title 19, chapter 3, and who is elected or appointed to the legislature ~~may return to active membership in the public employees' retirement system but cannot simultaneously be an inactive or retired member of the system as a result of prior covered terminated employment and an active member of the retirement system under 19-3-412 or this section.~~

~~(2)~~(4)(a) A person who is ~~engaged in official duties as a member of the Montana legislature and who is a~~ an active member of a public retirement system governed by state law and who is elected or appointed to be a legislator may, but is not required to, continue the person's participation in that public retirement system while engaged in official duties as a legislator.

(b) To continue participation as an active member in the public retirement system, a legislator shall, within 180 days of taking office and in a manner prescribed by the appropriate board, file an irrevocable written election with the teachers' retirement board or the public employees' retirement board.

~~(3)~~(5) A legislator who elects to continue participation as an active member as provided in subsection ~~(2)~~(4) shall continue the payments into the fund of the retirement system at the rate currently in effect in the system based on the legislator's monthly salary as a member of that system.

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~~(4)(6)~~ The state contribution must be made by legislative appropriation. It must equal the appropriate employer contribution at the rate currently in effect in the system."

Insert: "Section 2. Section 19-3-412, MCA, is amended to read:

"19-3-412. Optional membership. (1) Except as provided in 5-2-304 and subsection (2) of this section, the following employees and elected officials in covered positions shall elect either to become active members of the retirement system or to decline this optional membership by filing an irrevocable, written application with the board in the manner prescribed in subsection (3):

- (a) elected officials of the state or local governments who:
 - (i) are paid on a salary or wage basis rather than on a per diem or other reimbursement basis; or
 - (ii) were members receiving retirement benefits under the defined benefit plan or a distribution under the defined contribution plan at the time of their election;
- (b) employees serving in employment that does not cumulatively exceed a total of 960 hours of covered employment with all employers under this chapter in any fiscal year;
- (c) employees directly appointed by the governor;
- (d) employees working 6 months or less for the legislative branch to perform work related to the legislative session;
- (e) the chief administrative officer of any city or county;
- (f) employees of county hospitals or rest homes.

(2) (a) Except as provided in subsection (2)(b), employees and officials described in subsections (1)(a) through (1)(f) who are employees or officials but not members on July 1, 1999, have until December 1, 1999, to file an irrevocable, written application with the board.

(b) A legislator may also become a member as of the date prior to December 30, 2000, that the legislator filed an irrevocable written application with the board to become a member and paid the employee share of contributions determined by the board to be required to purchase the legislator's prior service credit. However, the legislator shall purchase at least 5 years of service credit or, if the legislator has less than 5 years of membership service, service credit equal to all of the legislator's membership service. The legislative branch is responsible for paying the amount determined by the board to be the employer's share of contributions required to purchase a legislator's service credit under this subsection (2)(b).

(c) A member who after April 17, 2003, is elected to a local government position in which the member works less than 960 hours in a calendar year may, within 180 days of being elected, decline optional membership with respect to the member's elected position.

(3) (a) The board shall prescribe the form of the written application required pursuant to subsection (1) and provide written application forms to each employer.

(b) Each employee or elected official in a position covered under subsection (1) shall obtain the written application form from the employer and complete and return it to the board.

(c) The written application must be filed with the board within 180 days of the commencement of the employee's or elected official's employment.

(d) The employer shall retain a copy of the employee's or elected official's written application.

(4) If the employee or elected official fails to file the written application required under subsection (1) with the board within the time allowed in subsection (3), the employee or elected official waives membership.

(5) An employee or elected official who declines optional membership may not receive membership service or service credit for the employment for which membership was declined.

(6) An employee or elected official who declined optional membership but later becomes a member may purchase service credit for the period of time beginning with the date of employment in which membership was declined to the commencement of membership. Purchase of service credit pursuant to this subsection must comply with 19-3-505.

(7) Except as provided in subsection (2)(c), membership in the retirement system is not optional for an employee or elected official who is already a member. Upon employment in a position for which membership is optional:

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- (a) a member who was an active member before the employment remains an active member;
 - (b) a member who was an inactive member before the employment becomes an active member; and
 - (c) a member who was a retired member before the employment is subject to part 11 of this chapter.
- (8) (a) An employee or elected official who declines membership for a position for which membership is optional may not later become a member while still employed in that position.
- (b) If, after a break in service of 30 days or more, an employee who was employed in an optional membership position is reemployed in the same position or is employed in a different position for which membership is optional, the employee shall again choose or decline membership.
- (c) If the break in service is less than 30 days, an employee who declined membership is bound by the employee's original decision to decline membership.
- (9) An employee accepting a position that requires membership shall become a member even if the employee previously declined membership and did not have a 30-day break in service."

Insert: "NEW SECTION. Section 3. Transition. (1) A person who is subject to the provisions of 5-2-304 who made an irrevocable election under 5-2-304 after January 1, 2003, and before [the effective date of this act] may rescind the election.

(2) A person who is eligible under subsection (1) to rescind an election previously made by the person pursuant to 5-2-304 shall notify the public employees' retirement board in writing prior to July 1, 2007, that the person has rescinded the person's prior election.

(3) A person who rescinds, under subsection (2), the person's previous election is:

- (a) subject to the applicable options available under 5-2-304 and 19-3-412 as provided for in [this act]; and
- (b) is eligible to receive retroactively to January 1, 2007, the retirement benefits for which the person would have been eligible absent the original election."

Renumber: subsequent section

6. Page 2.

Following: line 28

Insert: "NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to January 1, 2003."

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

HB 771, be concurred in. Report adopted.

HJR 41, be amended as follows:

1. Page 1, line 21.

Strike: "18"

Insert: "a number of"

2. Page 1, line 22.

Strike: "."

Insert: "; and"

3. Page 1.

Following: line 22

Insert: "WHEREAS, we as Montanans will continue to support these heroes as they return home to face the challenge of rejoining family, friends, and community."

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

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HJR 45, be concurred in. Report adopted.

TAXATION (Elliott, Chairman):
SB 567, introduced bill, be amended as follows:

3/30/2007

1. Title, line 4 through line 13.

Strike: "CREATING" on line 4 through "PURPOSES;" on line 13

2. Title, line 14 through line 16.

Strike: "ENERGY" on line 14 through "GOVERNMENTS" on line 15

Insert: "OIL, GAS, AND COAL NATURAL RESOURCE ACCOUNT"

Strike: "SECTIONS" on line 15 through the first "AND" on line 16

Insert: "SECTION"

Following: "MCA;" on line 16

Insert: "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

3. Page 1, line 20 through page 16, line 4.

Strike: everything after the enacting clause

Insert: "Section 1. Section 15-36-331, MCA, is amended to read:

"15-36-331. Distribution of taxes. (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 15-1-501, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax for the oil, gas, and coal natural resource account established in 90-6-1001 must be deposited in the account.

(3) (a) ~~For~~ Subject to subsection (3)(b), for each tax year, the amount of oil and natural gas production taxes determined under subsection (1)(b) is allocated to each county according to the following schedule:

	2005	2006 and succeeding tax years
Big Horn	45.04%	45.05%
Blaine	58.11%	58.39%
Carbon	48.93%	48.27%
Chouteau	57.65%	58.14%
Custer	80.9%	69.53%
Daniels	49.98%	50.81%
Dawson	50.64%	47.79%
Fallon	41.15%	41.78%
Fergus	83.52%	69.18%
Garfield	48.81%	45.96%
Glacier	64.74%	58.83%
Golden Valley	57.41%	58.37%
Hill	65.33%	64.51%
Liberty	59.73%	57.94%
McCone	52.86%	49.92%
Musselshell	51.44%	48.64%
Petroleum	54.62%	48.04%

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Phillips	53.78%	54.02%
Pondera	70.89%	54.26%
Powder River	62.17%	60.9%
Prairie	39.73%	40.38%
Richland	46.72%	47.47%
Roosevelt	46.06%	45.71%
Rosebud	38.69%	39.33%
Sheridan	47.54%	47.99%
Stillwater	54.35%	53.51%
Sweet Grass	60.24%	61.24%
Teton	48.4%	46.1%
Toole	57.14%	57.61%
Valley	54.22%	51.43%
Wibaux	48.68%	49.16%
Yellowstone	48.06%	46.74%
All other counties	50.15%	50.15%

(b) (i) From each county's allocation under subsection (3)(a), 1.25% must be deposited in the oil, gas, and coal natural resource account established in 90-6-1001 to be used for impact grants awarded pursuant to 90-6-206 and [section 14 of House Bill No. 798].

(ii) If the amount estimated for deposit in the oil, gas, and coal natural resource account under subsection (3)(b)(i) is less than \$1 million, the coal, oil, gas, and energy development impact board established in 2-15-1821 shall determine a percentage that when applied to all county's allocations, will result in a deposit of \$1 million to the account.

~~(b)(c)~~ (c) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:

(i) 1.23% to the coal bed methane protection account established in 76-15-904;

(ii) 2.95% to the reclamation and development grants special revenue account established in 90-2-1104;

(iii) 2.95% to the orphan share account established in 75-10-743;

(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and

(v) all remaining proceeds to the state general fund;

(b) for fiscal years beginning after June 30, 2011, to be distributed as follows:

(i) 4.18% to the reclamation and development grants special revenue account established in 90-2-1104;

(ii) 2.95% to the orphan share account established in 75-10-743;

(iii) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and

(iv) all remaining proceeds to the state general fund.""

Insert: "NEW SECTION. Section 2. Contingent voidness. If House Bill No. 798 is not passed and approved, then [this act] is void."

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

HB 8, introduced by Kasten, requiring adoption by an affirmative roll call vote of two-thirds of all the members of

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the Legislature, passed the House and was transmitted to the Senate with the following vote:

Yeas - 96 3/30/2007
Nays - 03

HB 463, introduced by Villa, transmitted to the Senate for concurrence. 3/30/2007

HB 529, introduced by Lake, transmitted to the Senate for concurrence. 3/30/2007

HB 822, introduced by Reinhart, transmitted to the Senate for concurrence. 3/30/2007

SB 386, introduced by Shockley, concurred in as amended, returned to the Senate for concurrence in House amendments. 3/30/2007

SB 448, introduced by Wanzenried, concurred in as amended, returned to the Senate for concurrence in House amendments. 3/30/2007

SB 540, introduced by Jackson, concurred in as amended, returned to the Senate for concurrence in House amendments. 3/30/2007

MOTIONS

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved **HB 577** to Finance and Claims Committee. Motion carried.

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved **HB 616** to Finance and Claims Committee. Motion carried.

**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 Lind in the chair.

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

HB 782 - Senator O'Neil moved **HB 782** be concurred in. Motion carried unanimously.

HB 577 - Senator Cobb moved **HB 577** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, 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, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Murphy, O'Neil, Shockley, Steinbeisser.

Total 14

Absent or not voting: McGee.

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Total 1

Excused: Jent, Stapleton.

Total 2

HJR 22 - Senator Williams moved **HJR 22** be concurred in. Motion carried with Senator McGee, O'Neil, Balyeat voting nay.

HJR 26 - Senator Schmidt moved **HJR 26** be concurred in. Motion carried with Senator Jackson, O'Neil, Esp voting nay.

HJR 33 - Senator Cobb moved **HJR 33** be concurred in. Motion carried as follows:

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

Total 34

Nays: Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, McGee, O'Neil, Perry, Shockley, Story.

Total 15

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

HB 452 - Senator Juneau moved **HB 452** be concurred in. Motion carried with Senator Lind, Weinberg voting nay.

HB 467 - Senator Wanzenried moved **HB 467** be concurred in. Motion carried with Senator Kaufmann, Juneau voting nay.

HB 514 - Senator Moss moved **HB 514** be concurred in. 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, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Williams, Mr. President.

Total 33

Nays: Balyeat, Brown, Esp, Essmann, Jackson, Jent, Kaufmann, Lind, McGee, Perry, Story, Tash, Wanzenried, Weinberg.

Total 14

Absent or not voting: Moss.

Total 1

Excused: Cobb, Stapleton.

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Total 2

HB 629 - Senator O'Neil moved **HB 629** be concurred in. Motion carried unanimously.

HB 617 - Senator Jent moved **HB 617** be concurred in. Motion carried unanimously.

HB 657 - Senator Perry moved **HB 657** be concurred in. Motion carried unanimously.

HB 35 - Senator Jent moved **HB 35** be concurred in. Motion carried unanimously.

HB 300 - Senator O'Neil moved **HB 300** be concurred in. Motion carried unanimously.

HB 310 - Senator Shockley moved **HB 310** be concurred in. Motion carried unanimously.

SB 551 - Senator Bales moved consideration of **SB 551** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 587 - Senator Pease moved **HB 587** be concurred in. Motion carried unanimously.

HB 113 - Senator Cocchiarella moved consideration of **HB 113** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 99 - Senator Ryan moved **HB 99** be concurred in. Motion carried with Senator Balyeat, M. Tropila, McGee, Black, Curtiss voting nay.

HB 348 - Senator Esp moved **HB 348** be concurred in. Motion carried with Senator Barkus, Bales, Story, Curtiss, McGee voting nay.

HB 113 - Senator Brown moved **HB 113**, second reading copy, be amended as follows:

1. Page 6.

Following: line 27

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If House Bill No. 633 and [this act] both are passed and approved and if House Bill No. 633 includes a section that amends 23-5-119, then the section amending 23-5-119 in House Bill No. 633 is void and 23-5-119 must be amended as follows:

"23-5-119. Appropriate alcoholic beverage license for certain gambling activities. (1) Except as provided in subsection (3), to be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant must be a resident of this state and shall own in the applicant's name:

(a) a retail all-beverages license issued under 16-4-201, but the owner of a license transferred after July 1, 2007, to a quota area pursuant to a department-conducted lottery under 16-4-204(1)(a) is not eligible to offer gambling;

(b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-105, authorizing the sale of beer and wine for consumption on the licensed premises;

(c) a beer and wine license issued in an area outside of an incorporated city or town as provided in 16-4-105(1)(e). The owner of the license whose premises are situated outside of an incorporated city or town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6;

(d) a retail beer and wine license issued under 16-4-109;

(e) a retail all-beverages license issued under 16-4-202; or

(f) a retail all-beverages license issued under 16-4-208.

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(2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997, may be transferred to a new owner or to a new location or transferred to a new owner and location by the department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been transferred may offer gambling if the owner and the premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(3) Lessees of retail all-beverages licenses issued under 16-4-208 or beer and wine licenses issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177 are eligible to offer and may be granted permits for gambling authorized under Title 23, chapter 5, part 3, 5, or 6.

(4) A license transferee or a qualified purchaser operating pending final approval under 16-4-404(6) who has been granted a gambling operator's license under 23-5-177 may be granted permits for gambling under Title 23, chapter 5, part 3, 5, or 6."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Hansen, Jackson, Kaufmann, Lind, McGee, Murphy, Perry, Peterson, Shockley, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

Total 25

Nays: Cocchiarella, Elliott, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

HB 113 - Senator Cocchiarella moved consideration of **HB 113** be passed for the day. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, Story, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, Laible, McGee, Murphy, Perry, Peterson, Shockley, Steinbeisser, Tash, J.Tropila, M.Tropila.

Total 19

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

SB 551 - Senator Lind moved **SB 551**, second reading copy, be amended as follows:

1. Title, line 11.

Following: "PROVIDING"

Insert: "A CONTINGENT VOIDNESS PROVISION AND"

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2. Page 2.

Following: line 29

Insert: "NEW SECTION. **Section 2. Contingent voidness.** If Senate Bill No. 218 is not passed and approved, [this act] is void."

Renumber: subsequent section

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, 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, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

SB 551 - Senator Bales moved **SB 551**, as amended, do pass. Motion carried as follows:

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

Total 25

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

Total 24

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Lind moved the Committee of the Whole report be adopted. Report adopted with Senators Wanzenried, Squires, Larson, Juneau voting against the report.

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 138 passed as follows:

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Yeas: Brown, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 20

Paired: Laslovich, Aye; Stapleton, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 426 concurred in 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, 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: Curtiss.
Total 1

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

HB 769 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

Nays: Balyeat, Essmann, McGee, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: Stapleton.

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Total 1

SB 375 passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Murphy, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.

Total 38

Nays: Balyeat, Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Moss, O'Neil, Schmidt, Weinberg, Mr. President.

Total 12

Paired: Stapleton, Aye; Hawks, No.

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 12:30 p.m., Monday, April 2, 2007. Motion carried.

Senate adjourned at 1:28 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate