

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

Helena, Montana
April 4, 2007

Senate Chambers
State Capitol

Senate convened at 12:00 p.m. President Cooney presiding. Invocation by Rabbi Alan Secher. Pledge of Allegiance to the Flag.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, 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, Brown, Gebhardt, Gillan, Jackson, Lind, McGee, O'Neil, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman): 3/2/2007
HB 744, be concurred in. Report adopted.

JUDICIARY (Laslovich, Chairman): 4/2/2007
HB 217, be concurred in. Report adopted.
HB 353, be concurred in. Report adopted.
HJR 38, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 4/3/2007

HB 27, introduced by Driscoll

House bill passed and transmitted to the Senate for concurrence: 5/1/2007

HB 39, introduced by McNutt

House bill passed and transmitted to the Senate for concurrence: 5/1/2007

HB 148, introduced by Grinde

House bill passed and transmitted to the Senate for concurrence: 5/1/2007

HB 179, introduced by French

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

House bill passed and transmitted to the Senate for concurrence: 5/1/2007
HB 637, introduced by Klock

House bill passed and transmitted to the Senate for concurrence: 5/1/2007
HB 801, introduced by MacLaren

House bill passed and transmitted to the Senate for concurrence: 5/1/2007
HB 828, introduced by Olson

House bill passed and transmitted to the Senate for concurrence: 5/1/2007
HB 840, introduced by Hilbert

House bill passed and transmitted to the Senate for concurrence: 5/1/2007
HB 843, introduced by L. Jones

Senate bill passed and transmitted to the Senate for concurrence: 5/1/2007
SB 51, introduced by Hawks

Senate bill passed and transmitted to the Senate for concurrence: 5/1/2007
SB 200, introduced by Lewis

House bill passed and transmitted to the Senate for concurrence: 5/1/2007
HB 665, introduced by Arntzen

House bill passed and transmitted to the Senate for concurrence: 5/1/2007
HB 746, introduced by Erickson

SB 152 - NOT concurred in on 4/2/07 in the Committee of the Whole and bill is herewith returned to the Senate.

FIRST READING AND COMMITMENT OF BILLS

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

HB 637, introduced by Klock, referred to Taxation.
HB 746, introduced by Erickson, referred to Taxation.
HB 801, introduced by MacLaren, referred to Taxation.
HB 843, introduced by L. Jones, referred to Taxation.

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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

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

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

HJR 40 - Senator Black moved **HJR 40** be concurred in. Motion carried unanimously.

HB 634 - Senator Brueggeman moved consideration of **HB 634** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 425 - Senator Laible moved **HB 425**, second reading copy, be amended as follows:

1. Title, page 1, line 4 through line 5.

Strike: "GENERALLY" on line 4 through "REQUIREMENTS AND" on line 5

2. Title, page 1, line 6 through line 11.

Following: "REGULATIONS;"

Strike: "REVISING" on line 6 through "PROVISIONS;" on line 11

3. Title, page 1, line 13.

Following: "AMENDING"

Strike: "SECTIONS" through "76-3-301,"

Insert: "SECTION"

Following: "76-3-504,"

Insert: "MCA;"

4. Title, page 1, line 14.

Strike: "76-3-609" through the second "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 18 through page 13, line 4.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 76-3-504, MCA, is amended to read:

"76-3-504. Subdivision regulations -- contents. (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);

(b) except as provided in 76-3-210, 76-3-509, or 76-3-609, require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(c) establish procedures consistent with this chapter for the submission and review of subdivision applications and amended applications;

(d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(g) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

- (iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:
 - (A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and
 - (B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and
 - (iv) the location and installation of public utilities;
 - (h) provide procedures for the administration of the park and open-space requirements of this chapter;
 - (i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.
 - (j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land;
 - (k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:
 - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
 - (ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:
 - (A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or
 - (B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.
 - (l) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;
 - (m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.
 - (n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;
 - (o) establish procedures describing how the governing body or its agent or agency will address information

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) ~~allows~~ requires a subdivider to meet with the agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;

(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted as provided in 76-3-604.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.

(3) The governing body may establish deadlines for submittal of subdivision applications.""

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Amendment adopted unanimously.

HB 425 - Senator Laible moved **HB 425**, as amended, be concurred in. Motion carried unanimously.

HB 36 - Senator M. Tropila moved **HB 36** be concurred in. Motion carried unanimously.

HB 584 - Senator Perry moved consideration of **HB 584** be placed below #17 on the second reading board. Motion carried.

HB 154 - Senator Esp moved **HB 154** be concurred in. Motion carried unanimously.

HB 459 - Senator Murphy moved **HB 459** be concurred in. Motion carried unanimously.

HB 609 - Senator Ryan moved **HB 609** be concurred in. Motion carried as follows:

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

Total 32

Nays: Bales, Balyeat, Black, Brown, Curtiss, Esp, Gallus, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 0

Excused: Pease.

Total 1

HB 785 - Senator Cocchiarella moved **HB 785** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Hansen, Jackson, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Williams, Mr. President.
Total 36

Nays: Esp, Gallus, Harrington, Hawks, Jent, Kaufmann, Laslovich, Lind, Pease, Ryan, Shockley, Squires, J.Tropila, Weinberg.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 522 - Senator Laible moved **HB 522**, second reading copy, be amended as follows:

1. Page 2, line 17.

Following: "(d)"

Strike: "If"

Insert: "Unless otherwise provided by law, if"

Amendment carried unanimously.

HB 522 - Senator Laible moved **HB 522**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hawks, Jackson, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 32

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Ryan, Smith, Squires, Wanzenried, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 439 - Senator Balyeat moved **HB 439** be concurred in. Motion **failed** as follows:

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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.
Total 25

Nays: Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 439 - Senator Lind moved **HB 439** be indefinitely postponed. Motion failed as follows:

Yeas: Elliott, Gallus, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams.
Total 19

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 14 - Senator Curtiss moved **HJR 14** be concurred in. Motion carried unanimously.

HB 417 - Senator Williams moved consideration of **HB 417** be placed below #12 on the second reading board. Motion carried.

HB 727 - Senator Cobb moved **HB 727**, second reading copy, be amended as follows:

1. Page 1, line 28.
Strike: "shall"
Insert: "may"
Following: "disregard"
Insert: "up to"

Amendment adopted with Senator Kaufmann, Juneau voting nay.

HB 727 - Senator Cobb moved **HB 727**, as amended, be concurred in. Motion carried unanimously.

HB 743 - Senator Esp moved **HB 743** be concurred in. Motion carried unanimously.

HJR 19 - Senator Weinberg moved **HJR 19** be concurred in. Motion carried unanimously.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

HB 584 - Senator Williams moved consideration of **HB 584** be placed below HB 650 on the second reading board. Motion carried.

HB 729 - Senator Squires moved **HB 729** be concurred in. Motion carried unanimously.

HB 520 - Senator Cocchiarella moved **HB 520** be concurred in. Motion carried unanimously.

HB 417 - Senator Ryan moved consideration of **HB 417** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 362 - Senator Gebhardt moved **HB 362** be concurred in. Motion carried unanimously.

HJR 36 - Senator J. Peterson moved **HJR 36** be concurred in. Motion carried unanimously.

HB 650 - Senator McGee moved **HB 650**, second reading copy, be amended as follows:

1. Page 1, line 13.

Strike: "DOLLY"

Insert: "Dolley"

Amendment adopted unanimously.

HB 650 - Senator Ryan moved **HB 650**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "MADISON"

Insert: ", SUSAN B. ANTHONY, AND ROSA PARKS"

2. Page 1, line 22.

Following: "CONSTITUTION"

Insert: "; and

WHEREAS, abolitionist, labor organizer, and advocate for the temperance movement, Susan B. Anthony dedicated the later part of her life to the effort to gain the right to vote and equal rights for women, and 14 years after Anthony's death, the 19 amendment was ratified, which granted the right to vote to women; and

WHEREAS, Rosa Parks worked as a seamstress in Montgomery, Alabama, when, in December of 1955, she refused to give up her seat on a city bus to a white passenger, and Ms. Parks is remembered today as the "mother of the civil rights movement" and once said, "The only thing that bothered me was that we waited so long to make this protest."

3. Page 1, line 27.

Following: "by"

Insert: "each citizen of"

Strike: "each March 16"

Strike: "James Madison"

Insert: "one of these great Americans"

4. Page 1, line 28.

Following: "Americans"

Insert: ":

(a) James Madison, on March 16;

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

- (b) Susan B. Anthony, on February 15; or
(c) Rosa Parks, on February 4"

5. Page 1, line 29.

Strike: "March 16"

Insert: "the birthday"

Strike: "first"

Insert: "following"

6. Page 1, line 30.

Strike: "following March 16"

Amendment **not** adopted as follows:

Yeas: Cocchiarella, 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 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 650 - Senator McGee moved consideration of **HB 650** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 464 - Senator Jent moved **HB 464** be concurred in. Motion **failed** as follows:

Yeas: Cobb, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, McGee, Moss, O'Neil, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Lind, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, Tash.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 464 - Senator Williams moved **HB 464** be **indefinitely postponed**. Motion carried as follows:

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Lind, McGee, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, Tash.
Total 27

Nays: Cobb, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, O'Neil, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

HB 417 - Senator Stapleton moved consideration of **HB 417** be placed at the top of the second reading board. Motion carried.

HB 417 - Senator Juneau moved **HB 417**, second reading copy, be amended as follows:

1. Page 40, line 1.

Insert: "NEW SECTION. Section 22. Distribution of one-time-only money for Indian education for all. Money appropriated from the general fund as one-time-only money in the 2009 biennium to the office of public instruction for Indian education for all must be allocated to districts on a per-ANB basis, calculated as provided in 20-9-311, with a minimum of \$1,000 for each district. A district receiving funds under this section shall deposit the money in the miscellaneous programs fund and may not transfer the money to another fund."

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 417 - Senator Juneau moved **HB 417**, second reading copy, be amended as follows:

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

1. Page 38, line 1 through line 7.

Strike: section 17 in its entirety

Insert: "**Section 17.** Section 20-9-329, MCA, is amended to read:

"20-9-329. Indian education for all payment. (1) The state shall provide ~~an~~ a total Indian education for all payment to public school districts, as defined in 20-6-101 and 20-6-701, to implement the provisions of Article X, section 1(2), of the Montana constitution, ~~and to implement~~ Title 20, chapter 1, part 5, and to develop curricula designed to integrate the distinct cultural heritage of Indians into the curricula, with particular emphasis on Montana Indians as required in 20-9-309.

(2) The total Indian education for all payment is ~~the greater of \$100 for each district or \$20.40 for each~~ AND, calculated as provided in 20-9-311, for each fiscal year 20-9-306 and is a component of the BASE budget of the district.

(3) The district shall deposit the payment in the general fund of the district.

(4) It is the intent of this section that the total Indian education for all payment be used to implement the essential understandings regarding Montana Indians developed by the office of public instruction and relevant accreditation standards pertaining to Indian education for all."

Amendment adopted as follows:

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

Total 30

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 417 - Senator Ryan moved **HB 417**, second reading copy, be amended as follows:

1. Title, line 22.

Following: "INSTRUCTION:"

Strike: "PROVIDING AN APPROPRIATION FOR STARTUP FUNDS FOR KINDERGARTEN"

Insert: "PROVIDING A DISTRIBUTION MECHANISM FOR STARTUP FUNDS FOR KINDERGARTEN"

2. Page 39, line 26 through line 30.

Strike: section 21 in its entirety

Insert: "NEW SECTION. Section 21. Distribution of funds for kindergarten. Money appropriated to the office of public instruction for startup costs for kindergarten in the 2009 biennium must be distributed based on the kindergarten enrollment in school fiscal year 2007 to all school districts with an elementary program. The school district shall deposit the money in the miscellaneous programs fund."

3. Page 40, line 6.

Insert: "COORDINATION SECTION. Section 23. Coordination instruction. If House Bill No. 363 and [this act] are passed and approved and if either contains a section that amends 20-9-308, then the sections amending 20-9-

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

308 are void and 20-9-308 must be amended as follows:

"20-9-308. (Temporary) BASE budgets and maximum general fund budgets. (1) (a) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district. The trustees of a district may adopt a general fund budget up to the maximum general fund budget or the previous year's general fund budget, whichever is greater.

(b) For purposes of the budget limitation in subsection (1)(a), the trustees may add any increase in state funding for the payments in 20-9-327 through 20-9-330 to the district's previous year's general fund budget.

(2) Whenever the trustees of a district propose to adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district and to increase the over-BASE budget levy to support the general fund budget, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(3) (a) (i) Except as provided in subsections (3)(a)(ii) and (3)(b), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. Except as provided in subsection (3)(b), a school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of 5 consecutive years, but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the 5-year period.

(ii) Except as provided in subsection (3)(b), the trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:

(A) the adopted budget for the previous year; or

(B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year.

(b) A school district that adopted a general fund budget over its maximum general fund budget under any provision of subsection (3)(a) at any time between fiscal year 2001 and fiscal year 2005 may, for fiscal year 2006 and fiscal year 2007, adopt the greater of its maximum general fund budget or the highest actual budget adopted between fiscal year 2001 and fiscal year 2005. For the purpose of calculating the previous year's general fund budget in the initial year of implementation of a full-time kindergarten program established pursuant to 20-7-117, the trustees may add to the district's adopted general fund budget for the previous year an amount equal to one-half of the kindergarten enrollment in the previous year times the sum of the maximum per-ANB rate for an elementary ANB and the Indian education for all payment for an ANB for the previous year.

(c) Except as provided in 20-9-353(8), the trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141. (Terminates June 30, 2007--sec. 3, Ch. 190, L. 2005; sec. 25(2), Ch. 462, L. 2005.)

20-9-308. (Effective July 1, 2007) BASE budgets and maximum general fund budgets. (1) (a) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

The trustees of a district may adopt a general fund budget up to the maximum general fund budget or the previous year's general fund budget, whichever is greater.

(b) For purposes of the budget limitation in subsection (1)(a), the trustees may add any increase in state funding for the payments in 20-9-327 through 20-9-330 to the district's previous year's general fund budget.

~~(2) Whenever the trustees of a district propose to adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district and to increase the over-BASE budget levy to support the general fund budget, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.~~

~~(3) (a) (i) Except as provided in subsection (3)(a)(ii), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. A school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of 5 consecutive years, but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the 5-year period. A school district whose adopted general fund budget for the previous year exceeds the maximum general fund budget for the current year and whose ANB for the previous year exceeds the ANB for the current year by 30% or more shall reduce its adopted budget by:~~

~~—— (A) in the first year, 20% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (B) in the second year, 25% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (C) in the third year, 33.3% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (D) in the fourth year, 50% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year; and~~

~~—— (E) in the fifth year, the remainder of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year.~~

~~(ii) The trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:~~

~~—— (A) the adopted budget for the previous year; or~~

~~—— (B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year. For the purpose of calculating the previous year's general fund budget in the initial year of implementation of a full-time kindergarten program established pursuant to 20-7-117, the trustees may add to the district's adopted general fund budget for the previous year an amount equal to one-half of the kindergarten enrollment in the previous year times the sum of the maximum per-ANB rate for an elementary ANB and the Indian education for all payment for an ANB for the previous year.~~

~~(b) The trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.~~

~~(4) The BASE budget for the district must be financed by the following sources of revenue:~~

~~(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;~~

~~(b) county equalization aid, as provided in 20-9-331 and 20-9-333;~~

~~(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;~~

~~(d) payments in support of special education programs under the provisions of 20-9-321;~~

~~(e) nonlevy revenue, as provided in 20-9-141; and~~

~~(f) a BASE budget levy on the taxable value of all property within the district.~~

~~(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141."~~

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Renumber: subsequent section

Amendment adopted with Senator Brown, McGee voting nay.

HB 417 - Senator Ryan moved **HB 417**, second reading copy, be amended as follows:

1. Page 25, line 24 through line 25.

Following: "year." on line 24

Strike: remainder of line 24 through line 25

2. Page 30, line 2 through line 3.

Following: "year." on line 2

Strike: remainder of line 2 through line 3

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Murphy, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg.

Total 27

Nays: Brueggeman, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Williams, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

HB 417 - Senator Ryan moved **HB 417**, second reading copy, be amended as follows:

1. Title, line 12.

Following: "ENTITLEMENTS;"

Insert: "REDUCING THE AMOUNT OF DECREMENT FOR THE TOTAL PER-ANB ENTITLEMENT;"

2. Page 20, line 21.

Strike: "50"

Insert: "40"

3. Page 20, line 26.

Strike: "20"

Insert: "15"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 23

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Nays: Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 417 - Senator Cocchiarella moved **HB 417**, second reading copy, be amended as follows:

1. Page 25, line 24.

Following: "year."

Insert: "For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten."

2. Page 30, line 2.

Following: "year."

Insert: "For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten."

Amendment adopted unanimously.

HB 417 - Senator Ryan moved **HB 417**, as amended, be concurred in. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Steinbeisser, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Brown, Curtiss, Esp, Essmann, Jackson, Murphy, O'Neil, Ryan, Shockley, Stapleton, Story.
Total 13

Absent or not voting: McGee.
Total 1

Excused: None.
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate stands in recess until 6:30 p.m.

Roll Call. All Senators are present.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

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

Total 41

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

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

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

HB 584 - Senator Shockley moved **HB 584**, second reading copy, be amended as follows:

1. Title, line 7.

Strike: "UNANIMOUS VOTE OF ALL FIVE"

Insert: "FOUR OF THE FIVE"

2. Page 1, line 26 through line 27.

Strike: "a unanimous vote of all" on line 26

Insert: "four of the"

3. Page 2, line 2.

Strike: "a unanimous vote"

Insert: "an affirmative vote of four of the five members"

4. Page 2, line 4.

Strike: "a unanimous vote"

Insert: "an affirmative vote of four of the five members"

Amendment failed unanimously.

HB 584 - Senator Perry moved **HB 584** be concurred in. Motion carried as follows:

Yeas: Barkus, Cobb, Cocchiarella, Curtiss, Elliott, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Lind, McGee, Moss, Perry, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Esp, Essmann, Gallus, Gebhardt, Jackson, Jent, Laible, Laslovich, Lewis, Murphy, O'Neil, Pease, Peterson, Ryan, Stapleton, Steinbeisser, Tash.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 533 - Senator M. Tropila moved consideration of **HB 533** be placed below 269 on the second reading board. Motion carried.

HB 739 - Senator Wanzenried moved **HB 739**, second reading copy, be amended as follows:

1. Title, line 14.

Strike: "AN"

Insert: "A RETROACTIVE"

Amendment adopted unanimously.

HB 739 - Senator Bales moved **HB 739**, second reading copy, be amended as follows:

1. Page 4, line 5 through line 8.

Strike: section 9 in its entirety

Insert: "NEW SECTION. Section 9. Applicability. [This act] does not apply to a municipal electric utility as defined in [section 1] that was established prior to [the effective date of this act]."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Jackson, Jent, Kitzenberg, Laible, Larson, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

Total 30

Nays: Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laslovich, Lewis, Lind, Moss, Shockley, Squires, Wanzenried, Weinberg, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Williams.

Total 1

HB 739 - Senator Bales moved **HB 739**, second reading copy, remove Senator Wanzenried's amendment 739-1.

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 28

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Shockley, Squires, Wanzenried, Weinberg, Williams, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 739 - Senator Wanzenried moved **HB 739**, second reading copy, do concur in as amended. Motion **failed** as follows:

Yeas: Barkus, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Harrington, Juneau, Kaufmann, Laslovich, Lewis, Moss, Perry, Shockley, Smith, Wanzenried, Weinberg.

Total 19

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Esp, Gillan, Hansen, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Lind, McGee, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 31

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 739 - Senator Williams moved **HB 739** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lind, McGee, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 37

Nays: Barkus, Cobb, Cocchiarella, Esp, Gebhardt, Kaufmann, Laslovich, Lewis, Perry, Shockley, Stapleton, Wanzenried, Weinberg.

Total 13

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 136 - Senator McGee moved **HB 136**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "KILLED AS A RESULT OF"

Insert: "WHO DIE IN THE LINE OF DUTY WHILE ON"

2. Page 1, line 15.

Strike: "killed"

Insert: "who dies"

3. Page 1, line 16.

Strike: "Article VI, section 13, of the Montana constitution"

Insert: "state active duty orders"

4. Page 1, line 18.

Strike: "killed"

5. Page 1, line 19.

Strike: "was killed"

Insert: "died"

Amendment adopted unanimously.

HB 136 - Senator McGee moved **HB 136**, as amended, be concurred in. Motion carried with Senator Weinberg, M. Tropila voting nay.

HB 634 - Senator Brueggeman moved **HB 634** be concurred in. Motion carried with Senator Balyeat, O'Neil voting nay.

HB 650 - Senator _____ moved **HB 650**, second reading copy, be amended as follows:

1. Page 1, line 13.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Strike: "DOLLY"

Insert: "Dolley"

Amendment adopted unanimously.

HB 650 - Senator _____ moved **HB 650**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "MADISON"

Insert: ", SUSAN B. ANTHONY, AND ROSA PARKS"

2. Page 1, line 22.

Following: "CONSTITUTION"

Insert: "; and

WHEREAS, abolitionist, labor organizer, and advocate for the temperance movement, Susan B. Anthony dedicated the later part of her life to the effort to gain the right to vote and equal rights for women, and 14 years after Anthony's death, the 19 amendment was ratified, which granted the right to vote to women; and

WHEREAS, Rosa Parks worked as a seamstress in Montgomery, Alabama, when, in December of 1955, she refused to give up her seat on a city bus to a white passenger, and Ms. Parks is remembered today as the "mother of the civil rights movement" and once said, "The only thing that bothered me was that we waited so long to make this protest."

3. Page 1, line 27.

Following: "by"

Insert: "each citizen of"

Strike: "each March 16"

Strike: "James Madison"

Insert: "one of these great Americans"

4. Page 1, line 28.

Following: "Americans"

Insert: ":

(a) James Madison, on March 16;

(b) Susan B. Anthony, on February 15; or

(c) Rosa Parks, on February 4"

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

5. Page 1, line 29.

Strike: "March 16"

Insert: "the birthday"

Strike: "first"

Insert: "following"

6. Page 1, line 30.

Strike: "following March 16"

Amendment failed as follows: (should be 25-25)

HB 650 - Senator McGee moved **HB 650**, as amended, be concurred in. Motion carried as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 594 - Senator Hansen moved **HB 594** be concurred in. Motion carried with Senator Cobb, Esp, Peterson, Juneau, Liabile voting nay.

HB 744 - Senator Ryan moved **HB 744** be concurred in. Motion carried unanimously.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

HB 269 - Senator Bales moved **HB 269** be concurred in. Motion carried unanimously.

HB 585 - Senator Shockley moved **HB 585** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Elliott, Gebhardt, Larson, Lewis, Moss, Murphy, O'Neil, Pease, Shockley, Weinberg.

Total 16

Nays: Barkus, Cobb, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lind, McGee, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 585 - Senator Williams moved **HB 585** be **indefinitely postponed**. Motion carried as follows:

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

Total 42

Nays: Brueggeman, Cocchiarella, Gebhardt, Jackson, Murphy, O'Neil, Ryan, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 533 - Senator Gillan moved **HB 533**, second reading copy, be amended as follows:

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

1. Page 3, line 18.

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

Renumber: subsequent sections

Amendment adopted unanimously.

HB 533 - Senator M. Tropila moved **HB 533**, as amended, be concurred in. Motion carried unanimously.

HB 25 - Senator Laslovich moved **HB 25**, second reading copy, be amended as follows:

1. Page 4, line 11.

Strike: "69-8-421(9)"

Insert: "69-8-421(10)"

2. Page 4, line 13.

Strike: "69-8-421(9)"

Insert: "69-8-421(10)"

3. Page 4, line 14.

Strike: "69-8-421(9)"

Insert: "69-8-421(10)"

4. Page 6, line 8.

Following: "ACTIONS"

Insert: "that are"

5. Page 6, line 9.

Following: "EMISSIONS"

Insert: "or that increase the absorption of carbon dioxide"

6. Page 6, line 11.

Following: "THAT"

Insert: "reduce carbon dioxide emissions or that"

Amendment adopted unanimously.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

HB 25 - Senator Gebhardt moved **HB 25**, second reading copy, be amended as follows:

1. Title, page 1, line 12 through line 13.

Strike: "REQUIRING" on line 12 through "TARIFFS;" on line 13.

2. Page 11, line 17.

Strike: "--TARIFFS"

3. Page 13, line 25 through line 26.

Strike: "OR" on line 25 through "ACT]" on line 26

4. Page 13, line 27.

Strike: "OR A BUYING COOPERATIVE ESTABLISHED PURSUANT TO TITLE 35, CHAPTER 19"

5. Page 13, line 28.

Strike: "OR SMALL CUSTOMER OF A BUYING COOPERATIVE PURSUANT TO TITLE 35, CHAPTER 19,"

6. Page 14, line 1.

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (3), A"

Insert: "A"

7. Page 14, line 5 through line 9.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

8. Page 14, line 10.

Strike: "THE"

Insert: "a retail customer's"

9. Page 14, line 10 through line 11.

Strike: "OF" on line 10 through "CUSTOMER" on line 11

10. Page 14, line 17.

Strike: "(5)(B)"

Insert: "(4)(b)"

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

11. Page 14, line 21.

Strike: "(5)(A)"

Insert: "(4)(a)"

12. Page 14, line 25 through page 15, line 10.

Strike: subsection (6) in its entirety

13. Page 20, line 26 through line 27.

Strike: ", BUYING" on line 26 through "19," on line 27

14. Page 20, line 29.

Strike: "35-19-102 AND"

15. Page 20, line 30 through page 21, line 1.

Strike: "AND SMALL CUSTOMERS PURSUANT TO 35-19-102"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Jackson, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Weinberg.

Total 34

Nays: Hansen, Harrington, Jent, Juneau, Kaufmann, Moss, Murphy, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 25 - Senator Laslovich moved **HB 25**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Shockley, Smith, Squires, Weinberg,

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Jackson, Jent, Larson, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

HJR 24 - Senator M. Tropila moved **HJR 24** be concurred in. Motion carried with Senator Balyeat, Gebhardt, O'Neil voting nay.

HB 328 - Senator Gebhardt moved **HB 328** be concurred in. Motion carried unanimously.

HB 414 - Senator Moss moved consideration of **HB 414** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 225 - Senator Shockley moved **HB 225** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Elliott, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Larson, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

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

Total 26

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 0

Excused: None.

Total 0

HB 225 - Senator Williams moved **HB 225** to indefinitely postponed. Motion **carried** as follows:

Yeas: Bales, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, McGee, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Elliott, Gebhardt, Jackson, Lewis, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 462 - Senator Laible moved **HB 462**, second reading copy, be amended as follows:

1. Title, lines 8 and 9.

Following: "~~AND~~" on line 8

Strike: remainder of line 8 through "ACCOUNTS;" on line 9

Strike: "SECTIONS 2-2-104 AND"

Insert: "SECTION"

2. Page 1, line 14.

Strike: "THROUGH 3"

Insert: "and 2"

3. Page 1, line 18.

Strike: "THROUGH 3"

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Insert: "and 2"

4. Page 1, line 27.

Strike: "(I)"

Following: "deposit"

Insert: "only"

5. Page 1, line 29 through page 2, line 7.

Strike: subsections (II) and (III) in their entirety

6. Page 3, line 6 through page 4, line 19.

Strike: sections 3 and 4 in their entirety

Renumber: subsequent sections

7. Page 5, lines 2 through line 5.

Strike: section 6 in its entirety

Renumber: subsequent sections

8. Page 5, line 7.

Strike: "THROUGH 3"

Insert: "and 2"

9. Page 5, line 9.

Strike: "THROUGH 3"

Insert: "and 2"

Amendment adopted as follows:

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

Total 38

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Peterson, Shockley.

Total 12

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 462 - Senator Laslovich moved **HB 462**, as amended, be concurred in. Motion carried as follows:

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

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 414 - Senator Moss moved **HB 414** be concurred in. Motion carried as follows:

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

Total 33

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Tash.

Total 17

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Excused: None.

Total 0

HB 439 - Senator Balyeat moved **HB 439** be concurred in. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 217 - Senator Perry moved **HB 217** be concurred in. Motion **failed** as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

HB 217 - Senator Lind moved **HB 217** be **indefinitely postponed**. Motion carried

as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 25 - Senator Laslovich made a **substitute motion** that **HB 25**, as amended, be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Perry, Shockley, Smith, Squires, Tash, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Jackson, Jent, Larson, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 353 - Senator Shockley moved **HB 353** be concurred in. Motion carried with Senator Elliott voting nay.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

HJR 38 - Senator Curtiss moved **HJR 38** be concurred in. Motion carried unanimously.

HB 688 - Senator _____ moved **HB 688** be concurred in. Motion carried with Senator Balyeat voting nay.

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

HJR 39 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, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Esp, McGee, O'Neil, Shockley, Steinbeisser.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 283 concurred in as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, 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, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Nays: Bales, Balyeat, Barkus, Jackson, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 608 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, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Esp, McGee, O'Neil, Shockley, Story.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 811 concurred in as follows:

Yeas: Bales, 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, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Barkus, Esp, McGee, O'Neil, Stapleton, Story.

Total 7

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 0

Excused: None.

Total 0

HB 272 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 287 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Excused: None.

Total 0

HB 299 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 435 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, 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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Gebhardt, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

HB 468 concurred in as follows:

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

Total 47

Nays: Gebhardt, Hansen, O'Neil.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 781 concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Perry, Steinbeisser, Story, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 24 concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus,

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

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, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Bales, Esp, Shockley, Steinbeisser.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 291 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 460 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.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 681 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 715 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, 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: Kaufmann.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 42 concurred in as follows:

Yeas: Bales, Balyeat, 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, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Barkus, Esp, McGee, O'Neil, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 44 concurred in as follows:

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

Total 36

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Story.

Total 14

Absent or not voting: None.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 0

Excused: None.

Total 0

HB 687 concurred in as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 389 concurred in as follows:

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

Total 44

Nays: Elliott, Gallus, Kaufmann, Larson, Lind, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

HB 415 concurred in as follows:

Yeas: Cocchiarella, Curtiss, Elliott, Gallus, Gillan, 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, Cobb, Esp, Essmann, Gebhardt, Hansen, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 766 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 672 concurred in as follows:

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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

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, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 428 concurred in as follows:

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

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 768 concurred in as follows:

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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 319 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, 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, Williams, Mr. President.

Total 48

Nays: Larson, Weinberg.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 630 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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 636 concurred in as follows:

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

Total 35

Nays: Bales, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, Laible, McGee, Perry, Peterson, Stapleton, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 742 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

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 641 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, 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 44

Nays: Brown, Curtiss, Gillan, Juneau, Kaufmann, McGee.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 5 concurred in as follows:

Yeas: 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, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Bales, Esp, McGee, Murphy, Story.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 0

HJR 34 concurred in as follows:

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

Total 42

Nays: Bales, Balyeat, Esp, Gebhardt, McGee, Murphy, O'Neil, Story.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 433 concurred in as follows:

Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, 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, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Gallus, Gebhardt, Smith.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 487 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

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 48

Nays: McGee, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 706 concurred in as follows:

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

Total 38

Nays: Barkus, Brown, Elliott, Esp, Gallus, McGee, Perry, Ryan, Stapleton, Story, Tash, M.Tropila.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 41 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.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 765 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 690 concurred in as follows:

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

Total 49

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 771 concurred in as follows:

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

Total 48

Nays: McGee, Squires.

Total 2

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 8:00 a.m., Thursday, April 5, 2007. Motion carried.

Senate adjourned at 11:23 p.m.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - APRIL 4, 2007

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate