

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

Helena, Montana
March 30, 2007

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Total 41

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

Total 7

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Pease, Chairman):

3/30/2007

HB 26, be amended as follows:

1. Page 1.

Following: line 21

Insert: "(c) the director of the department of revenue provided for in 2-15-1301;

(d) the chief business development officer of the office of economic development provided for in 2-15-218;"

Renumber: subsequent subsections

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

HB 428, be concurred in. Report adopted.

3/30/2007

HB 737, be amended as follows:

1. Page 1, line 30.

Strike: "classic"

2. Page 2, line 1.

Strike: "classic"

3. Page 2, line 13.

Strike: "classic"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

4. Page 2, line 14.

Strike: "classic" in two places

5. Page 2, line 22.

Strike: "classic"

6. Page 17, line 26.

Strike: "classic"

7. Page 18, line 15.

Following: "number"

Insert: "other than a social security number"

8. Page 22, line 19.

Strike: "classic"

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

NATURAL RESOURCES AND ENERGY (Lind, Chairman):
SB 558, introduced bill, be amended as follows:

3/30/2007

1. Title, line 6.

Following: "AUTHORITY;"

Insert: "ALLOWING THE CONSUMER COUNSEL TO PARTICIPATE IN CERTAIN AUTHORITY PROCEEDINGS;"

2. Title, line 10.

Following: "AUTHORITY"

Insert: "TRANSMISSION AND DISTRIBUTION"

Following: "PURPOSES;"

Insert: "CLASSIFYING AUTHORITY ELECTRICAL GENERATION FACILITY PROPERTY AS CLASS THIRTEEN PROPERTY FOR PROPERTY TAX PURPOSES; CLASSIFYING AUTHORITY WIND GENERATION FACILITY PROPERTY AS CLASS FOURTEEN PROPERTY FOR PROPERTY TAX PURPOSES;"

3. Title, line 13.

Following: "APPROPRIATIONS;"

Insert: "CLARIFYING THAT THE PROVISIONS OF THE TERRITORIAL INTEGRITY ACT APPLY TO THE AUTHORITY;"

Following: "15-6-141,"

Insert: "15-6-156, 15-6-157,"

Following: "15-24-1203,"

Strike: "AND"

Insert: "18-2-101,"

Following: "18-4-313,"

Insert: "69-5-101, AND 69-8-103,"

4. Page 3, line 22.

Following: "7]"

Insert: "and subsection (3) of this section"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

5. Page 5, line 21.

Insert: "(3) The authority may not exercise the power of eminent domain pursuant to Title 70, chapter 30, to acquire property other than for rights-of-way for gas pipelines and electric power lines."

6. Page 5, line 24.

Following: "in"

Strike: "[section 7]"

Insert: "[sections 5(3) and 7]"

7. Page 6, line 29.

Following: "authority"

Insert: "-- consumer counsel participation"

8. Page 6, line 29 through page 7, line 1.

Strike: subsection (1) in its entirety

Renumber: subsequent subsection

9. Page 7, line 5 through line 6.

Strike: "of" on line 5 through "ownership" on line 6

Insert: "is in the public interest"

10. Page 7, line 7.

Insert: "(2) The consumer counsel may participate in authority proceedings that establish customer rates and services related to electricity or natural gas generation, transmission, and distribution."

11. Page 14, line 7.

Insert: "**Section 24.** Section 15-6-156, MCA, is amended to read:

"15-6-156. Class thirteen property -- description -- taxable percentage. (1) Except as provided in subsections (2)(a) through (2)(g), class thirteen property includes:

(a) electrical generation facilities, except wind generation facilities classified under 15-6-157, of a centrally assessed electric power company;

(b) electrical generation facilities, except wind generation facilities classified under 15-6-157, owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a;

(c) noncentrally assessed electrical generation facilities, except wind generation facilities classified under 15-6-157, owned or operated by any electrical energy producer;

(d) noncentrally assessed electrical generation facilities, except wind generation facilities classified under 15-6-157, owned or operated by the Montana electric and gas authority provided for in [section 3]; and

~~(d)~~(e) allocations of centrally assessed telecommunications services companies.

(2) Class thirteen property does not include:

(a) property owned by cooperative rural electric cooperative associations classified under 15-6-135;

(b) property owned by cooperative rural electric cooperative associations classified under 15-6-137 or 15-6-157;

(c) allocations of electric power company property under 15-6-141;

(d) electrical generation facilities included in another class of property;

(e) property owned by cooperative rural telephone associations and classified under 15-6-135;

(f) property owned by organizations providing telecommunications services and classified under 15-6-135;

and

(g) generation facilities that are exempt under 15-6-225.

(3) (a) For the purposes of this section, "electrical generation facilities" means any combination of a physically connected generator or generators, associated prime movers, and other associated property, including

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

appurtenant land and improvements and personal property, that are normally operated together to produce electric power. The term includes but is not limited to generating facilities that produce electricity from coal-fired steam turbines, oil or gas turbines, or turbine generators that are driven by falling water.

(b) The term does not include electrical generation facilities used for noncommercial purposes or exclusively for agricultural purposes.

(c) The term also does not include a qualifying small power production facility, as that term is defined in 16 U.S.C. 796(17), that is owned and operated by a person not primarily engaged in the generation or sale of electricity other than electric power from a small power production facility and classified under 15-6-134 and 15-6-138.

(4) Class thirteen property is taxed at 6% of its market value."

Insert: "Section 25. Section 15-6-157, MCA, is amended to read:

"15-6-157. Class fourteen property -- description -- taxable percentage. (1) Class fourteen property includes:

(a) wind generation facilities of a centrally assessed electric power company;

(b) wind generation facilities owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a;

(c) noncentrally assessed wind generation facilities owned or operated by any electrical energy producer;

(d) wind generation facilities owned or operated by cooperative rural electric associations described under 15-6-137;

(e) wind generation facilities owned or operated by the Montana electric and gas authority provided for in section 3].

(2) Class fourteen property does not include wind generation facilities:

(a) at which the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), was not paid during the construction phase; or

(b) that are exempt under 15-6-225.

(3) For the purposes of this section, "wind generation facilities" means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind.

(4) Class fourteen property is taxed at 3% of its market value."

Renumber: subsequent sections

12. Page 14, line 11.

Following: "15-6-141"

Insert: ", 15-6-156, 15-6-157,"

13. Page 18, line 21.

Insert: "Section 28. Section 18-2-101, MCA, is amended to read:

"18-2-101. Definitions of building, costs, and construction. In part 1 of this chapter, with the exception of 18-2-104, 18-2-107, 18-2-113, 18-2-114, 18-2-122, and 18-2-123:

(1) "building" includes a building, facility, or structure:

(a) constructed or purchased wholly or in part with state money;

(b) at a state institution;

(c) owned or to be owned by a state agency, including the department of transportation; or

(d) constructed for the use or benefit of the state with federal or private money as provided in 18-2-102(2)(d);

(2) "building" does not include a building, facility, or structure:

(a) owned or to be owned by a county, city, town, school district, or special improvement district;

(b) used as a component part of an environmental remediation or abandoned mine land reclamation project, a highway, or a water conservation project, unless the building will require a continuing state general fund financial

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

obligation after the environmental remediation or abandoned mine land reclamation project is completed; ~~or~~

(c) leased or to be leased by a state agency; or

(d) constructed, owned, or operated by the Montana electric and gas authority provided for in [section 3];

(3) "construction" includes the construction, alteration, repair, maintenance, and remodeling of a building and the equipping and furnishing of a building during construction, alteration, repair, maintenance, and remodeling;

(4) "costs" means those expenses defined in 17-5-801."

Renumber: subsequent sections

14. Page 19, line 13.

Insert: "Section 30. Section 69-5-102, MCA, is amended to read:

"69-5-102. Definitions. When used in this part, the following definitions apply:

(1) "Agreement" means a written agreement between two or more electric facilities providers that identifies the geographical area to be served exclusively by each electric facilities provider that is a party to the agreement and any terms and conditions pertinent to the agreement.

(2) "Electric cooperative" means a rural electric cooperative organized under Title 35, chapter 18, or a foreign corporation admitted ~~thereunder~~ under that chapter to do business in Montana.

(3) "Electric facilities provider" means any utility that provides electric service facilities to the public.

(4) "Electric service facilities" means any distribution or transmission system or related facility necessary to provide electricity to the premises, including lines.

(5) "Electric utility" means a person, firm, or corporation other than an electric cooperative that provides electric service facilities to the public.

(6) "Line" means any electric supply conductor.

(7) "Premises" means a building, residence, structure, or facility to which electric service facilities are provided or are to be installed; however, two or more buildings, structures, or facilities that are located on one tract or contiguous tracts of land and that are used by one electric consumer for farming, business, commercial, industrial, institutional, governmental, or trailer court purposes must together constitute one premises, except that any building, structure, or facility, other than a trailer court, may not, together with any other building, structure, or facility, constitute one premises if the electric service to it is separately metered and the charges for that service are calculated independently of charges for service to any other building, structure, or facility.

(8) "Utility" means a public utility regulated by the commission pursuant to Title 69, chapter 3, ~~or~~ a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18, or the Montana electric and gas authority provided for in [section 3]."

Insert: "Section 31. Section 69-8-103, MCA, is amended to read:

"69-8-103. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Aggregator" or "market aggregator" means an entity, licensed by the commission, that aggregates retail customers, purchases electrical energy, and takes title to electrical energy as an intermediary for sale to retail customers.

(2) "Assignee" means any entity, including a corporation, partnership, board, trust, or financing vehicle, to which a utility assigns, sells, or transfers, other than as security, all or a portion of the utility's interest in or right to transition property. The term also includes an entity, corporation, public authority, partnership, trust, or financing vehicle to which an assignee assigns, sells, or transfers, other than as security, the assignee's interest in or right to transition property.

(3) "Board" means the board of investments created by 2-15-1808.

(4) "Broker" or "marketer" means an entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electrical energy but that does not take title to electrical energy.

(5) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(6) "Customer" or "consumer" means a retail electric customer or consumer. The university of Montana, pursuant to 20-25-201(1), and Montana state university, pursuant to 20-25-201(2), are each considered a single retail

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

electric customer or consumer with a single individual load.

(7) "Customer-generator" means a user of a net metering system.

(8) "Default supplier" means a distribution services provider of a utility that has restructured in accordance with this chapter.

(9) "Default supply service" means the provision of electricity supply by a default supplier.

(10) "Distribution facilities" means those facilities by and through which electricity is received from a transmission services provider and distributed to the customer and that are controlled or operated by a distribution services provider.

(11) "Distribution services provider" means a utility owning distribution facilities for distribution of electricity to the public.

(12) "Electricity supplier" means any person, including aggregators, market aggregators, brokers, and marketers, offering to sell electricity to retail customers in the state of Montana.

(13) "Electricity supply costs" means the actual costs of providing default supply service, including but not limited to:

- (a) capacity costs;
- (b) energy costs;
- (c) fuel costs;
- (d) ancillary service costs;
- (e) demand-side management and energy efficiency costs;
- (f) transmission costs, including congestion and losses;
- (g) billing costs;
- (h) planning and administrative costs; and

(i) any other costs directly related to the purchase of electricity, management of default electricity supply costs, and provision of default supply and related services.

(14) "Financing order" means an order of the commission adopted in accordance with 69-8-503 that authorizes the imposition and collection of fixed transition amounts and the issuance of transition bonds.

(15) (a) "Fixed transition amounts" means those nonbypassable rates or charges, including but not limited to:

- (i) distribution;
- (ii) connection;
- (iii) disconnection; and

(iv) termination rates and charges that are authorized by the commission in a financing order to permit recovery of transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and of acquiring transition property through a plan approved by the commission in the financing order, including the costs of issuing, servicing, and retiring transition bonds.

(b) If requested by the utility in the utility's application for a financing order, fixed transition amounts must include nonbypassable rates or charges to recover federal and state taxes in which the transition cost recovery period is modified by the transactions approved in the financing order.

(16) "Functionally separate" means a utility's separation of the utility's electricity supply, transmission, distribution, and unregulated retail energy services assets and operations.

(17) "Interested person" means a retail electricity customer, the consumer counsel established in 5-15-201, the commission, or a utility.

(18) "Large customer" means, for universal system benefits programs purposes, a customer with an individual load greater than a monthly average of 1,000 kilowatt demand in the previous calendar year for that individual load.

(19) "Local governing body" means a local board of trustees of a rural electric cooperative.

(20) "Low-income customer" means those energy consumer households and families with incomes at or below industry-recognized levels that qualify those consumers for low-income energy-related assistance.

(21) "Net metering" means measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period.

(22) "Net metering system" means a facility for the production of electrical energy that:

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

- (a) uses as its fuel solar, wind, or hydropower;
 - (b) has a generating capacity of not more than 50 kilowatts;
 - (c) is located on the customer-generator's premises;
 - (d) operates in parallel with the distribution services provider's distribution facilities; and
 - (e) is intended primarily to offset part or all of the customer-generator's requirements for electricity.
- (23) "Nonbypassable rates or charges" means rates or charges that are approved by the commission and imposed on a customer to pay the customer's share of transition costs or universal system benefits programs costs even if the customer has physically bypassed either the utility's transmission or distribution facilities.
- (24) "Pilot program" means an experimental program using a select set of small customers to assess the potential for developing and offering customer choice of electricity supply to small customers in the future.
- (25) "Public utility" means, except for the Montana electric and gas authority established in [section 3], any electric utility regulated by the commission pursuant to Title 69, chapter 3, on May 2, 1997, including the public utility's successors or assignees.
- (26) "Qualifying load" means, for payments and credits associated with universal system benefits programs, all nonresidential demand-metered accounts of a large customer within the utility's service territory in which the customer qualifies as a large customer.
- (27) "Small customer" means a residential customer or a commercial customer who has an individual account with an average monthly demand in the previous calendar year of less than 50 kilowatts or a new residential or commercial customer with an estimated average monthly demand of less than 50 kilowatts of a public utility that has restructured pursuant to Title 35, chapter 19, or this chapter.
- (28) "Transition bondholder" means a holder of transition bonds, including trustees, collateral agents, and other entities acting for the benefit of that bondholder.
- (29) "Transition bonds" means any bond, debenture, note, interim certificate, collateral, trust certificate, or other evidence of indebtedness or ownership issued by the board or other transition bonds issuer that is secured by or payable from fixed transition amounts or transition property. Proceeds from transition bonds must be used to recover, reimburse, finance, or refinance transition costs and to acquire transition property.
- (30) "Transition charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of transition costs.
- (31) "Transition cost recovery period" means the period beginning on July 1, 1998, and ending when a utility customer does not have any liability for payment of transition costs.
- (32) "Transition costs" means:
- (a) a public utility's net verifiable generation-related and electricity supply costs, including costs of capital, that become unrecoverable as a result of the implementation of this chapter or of federal law requiring retail open access or customer choice;
 - (b) those costs that include but are not limited to:
 - (i) regulatory assets and deferred charges that exist because of current regulatory practices and can be accounted for up to the effective date of the commission's final order regarding a public utility's transition plan and conservation investments made prior to universal system benefits charge implementation;
 - (ii) nonutility and utility power purchase contracts executed before May 2, 1997, including qualifying facility contracts;
 - (iii) existing generation investments and supply commitments or other obligations incurred before May 2, 1997, and costs arising from these investments and commitments;
 - (iv) the costs associated with renegotiation or buyout of the existing nonutility and utility power purchase contracts, including qualifying facilities and all costs, expenses, and reasonable fees related to issuing transition bonds; and
 - (v) the costs of refinancing and retiring of debt or equity capital of the public utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.
- (33) "Transition period" means the period ending July 1, 2027.
- (34) "Transition property" means the property right created by a financing order, including without limitation the right, title, and interest of a utility, assignee, or other issuer of transition bonds to all revenue, collections, claims, payments, money, or proceeds of or arising from or constituting fixed transition amounts that are the subject of a

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

financing order, including those nonbypassable rates and other charges and fixed transition amounts that are authorized by the commission in the financing order to recover transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and acquiring transition property, including the costs of issuing, servicing, and retiring transition bonds. Any right that a utility has in the transition property before the utility's sale or transfer or any other right created under this section or created in the financing order and assignable under this chapter or assignable pursuant to a financing order is only a contract right.

(35) "Transmission facilities" means those facilities that are used to provide transmission services as determined by the federal energy regulatory commission and the commission.

(36) "Transmission services provider" means an entity controlling or operating transmission facilities.

(37) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits programs costs.

(38) "Universal system benefits programs" means public purpose programs for:

- (a) cost-effective local energy conservation;
- (b) low-income customer weatherization;
- (c) renewable resource projects and applications, including those that capture unique social and energy system benefits or that provide transmission and distribution system benefits;
- (d) research and development programs related to energy conservation and renewables;
- (e) market transformation designed to encourage competitive markets for public purpose programs; and
- (f) low-income energy assistance.

(39) "Utility" means any public utility or cooperative utility."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HJR 24, be concurred in. Report adopted.

HB 583, be concurred in. Report adopted.

3/30/2007

HB 24, be amended as follows:

3/30/2007

1. Title, line 5 through line 6.

Strike: "REVISING" on line 5 through "PURPOSES;" on line 6

2. Title, line 7 through line 8.

Strike: "EXTENDING" on line 7 through "DIOXIDE; AND" on line 8

3. Title, line 9.

Following: "69-13-302,"

Insert: "AND"

4. Title, line 9 through line 10.

Strike: "70-30-102" on line 9 through "82-10-305," on line 10

Following: "MCA" on line 10

Insert: "; AND PROVIDING A CONTINGENT EFFECTIVE DATE"

5. Page 1, line 16.

Strike: "Each"

Insert: "Pursuant to subsection (3), each"

6. Page 2.

Following: line 13

Insert: "(3) To be defined as a common carrier of carbon dioxide under this section, the carbon dioxide may be

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

transported only for the purpose of permanent sequestration in a geologic formation."

7. Page 5, line 15 through page 15, line 2.

Strike: section 7 through section 16 in their entirety

8. Page 15.

Following: line 2

Insert: "NEW SECTION. Section 7. Contingent voidness. If Senate Bill No. 218 is not passed and approved, [this act] is void."

Insert: "NEW SECTION. Section 8. Contingent effective date. [This act] is effective when the department of environmental quality certifies to the code commissioner that the board of environmental review has adopted the rules required by Senate Bill No. 218."

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

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):

3/30/2007

HB 99, be concurred in. Report adopted.

HB 348, be concurred in. Report adopted.

HB 390, be concurred in. Report adopted.

HB 537, be amended as follows:

1. Page 2, line 23.

Strike: "\$60"

Insert: "\$50"

2. Page 2, line 24.

Strike: "\$84"

Insert: "\$76"

3. Page 3, line 28 through line 30.

Strike: "for the amount" on line 28 through the first "payment" on line 30

4. Page 4, line 11 through line 12.

Following: "collected" on line 11

Strike: "from" on line 11 through "state" on line 12

5. Page 4, line 13 through line 14.

Strike: "on the books" on line 13 through "treasurer" on line 14

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

HB 668, be amended as follows:

1. Title, line 6.

Strike: "THAT"

Insert: "AUTHORIZED TO"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

2. Page 2.

Following: line 11

Insert: "(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding the board's licensees and license applicants and regarding possible unlicensed practice."

Renumber: subsequent subsections

3. Page 2, line 16.

Strike: "REQUIRES"

Insert: "is statutorily authorized to obtain"

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

HB 755, be amended as follows:

1. Title, line 5.

Following: "TO"

Insert: "CERTAIN"

Following: "CERTIFICATES"

Insert: "; AMENDING SECTIONS 30-14-102, 70-9-802, AND 70-9-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 1.

Following: line 8

Insert: "**Section 1.** Section 30-14-102, MCA, is amended to read:

"30-14-102. Definitions. As used in this part, the following definitions apply:

(1) "Consumer" means a person who purchases or leases goods, services, real property, or information primarily for personal, family, or household purposes.

(2) "Department" means the department of justice created in 2-15-2001.

(3) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording.

(4) "Examination" of documentary material includes the inspection, study, or copying of documentary material and the taking of testimony under oath or acknowledgment in respect to any documentary material or copy of documentary material.

(5) (a) "Gift certificate" means a record, including a gift card or stored value card, that is provided for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services will be provided to the possessor of the record for the value that is shown on the record or contained within the record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage device. The consideration provided for the gift certificate must be made in advance. The value of the gift certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law, and not to the issuer or seller.

(b) The term does not ~~mean~~ include:

(i) prepaid telecommunications and technology cards, including but not limited to prepaid telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed to or purchased by a consumer;

(ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without any money or consideration being given in exchange for the card; or

(iii) a gift certificate usable with multiple sellers of goods or services.

(6) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

associations, and any other legal entity.

(7) "Possessor" means a natural person who has physical control over a gift certificate.

(8) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services, any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing of value, wherever located, and includes any trade or commerce directly or indirectly affecting the people of this state."

Insert: "Section 2. Section 70-9-802, MCA, is amended to read:

"70-9-802. Definitions. In this part, unless the context requires otherwise, the following definitions apply:

(1) "Administrator" means the department of revenue provided for in 2-15-1301.

(2) "Apparent owner" means a person whose name appears on the records of a holder as the person entitled to property held, issued, or owing by the holder.

(3) "Business association" means a corporation, joint-stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit.

(4) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

(5) "Financial organization" means a savings and loan association, bank, banking organization, or credit union.

(6) "Gift certificate" has the meaning provided in 30-14-102.

~~(6)~~(7) "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this part.

~~(7)~~(8) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation insurance.

~~(8)~~(9) "Mineral" means gas; oil; coal; other gaseous, liquid, and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by the law of this state.

~~(9)~~(10) "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals or, upon the abandonment of those payments, all payments that become payable after abandonment. The term includes amounts payable:

(a) for the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties, and delay rentals;

(b) for the extraction, production, or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments, and production payments; and

(c) under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farmout agreement.

~~(10)~~(11) (a) "Money order" includes an express money order and a personal money order, on which the remitter is the purchaser.

(b) The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

~~(11)~~(12) "Owner" means a person who has a legal or equitable interest in property subject to this part or the person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property.

~~(12)~~(13) "Person" means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

~~(13)~~(14) (a) "Property" means tangible property described in 70-9-804 or a fixed and certain interest in intangible property that is held, issued, or owed in the course of a holder's business or, except as provided in subsection ~~(13)~~(14)(b), by a government, governmental subdivision, agency, or instrumentality and all income or increments from the property. The term includes property that is referred to as or evidenced by:

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

- (i) money, check, draft, deposit, interest, or dividend;
 - (ii) credit balance, customer's overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance;
 - (iii) stock or other evidence of ownership of an interest in a business association or financial organization;
 - (iv) bond, debenture, note, or other evidence of indebtedness;
 - (v) money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions;
 - (vi) an amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance; and
 - (vii) an amount distributable from a trust or custodial fund that is established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.
- (b) The term does not include property that is held, issued, or owed by a local government entity, as defined in 2-7-501.

~~(14)~~(15) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

~~(15)~~(16) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession that is subject to the jurisdiction of the United States.

~~(16)~~(17) "Utility" means a person who owns or operates for public use any plant, equipment, real property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas."

Renumber: subsequent sections

3. Page 2.

Following: line 3

Insert: "(g) gift certificate, 3 years after December 31 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is considered to be 60% of the certificate's face value. A gift certificate is not presumed abandoned if the gift certificate was sold by a person who in the past fiscal year sold no more than \$200,000 in gift certificates, which amount must be adjusted by November of each year by the inflation factor defined in 15-30-101. The amount considered abandoned for a person who sells more than the amount that triggers presumption of abandonment is the value of gift certificates greater than that trigger."

Renumber: subsequent subsections

4. Page 3.

Following: line 28

Insert: "NEW SECTION. Section 4. Effective date -- retroactive applicability. [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to gift certificates issued or sold after September 30, 2005."

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

FISH AND GAME (Tropila, Chairman):
HB 389, be concurred in. Report adopted.
HJR 16, be amended as follows:

3/30/2007

1. Title, line 5.

Strike: "AND RECODIFICATION"

Following: "OF"

Insert: "THE CRIMINAL CODES WITHIN"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

2. Title, line 6.

Strike: "BY THE CODE COMMISSIONER"

3. Page 1, line 8 through line 9.

Strike: "WHEREAS" on line 8 through "and" on line 9

4. Page 1, line 16.

Following: "find"

Insert: "that the criminal codes intertwined within"

Following: "Annotated"

Insert: "are"

5. Page 1, line 17.

Strike: "use"

Insert: "read, understand, and prosecute"

6. Page 1, line 21.

Strike: line 21 in its entirety

Insert: "That priority be given to a revision of the criminal codes regarding fish, wildlife, and parks violations that are contained in Title 87 of the Montana Code Annotated and that the revision be proposed to the 2009 Legislature."

7. Page 1, line 22.

Strike: "assisting in the"

Insert: "a proposed"

Strike: "AND recodification"

Following: "of"

Insert: "the criminal codes in"

8. Page 1, line 23.

Following: "participate in the"

Insert: "proposed"

Strike: "AND recodification process"

9. Page 1, line 24.

Insert: "BE IT FURTHER RESOLVED, that revisions will not include policy changes to current laws and will adhere to the intent of the legislatures that crafted the laws.

BE IT FURTHER RESOLVED, that the Department of Fish, Wildlife, and Parks, the Attorney General, and the Montana Magistrates Association join in requesting the Montana Supreme Court to appoint a Fish, Wildlife, and Parks Criminal Code Revision Commission to oversee and direct a revision.

BE IT FURTHER RESOLVED, that the Attorney General's Office, the Legislative Services Division, the Department of Fish, Wildlife, and Parks, the Montana Magistrates Association, and the Montana County Attorneys Association assist and participate in the proposed revision.

BE IT FURTHER RESOLVED, that the Law School at the University of Montana-Missoula be requested to provide assistance and participate in the proposed revision.

BE IT FURTHER RESOLVED, that funding for the revision project and the Fish, Wildlife, and Parks Criminal Code Revision Commission will be absorbed by the department of fish, wildlife, and parks without additional funds."

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

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

HJR 364, be amended as follows:

1. Title, line 9 through line 11.

Strike: "TRANSFERRING" on line 11 through "FUND;" on line 11

2. Title, line 12.

Strike: "AN IMMEDIATE EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

3. Page 1, line 19 through line 21.

Strike: line 19 through line 21 in their entirety

4. Page 2, line 21 through line 22.

Strike: "However" on line 21 through "apply." on line 22

5. Page 2.

Following: line 22

Insert: "(6) The board shall adopt rules to implement the provisions of [sections 1 through 7]."

6. Page 2, line 24.

Strike: the first "loss" through "board --"

7. Page 2, line 25.

Strike: "adopt rules as necessary to"

8. Page 2, line 28 through line 29.

Strike: ", which must" on line 28 through "applies" on line 29

9. Page 3, line 6.

Strike: ", which" through "years,"

10. Page 3, line 7.

Following: "producer"

Insert: "and that provide for a term of up to 12 months subject to renewal based on availability of funds, satisfaction of program requirements, and prioritization of the project"

11. Page 3, line 19.

Strike: the first "loss" through "board --"

12. Page 3, line 20.

Strike: "adopt rules as necessary to"

13. Page 3, line 27.

Following: "reimbursed at"

Insert: "an amount not to exceed"

14. Page 4, line 6.

Following: "the board"

Insert: "or a producer"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

15. Page 4, line 10 through line 11.

Strike: "To allow" on line 10 through "appeal, a" on line 11

Insert: "A"

16. Page 5, line 16 through line 17.

Strike: "may employ or" on line 16 through "adjusters to" on line 17

Insert: "shall"

17. Page 5, line 20.

Strike: "immediate"

18. Page 6, line 7.

Strike: "review"

Insert: "reviews of program"

Following: "expenditures"

Strike: "of"

19. Page 6, line 8.

Strike: "program staff and of"

Insert: ", including payments to"

Following: "individuals"

Insert: ", incorporated entities, and producers"

Strike: "mitigation"

Insert: "loss reduction"

20. Page 6, line 11.

Following: "private wildlife"

Insert: "or livestock"

21. Page 6, line 17.

Strike: "~~Wolf~~" through "~~account~~"

Insert: "Livestock loss reduction and mitigation"

22. Page 6, line 18.

Strike: "wolf" through "reimbursement"

Insert: "livestock loss reduction and mitigation"

23. Page 6, line 23.

Strike: "6"

Insert: "7"

Following: ";

Insert: ", except those appropriated to the department of livestock,"

24. Page 6, line 24 through line 25.

Strike: "department" on line 24 through "[section 1]," on line 25

Insert: "state"

25. Page 6, line 28.

Strike: "DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

Insert: "state"

26. Page 7, line 4.

Strike: "WOLF" through "REIMBURSEMENT"

Insert: "Livestock loss reduction and mitigation"

27. Page 7, line 5.

Strike: "WOLF" through "REIMBURSEMENT"

Insert: "livestock loss reduction and mitigation"

28. Page 7, line 6.

Strike: "AS PROVIDED BY LAW"

Insert: "with gifts, grants, reimbursements, appropriations, or allocations from any source"

29. Page 7, line 7.

Strike: "WOLF" through "REIMBURSEMENT"

Insert: "livestock loss reduction and mitigation"

30. Page 7, line 10.

Strike: "WOLF" through "REIMBURSEMENT"

Insert: "livestock loss reduction and mitigation"

31. Page 7, line 11.

Strike: "WOLF" through "REIMBURSEMENT"

Insert: "livestock loss reduction and mitigation"

32. Page 7, line 13.

Following: "LEGISLATURE"

Strike: ". APPROPRIATIONS" through "INCOME"

Insert: "and"

33. Page 7, line 18.

Following: "MUST BE"

Insert: "used to reimburse the state general fund up to \$120,000. Any remaining interest and income must be"

34. Page 7, line 23 through line 29.

Strike: section 7 in its entirety

Insert: "NEW SECTION. **Section 7. Funding of programs -- contingency.** The awarding of grants and reimbursements and the performance of duties pursuant to [sections 2 through 4] are contingent upon the amount of money available in the accounts provided for in [sections 5 and 6]."

35. Page 8, line 2.

Strike: "LIVESTOCK" through "[SECTION 1]"

Insert: "department of livestock"

36. Page 8, line 3.

Following: "ESTABLISH THE"

Insert: "livestock loss reduction and mitigation"

37. Page 8, line 11.

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

Following: "through 4"
Insert: "and 7"

38. Page 8, line 13.
Following: "through 4"
Insert: "and 7"

39. Page 8, line 17.
Strike: section 11 in its entirety
Insert: "NEW SECTION. **Section 11. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2007.
(2) [Sections 2 and 3] are effective October 1, 2007."

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

LOCAL GOVERNMENT (Gillan, Chairman):
HB 415, be amended as follows:

3/30/2007

1. Title, page 1, line 6.
Following: " ; "
Insert: "MAKING PARK DEDICATION FOR A MINOR SUBDIVISION DISCRETIONARY ;"

2. Page 1, line 12.
Strike: "(8)"
Insert: "(9)"

3. Page 1, line 26.
Strike: "A PARK" through "SUBDIVISION."

4. Page 3.
Following: line 12
Insert: "(8) A local governing body may, at its discretion, require a park dedication for a minor subdivision. A local governing body that chooses to require a park dedication shall specify in regulations the circumstances under which a park dedication will be required."
Renumber: subsequent subsections

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

MESSAGES FROM THE GOVERNOR

March 29, 2007

The Honorable Scott Sales
Speaker of the House
State Capitol
Helena, MT 59620

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 357, "AN ACT REVISING LAWS PERTAINING TO BLIND VENDORS; PROVIDING FOR THE PLACEMENT OF VENDING MACHINES ON STATE HIGHWAYS BY BLIND VENDORS; AND AMENDING SECTION 60-5-110, MCA." My proposed amendment adds an immediate effective date to the bill, and is attached to this letter.

House Bill 357 authorizes the Montana Department of Transportation to contract with blind vendors, under the state's certification program, to install vending machines on highway right-of-ways. My proposed amendment would make this law effective on passage and approval so that the Department of Transportation can begin immediate contract negotiations with the blind vendors. With this amendment, the blind vendors will be able to reap the benefit of this law this coming summer, when the volume of traffic on our state highways will be at its usual high levels.

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

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

GOVERNOR'S AMENDMENTS
TO SENATE BILL 357

1. Page 3

Following: line 10

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

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 3, introduced by Franklin

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 63, introduced by Musgrove

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 49, introduced by Hamilton

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 155 , introduced by Noonan	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 304 , introduced by Furey	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 343 , introduced by Rice	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 406 , introduced by Clark	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 418 , introduced by Koopman	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 488 , introduced by Jopek	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 512 , introduced by L. Jones	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 519 , introduced by Kasten	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 539 , introduced by Groesbeck	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 574 , introduced by Hiner	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 680 , introduced by Cohenour	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007
HB 732 , introduced by Small-Eastman	
House bill passed and transmitted to the Senate for concurrence:	3/29/2007

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

HB 797, introduced by Ankney

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 823, introduced by Small-Eastman

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 826, introduced by McChesney

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 830, introduced by Kasten

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 831, introduced by McNutt

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 835, introduced by Stahl

House bill passed and transmitted to the Senate for concurrence: 3/29/2007

HB 841, introduced by Ankney

MOTIONS

SEN. KELLY GEBHARDT, SD 23, ROUNDUP moved to take **SB 375** from Finance and Claims Committee and placed on third reading the 69th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, J.,
Total 35

Nays: Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Lind, Moss, Schmidt, Squires, Tropila, M.,
Wanzenried, Weinberg, Williams, Mr. President
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

SEN. COREY STAPLETON, SD 27, BILLINGS moved to take **HB 281** out of Judiciary Committee and refer to State Administration Committee. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tropila, J., Tropila, M., Wanzenried, Weinberg, Williams, Cooney
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. JESSE LASLOVICH, SD 43, ANACONDA moved to add the following sponsors names to **SB 562**: Black, Gallus, Gillan, Kitzenberg, Larson, Lind, Moss, Smith, Squires. 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 Brueggeman in the chair.

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

HB 426 - Senator Hawks moved **HB 426** be concurred in. Motion carried unanimously.

SB 138 - Senator Wanzenried moved **SB 138** do pass. Motion carried as follows:

Yeas: Brown, Cobb, Cocchiarella, Elliott, Essmann, 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 29

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 - Senator Hawks moved **SB 345** do pass. Motion failed as follows:

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

Yeas: Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, Schmidt, Shockley, Squires, Wanzenried, Weinberg, Williams, Mr. President.
Total 20

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 - Senator Esp moved **SB 345** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.
Total 32

Nays: Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Lind, Moss, Schmidt, Squires, Wanzenried, Weinberg, Williams, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 769 - Senator Elliott moved **HB 769** be concurred in. Motion carried as follows:

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

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

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

President Cooney in the chair. Chairman Brueggeman 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:

HB 450 concurred in as follows:

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

Total 48

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

SB 550 passed as follows:

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

Total 43

Nays: Bales, Curtiss, Esp, Ryan, Story, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

SB 436 passed as follows:

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

Total 44

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

Nays: Bales, Esp, McGee, Peterson, Story.
Total 5

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 112 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 265 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: Jackson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 220 passed as follows:

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

SENATE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 30, 2007

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, March 31, 2007. Motion carried.

Senate adjourned at 3:09 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate