

SENATE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana  
February 21, 2005

Senate Chambers  
State Capitol

Senate convened at 10:00 a.m. President Tester presiding. Invocation by Senator Larson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Ryan, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**BILLS AND JOURNAL:**

2/21/2005

Correctly printed: SB 2, SB 114, SB 167, SB 174, SB 281, SB 301, SB 335, SB 350, SB 364, SB 370, SB 378, SB 380, SB 383, SB 384, SB 385, SB 388, SB 402, SB 407, SB 423, SB 426, SB 429, SB 443, SB 447, SB 451, SB 454, SB 459, SB 462, SB 465, SB 478, SB 479, SB 481, SB 485, SB 487, SB 489, SB 495, SJR 26.

Correctly engrossed: SB 258, SB 363, SB 390, SB 396, SB 415, SB 419, SB 431, SB 435, SB 439, SB 440, SB 445, SB 452, SB 460, SB 468, SB 486, SB 499, SJR 27.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
SB 439, introduced bill, be amended as follows:

2/21/2005

1. Title, page 1, line 4.

**Following:** "AUTHORIZING"

**Insert:** "CERTAIN"

2. Page 2, line 10.

**Following:** "employing"

**Insert:** "governmental"

3. Page 3, line 4.

**Following:** "system"

**Insert:** "-- contract terms -- election"

4. Page 3, line 11.

**Strike:** "(a) An"

**Insert:** "A governmental"

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5. Page 3, line 12.

**Following:** "adopting a" on line 12

**Strike:** "resolution" through "declaration"

**Insert:** "contract for coverage"

6. Page 3, lines 13 through 15.

**Strike:** "The resolution" on line 13 through "board." on line 15

**Insert:** "The provisions of the retirement system become applicable on the effective date specified in the contract or on approval of the board, whichever is later. The contract must be approved by the board. However, the board may disapprove a contract if, in the board's sole discretion, the contract adversely affects the interests of the retirement system. The contract must state that amendments to statutes affecting the retirement system immediately apply to and become a part of the contract. The contract may not be terminated without an actuarial valuation of any liability that the terminating employer has to the retirement system. The board may withhold approval of the termination of a contract until satisfactory arrangements are completed to provide funding for any excess accrued liabilities not previously funded by the terminating employer."

7. Page 3, line 16.

**Strike:** "(b)"

**Insert:** "(4)"

8. Page 3, line 18.

**Strike:** "(c)"

**Insert:** "(5)(a)"

9. Page 3.

**Following:** line 23

**Insert:** "(b) An active firefighter who makes the one-time irrevocable election, as provided in subsection (5)(a), may request at the time of the irrevocable election to purchase the service credit over any period prior to retirement."

And, as amended, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):  
**SB 363**, introduced bill, be amended as follows:

2/21/2005

1. Page 4, line 4.

**Following:** "(4)"

**Insert:** "(a)"

2. Page 4.

**Following:** line 6

**Insert:** "(b) Programs established pursuant to subsection (4)(a) do not obligate the state or a school district to offer regular educational programs to a similar age group unless specifically provided by law."

And, as amended, do pass. Report adopted.

**SB 419**, introduced bill, be amended as follows:

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1. Title, line 5.

**Following:** "CREATION"

**Insert:** "UNDER CERTAIN CIRCUMSTANCES"

2. Page 1, line 14.

**Following:** "K-12 district"

**Insert:** "only if:

(a) the nearest elementary school building is located at a distance of at least 35 miles from the nearest accessible high school; and

(b) the newly created K-12 district will enroll at least 25 high school students"

And, as amended, do pass. Report adopted.

**SB 445**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AND FEES"

**Insert:** "REGARDLESS OF THE AVAILABILITY OF OTHER WAIVERS"

**Strike:** "ACTIVE"

2. Title, line 6 through line 7.

**Strike:** "REPEALING" on line 6 through "MCA;" on line 7

3. Page 1, line 22.

**Strike:** subsection (i) in its entirety

**Renumber:** subsequent subsections

4. Page 2.

**Following:** line 11

**Insert:** "(e) waive tuition for up to 5,000 credits each academic year in accordance with the Montana national guard education benefit program provided for in 10-1-121."

5. Page 2, line 16.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 460**, introduced bill, be amended as follows:

1. Page 1, line 24.

**Following:** "two"

**Insert:** "or more"

And, as amended, do pass. Report adopted.

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**SB 468**, introduced bill, be amended as follows:

1. Title, line 5.  
**Following:** "SUSPENSION"  
**Insert:** "OR OTHER EXCLUSION"

2. Title, line 6.  
**Strike:** "NOTICE AND"

3. Page 1, line 21.  
**Following:** "suspension"  
**Insert:** "or other exclusion"

4. Page 1, line 22.  
**Strike:** "notice and"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Wheat, Chairman):  
**SB 258**, introduced bill, be amended as follows:

2/21/2005

1. Title, line 5.  
**Following:** "OIL"  
**Strike:** "OR"  
**Insert:** "AND"

2. Title, line 6 through line 7.  
**Following:** "LAWS;" on line 6  
**Strike:** remainder of line 6 through "DEFINITIONS;" on line 7

3. Title, line 8.  
**Following:** "THE"  
**Insert:** "OIL AND GAS DEVELOPER OR"  
**Following:** "OPERATOR"  
**Insert:** "AND SURFACE OWNER"

4. Title, line 9.  
**Following:** "NEGOTIATIONS"  
**Strike:** "WITH THE SURFACE OWNER"

5. Title, line 10.  
**Following:** "OIL"  
**Strike:** "OR"  
**Insert:** "AND"

6. Title, line 11.  
**Following:** "THAT THE"  
**Insert:** "OIL AND GAS DEVELOPER OR"

7. Title, line 12.  
**Following:** "USE OF"  
**Strike:** "AND ACCESS TO"

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8. Title, line 15.

**Following:** "OR THE"

**Insert:** "OIL AND GAS DEVELOPER OR"

9. Title, line 15 through line 16.

**Following:** "HAS" on line 15

**Strike:** remainder of line 15 through "AND" on line 16

**Insert:** "PAID THE SURFACE OWNER AND POSTED A BOND; REQUIRING MINERAL LESSEES TO NOTIFY SURFACE OWNERS OF LEASING;"

10. Title, line 17 through line 19.

**Following:** "PROHIBITION;" on line 17

**Strike:** remainder of line 17 through "JUDGMENT;" on line 19

11. Title, line 20.

**Strike:** "82-10-502,"

**Strike:** "82-10-505,"

12. Page 1, line 28.

**Following:** "reserves"

**Strike:** "while allowing"

**Insert:** "and the owners of those reserves by providing"

13. Page 1, line 29.

**Following:** "necessary"

**Insert:** "and reasonable"

14. Page 1, line 30.

**Following:** "interests"

**Insert:** "between the oil and gas developer or operator and the surface owner"

15. Page 2, line 1 through line 2.

**Following:** subsection (c) in its entirety

**Insert:** "(c) provide procedures for protecting the rights of both surface owners and oil and gas developers or operators when disputes or disagreements arise between them relating to mitigation and compensation for damages to the surface owner."

16. Page 2, line 5.

**Following:** "owners"

**Insert:** "of record"

17. Page 2, line 9.

**Following:** "and"

**Strike:** "or"

**Insert:** "and"

18. Page 2, line 13 through line 14.

**Strike:** subsections (a) and (b) in their entirety

**Insert:** "(a) requiring compensation of owners of the surface estate for damages and disruption; and

(b) allowing entry on the surface owner's land in the absence of an agreement related to estimated damages after notice and posting a bond."

19. Page 2, line 16.

**Following:** "of oil"

**Strike:** "oil"

**Insert:** "and"

20. Page 2, line 17.

**Following:** "oil"

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**Strike:** "or"  
**Insert:** "and"

21. Page 2, line 19 through page 3, line 3.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

22. Page 3, line 6.

**Following:** "~~drilling~~"

**Strike:** "oil or gas"

**Insert:** "drilling"

**Following:** "**operations.**"

**Insert:** "(1) When an interest in an oil and gas estate is leased or conveyed, the entity leasing the interest shall give written notice of the lease or conveyance to the surface owner of record within 30 days after the leasing or conveyance occurs."

**Renumber:** subsequent subsections

23. Page 3, line 7.

**Following:** "~~or~~"

**Insert:** "oil and gas developer or"

24. Page 3, line 8.

**Following:** "~~drilling~~"

**Strike:** "oil or gas"

**Insert:** "drilling"

25. Page 3, line 9.

**Following:** "the"

**Insert:** "developer or"

26. Page 3, line 10 through line 11.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

27. Page 3, line 13.

**Strike:** "(3)"

28. Page 3, line 15.

**Following:** "~~drilling~~"

**Strike:** "oil or gas"

**Insert:** "drilling"

29. Page 3, line 19 through line 20.

**Following:** "~~surface~~" on line 19

**Strike:** remainder of line 19 through "operations" on line 20

**Insert:** "commencement of any activity on the land surface for the first time"

30. Page 3, line 24.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

31. Page 3, line 25.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

**Following:** ", the"

**Insert:** "oil and gas developer or"

**Following:** "operator"

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**Insert:** "and the surface owner of record"

32. Page 3, line 26.

**Following:** "negotiations"

**Strike:** "with the surface owner"

**Following:** "written"

**Insert:** "surface use"

**Following:** "regarding"

**Strike:** "the following"

**Insert:** "mitigation of and compensation for disruption and damages expected to be incurred by the surface owner as a result of the oil and gas operations. The surface use agreement must include"

33. Page 3, line 28.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

34. Page 3, line 29.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

35. Page 4, line 2.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

36. Page 4, line 3.

**Following:** "by the"

**Insert:** "oil and gas developer or"

**Following:** "including"

**Insert:** "but not limited to"

37. Page 4, line 5.

**Strike:** subsection (h) in its entirety

**Renumber:** subsequent subsections

38. Page 4, line 7.

**Strike:** "and"

39. Page 4, line 8.

**Following:** line 7

**Insert:** "(j) loss of agricultural production and income;

(k) loss of land value;

(l) loss of use of the surface owner's land;

(m) loss of value of improvements caused by oil and gas operations;

(n) compensation for damages as provided in subsection (2); and"

40. Page 4, line 8.

**Strike:** "(k)"

**Insert:** "(o)"

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

41. Page 4, line 9 through line 12.

**Strike:** subsection (2)(a) in its entirety

**Insert:** "(2)(a) The surface use agreement must include the amount of compensation to be paid to the surface owner of record for disruption and damages expected to be caused by the oil and gas operations."

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42. Page 4, line 14.

**Following:** "or"

**Insert:** "oil and gas developer or"

43. Page 4, line 22 through line 24.

**Strike:** subsection (3) in its entirety

**Insert:** "(3)(a) If the parties are unable to agree on the amount of compensation for disruption and damages, then the agreement must set forth both the oil and gas developer's or operator's damage estimate and the surface owner's damage estimate. Both estimates must be attached to the surface use agreement and made a part of the agreement.

(b) Before the oil and gas developer or operator enters the surface owner's property to begin oil and gas operations, the oil and gas developer or operator shall pay the surface owner the amount of damages estimated by the oil and gas developer or operator and post a bond for twice the amount of the difference between the damages estimated by the oil and gas developer or operator and damages estimated by the surface owner or \$10,000, whichever is less. The bond must be posted as provided in [section 9]."

44. Page 4, line 25.

**Following:** "or"

**Insert:** "oil and gas developer or"

45. Page 4, line 26.

**Following:** "payment"

**Insert:** "within 30 days"

**Following:** "under a"

**Strike:** "damage"

**Insert:** "surface use"

46. Page 4, line 26 through line 27.

**Following:** "owner" on line 26

**Strike:** remainder of line 26 through "[section 9]" on line 27

47. Page 5, line 1 through line 5.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

48. Page 5, line 15.

**Strike:** "or"

**Insert:** "and"

49. Page 5, line 15 through line 16.

**Following:** "operations."

**Strike:** "(1)" on line 15 through "(2), the" on line 16

**Insert:** "The oil and gas developer or"

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

50. Page 5, line 17.

**Following:** "after the"

**Insert:** "oil and gas developer or"

51. Page 5, line 18.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

**Following:** "after the"

**Insert:** "oil and gas developer or"

52. Page 5, line 19 through line 20.



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**Following:** "after" on line 19

**Strike:** "." on line 19 through "(a)" on line 20

53. Page 5, line 20.

**Following:** "and the"

**Insert:** "oil and gas developer or"

**Following:** "written"

**Insert:** "surface use"

54. Page 5, line 21.

**Following:** "damages"

**Strike:** "under 82-10-504;"

**Insert:** "or the oil and gas developer or operator pays the surface owner and posts a bond under 82-10-504 and [section 9]."

55. Page 5, line 22 through line 27.

**Strike:** subsections (b) and (c) and (2) in their entirety

56. Page 5, line 29.

**Following:** "An"

**Insert:** "oil and gas developer or"

57. Page 5, line 30.

**Following:** "after"

**Strike:** "a petition is filed under [section 9]"

**Insert:** "either party petitions the court to determine damages"

58. Page 6, line 2.

**Following:** "to the"

**Insert:** "oil and gas developer or"

59. Page 6, line 8.

**Following:** "of the"

**Insert:** "oil and gas developer or"

60. Page 6, line 10 through page 8, line 10.

**Strike:** section 9 through section 10 in their entirety

**Renumber:** subsequent sections

61. Page 8, line 13.

**Following:** "that the"

**Insert:** "oil and gas developer or"

**Following:** "operator"

**Strike:** "intentionally or negligently"

**Insert:** "wrongfully"

62. Page 8, line 14.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

63. Page 8, line 15.

**Following:** "oil"

**Strike:** "or"

**Insert:** "and"

64. Page 8, line 16.

**Following:** "securing"

**Strike:** "an"

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**Insert:** "a surface use"

65. Page 8, line 17.

**Strike:** subsection (c) in its entirety

**Insert:** "(c) paying damages and posting a bond under 82-10-504."

66. Page 8, line 18.

**Following:** "(2)"

**Strike:** "(a) Except as provided in subsection (2)(b), collection"

**Insert:** "Collection"

67. Page 8, line 19.

**Following:** "by the"

**Insert:** "oil and gas developer or"

68. Page 8, line 20 through line 21.

**Strike:** subsection (b) in its entirety

69. Page 8, line 23.

**Following:** line 22

**Insert:** "NEW SECTION. Section 8. Application for permit to drill -- additional notice. When submitting an application to the board for a permit to drill, the oil and gas developer or operator shall file a statement with the board, including the surface owner's name, contact address, telephone number, and any other relevant and necessary contact information known to the oil and gas developer or operator, certifying that notice of proposed oil and gas operations was provided to the surface owner and that:

(1) the parties entered into a surface use agreement that includes either mutually agreed damage compensation or the estimates of damages by both parties; or

(2) if the parties disagree on damages, the oil and gas developer or operator has paid its estimated damage amount and posted a bond as required under 82-10-504."

**Insert:** "NEW SECTION. Section 9. Surety bond or guaranty -- approval -- objections -- release. (1) The surety bond or other guaranty required under this section must be executed by the oil and gas developer or operator or a bonding company acceptable to the board.

(2) The surety bond or other guaranty must be in an amount equal to twice the amount of the difference between the damage estimates of the parties under 82-10-504 or \$10,000, whichever is less. The amount of the bond or other guaranty specified in this subsection is not intended to establish any amount for reasonable and foreseeable damages.

(3) Within 7 days after receipt of the surety bond or other guaranty, the board shall notify the surface owner of receipt of the surety bond or other acceptable guaranty, including a description of the amount and type of the bond or guaranty, and shall provide to the surface owner a copy of the statement required under [section 8].

(4) Upon receipt of an acceptable surety bond or other guaranty by the board as specified in subsection (2) and receipt of all required regulatory approvals to secure a drilling permit, the oil and gas developer or operator must be permitted entry on the land to conduct oil and gas operations in accordance with terms of the surface use agreement and any existing contractual or legal right.

(5) Any surety bond or other guaranty must be released by the board after:

(a) compensation for damages has been made;

(b) all parties agree to the release; or

(c) any action for damages is finally resolved and all damages have been paid.

(6) Any surety bond or guaranty executed under this section must be in addition to the surety bond or guaranty required under 82-11-123 for reclamation and compliance with rules and orders of the board."

**Renumber:** subsequent sections

70. Page 8, line 26.

**Strike:** "[Sections 7 through 11]"

**Insert:** "[Sections 5 through 9]"

71. Page 8, line 28.

**Strike:** "[sections 7 through 11]"

**Insert:** "[sections 5 through 9]"

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And, as amended, do pass. Report adopted.

2/21/2005

**SB 435**, introduced bill, be amended as follows:

1. Title, line 6.  
**Following:** "AN"  
**Strike:** "IMMEDIATE"

2. Page 3, line 20.  
**Following:** "effective"  
**Strike:** "on passage and approval"  
**Insert:** "July 1, 2005"

And, as amended, do pass. Report adopted.

**SB 452**, introduced bill, be amended as follows:

1. Page 2, line 7.  
**Strike:** "72"  
**Insert:** "36"

2. Page 2, line 13.  
**Strike:** "72"  
**Insert:** "36"

And, as amended, do pass. Report adopted.

**SB 485**, do pass. Report adopted.  
**SJR 26**, be adopted. Report adopted.  
**SJR 27**, introduced joint resolution, be amended as follows:

1. Page 1, line 21 through line 23.  
**Strike:** lines 21 through 23 in their entirety  
**Insert:** "WHEREAS, the people of Libby are afflicted with tremolite asbestos disease, which resulted from exposure to mining activities by W.R. Grace; and"

2. Page 1, line 25.  
**Following:** "deaths"  
**Strike:** "caused by its reckless conduct"  
**Insert:** ", which resulted from tremolite asbestos exposure"

And, as amended, be adopted. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Cromley, Chairman):  
**SB 440**, introduced bill, be amended as follows:

2/21/2005

1. Title, line 8.  
**Following:** "DATE"  
**Insert:** ", AN APPLICABILITY DATE, AND A TERMINATION DATE"

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2. Page 8, line 9.

**Following:** "hospitals"

**Insert:** "using the requirements for licensure of hospitals and the procedure provided for in parts 1 and 2 of this chapter"

3. Page 8, line 10 through line 18.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

4. Page 8, line 21.

**Strike:** "subsections (1) and (2)"

**Insert:** "subsection (1)"

5. Page 9.

**Following:** line 2

**Insert:** "NEW SECTION. Section 5. Applicability. [This act] applies to specialty hospitals to be established after the moratorium on referrals to specialty hospitals referred to in [section 4] expires."

**Insert:** "NEW SECTION. Section 6. Termination. [This act] terminates July 1, 2007."

And, as amended, do pass. Report adopted.

**SB 499**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "GENERALLY"

**Strike:** the first "THE"

2. Title, line 5 through line 7.

**Strike:** "PROVIDING" on line 5 through "DUTIES;" on line 7

3. Title, line 7.

**Following:** "53-21-102"

**Strike:** ", "

**Insert:** "AND"

4. Title, line 8.

**Strike:** "53-21-139" through "53-21-1010,"

5. Page 3, line 3.

**Following:** "facility,"

**Strike:** "or"

6. Page 3, line 4.

**Following:** "disorder"

**Insert:** ", or a facility licensed by and under contract with the department"

7. Page 4, line 29 through page 10, line 22.

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**Strike:** section 3 through section 8 in their entirety

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):  
**SB 390**, introduced bill, be amended as follows:

2/21/2005

1. Title, page 1.

**Strike:** "PROVIDING" on line 8 through ";" on line 10

2. Page 1, line 15.

**Strike:** "4"

**Insert:** "3"

3. Page 1, line 18.

**Strike:** "comment"

**Insert:** "notice"

4. Page 1, line 26.

**Following:** "office"

**Strike:** "or"

**Insert:** "and"

5. Page 2, line 2.

**Strike:** "same"

**Strike:** "as" through "of"

**Strike:** "provided" through "for"

**Insert:** "published or broadcast or disseminated to the"

6. Page 2, line 3.

**Strike:** "dissemination"

7. Page 2, line 17 through line 24.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

8. Page 2, line 26.

**Strike:** "or 3"

9. Page 3, line 1.

**Strike:** "4"

**Insert:** "3"

10. Page 3, line 4.

**Strike:** "13-35-225,"

11. Page 3, line 9.

**Strike:** "4"

**Insert:** "3"

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12. Page 3, line 11.

**Strike:** "4"

**Insert:** "3"

And, as amended, do pass. Report adopted.

**SB 396**, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.

**Strike:** "AND" on line 4 through "EXPENDITURES" on line 5

2. Page 2, line 20.

**Strike:** "\$2,150"

**Insert:** "\$18,000"

3. Page 2, line 29.

**Strike:** "section 3 and"

4. Page 3, line 2.

**Strike:** "or issue"

5. Page 3, line 4 through line 14.

**Strike:** section 3 through section 4 in their entirety

And, as amended, do pass. Report adopted.

**SB 431**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "TO"

**Insert:** "SUSPEND, DEMOTE, OR"

2. Title, page 1, line 5.

**Strike:** "THE" through "APPEAL"

**Insert:** "OPTIONS FOR A FIREFIGHTER TO ADDRESS DISCIPLINARY ACTION"

3. Title, page 1, line 6.

**Strike:** "REMOVING" through ";

**Insert:** "AND"

4. Title, page 1, line 7.

**Following:** "7-33-4110,"

**Strike:** "AND"

**Following:** "7-33-4123,"

**Insert:** "AND 7-33-4124,"

**Strike:** "; AND" through "MCA"

5. Page 1, line 11 through Page 2, line 13.

**Strike:** section 1 and 2 in their entirety

**Insert:** "NEW SECTION. Section 1. Determination regarding suspension, demotion, or discharge -- firefighter's

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**options.** (1) In an action initiated against a firefighter pursuant to 7-33-4123, the suspended firefighter must be given a written copy of the charges against the firefighter and the reasons for the action.

(2) After reviewing the charges, the firefighter may:

(a) appear before the council or commission and follow the procedure in 7-33-4124; or

(b) appear before the mayor, city manager, or chief executive officer to answer the charges as provided in subsection (3).

(3) If the firefighter elects to appear before the mayor, city manager, or chief executive officer to answer the charges, the mayor, manager, or officer shall consider the firefighter's case and may dismiss the charges or suspend, demote, or discharge the firefighter."

**Insert:** "Section 2. Section 7-3-4254, MCA, is amended to read:

**"7-3-4254. Selection and supervision of officers and employees.** (1) In cities having a mayor and two councilmen ~~council members~~, the mayor ~~shall be~~ is the superintendent of the department of accounts, finance, and public property, and in cities having a mayor and four aldermen, the mayor ~~shall be~~ is the superintendent over the department of public affairs; and ~~the mayor shall have~~ has general supervision over all departments of the city and over all matters connected with ~~said the city, and the~~. The council shall, at its first regular meeting after the election of its members, designate by majority vote one ~~councilman~~ member of the council to be superintendent over each department of the city, but ~~such the~~ designation may be changed whenever it appears that the public service would ~~be benefited thereby~~ benefit from the change.

(2) The council shall, at its first regular meeting after the election of its members or as soon thereafter as practicable, elect by majority vote ~~the following officers:~~ a city clerk, a city treasurer, a city attorney, a city auditor, a city engineer, a city physician, a chief of the fire department, a chief of the police department, a commissioner of weights and measures, a street commissioner, library trustees, cemetery trustees, and ~~such any~~ other officers and assistants ~~as shall that may~~ be provided for by ordinance and ~~which that~~ may be necessary to the proper and efficient conduct of the affairs of the city. The council may by ordinance consolidate any of the offices the election to which is made by the council and may require any officer elected by the council to perform the duties of any other officer and shall appoint a city judge with the authority ~~now~~ conferred by existing laws. The tenure in office of a chief of the fire department and other officers of the fire department ~~shall be~~ is governed by the provisions of 7-33-4106, ~~and~~ 7-33-4122 through 7-33-4124, and [section 1]. Any other officer or assistant elected or appointed by the council may be removed from office at any time by a majority vote of the members of the council, except as otherwise provided in this part.

(3) The council ~~shall have power from time to time to~~ may:

(a) create, fill, and discontinue offices and employment other than ~~herein those~~ prescribed, according to their judgment of the needs of the city, and in this section;

(b) by majority vote of all the members ~~to~~ remove any ~~such~~ officer or employee, except as otherwise provided for in this part; and

(c) ~~may~~ by resolution or otherwise prescribe, limit, or change the compensation of ~~such officers or employees~~ any officer or employee."

6. Page 2, line 17.

**Strike:** "7-33-4123,"

**Following:** "through"

**Insert:** "through"

7. Page 2, line 22.

**Following:** "suspend"

**Insert:** ", demote, or discharge"

**Following:** "(+)"

**Insert:** "(1)"

**Strike:** "The"

**Insert:** "Subject to [section 1], the"

**Following:** "suspend"

**Insert:** ", demote,"

8. Page 2, line 23.

**Following:** "chief"

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**Insert:** ", "  
**Strike:** "and"  
**Insert:** "the"  
**Following:** "assistant"  
**Insert:** "chief,"

9. Page 2.

**Following:** line 27

**Insert:** "(2) Subject to [section 1]:

(a) the chief of the fire department may suspend, demote, or discharge the assistant chief of the fire department or any firefighter for neglect of duty or a violation of any of the rules of the fire department; and

(b) the assistant chief of the fire department may suspend, demote, or discharge any firefighter for neglect of duty or a violation of any of the rules of the fire department."

10. Page 2, line 29.

**Strike:** section 5 in its entirety

**Insert:** "**Section 5.** Section 7-33-4124, MCA, is amended to read:

**"7-33-4124. Suspension -- review procedure.** (1) ~~In all cases of suspension the person suspended must be furnished with a copy of the charge against him, in writing, setting forth reasons for the suspension. Such~~ Whenever a firefighter is suspended pursuant to 7-33-4123, the procedures provided in subsections (2) through (4) apply.

(2) ~~The charges must be presented to the next meeting of the council or commission and for a hearing had thereon, when the suspended member of the fire department may appear in person or by counsel and make his defense to said charges at the council or commission meeting immediately following the suspension.~~

~~(2)(3) Should~~ If the charges are not be presented to the next meeting of the council or commission after the suspension as provided in subsection (2) or ~~should~~ if the charges be are not found not to be proven by the council or commission, the suspended person shall firefighter must be reinstated and be is entitled to his the firefighter's usual compensation for the time so suspended.

~~(3)(4) If such~~ the charges are found to be proven by the council or commission, the council or commission, by a vote of a majority of the whole council or commission, may impose such penalty as it shall determine the offense warrants, either in the continuation of continue the suspension for a limited time or in the removal of the suspended person from the fire department may demote or discharge the firefighter.""

And, as amended, do pass. Report adopted.

#### MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/21/2005

HB 222, introduced by Roberts

HB 245, introduced by MacLaren

HB 587, introduced by Bergren

#### MOTIONS

Senator Laible moved **SB 2** be blasted from Senate Judiciary to 2nd Reading. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Wheat.

Total 34

Nays: Cocchiarella, Cromley, Ellingson, Harrington, Larson, Laslovich, Lind, Mangan, Moss, Ryan, Smith, Squires, Toole, Weinberg, Williams, Mr. President.

Total 16



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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator O'Neil moved **SB 111** be blasted from Senate Judiciary to 2nd Reading. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Shockley, Stapleton, Tash.  
Total 17

Nays: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 33

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Mangan moved his vote on **SB 470** be changed from "aye" to "nay". Motion carried.

Senator Curtiss moved **SB 417** be blasted from Senate Natural Resources to 2nd Reading. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Bales moved his vote on **SB 317** be changed from "aye" to "nay". Motion carried.

Senator Perry moved his vote on **SJR 19** be changed from "nay" to "aye". Motion carried.

Majority Leader Ellingson moved the Senate recess, for the purpose of caucus, and reconvene at 11:00 a.m. Motion carried.

**Senate Recessed 10:40 a.m.**

**Senate Reconvened 11:00 a.m.**

Roll Call. All members present, except Gallus and Harrington, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

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Total 44

Nays: Balyeat, Gebhardt, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Gallus, Harrington.  
Total 2

Senator Keenan moved to take **SB 499** from 2nd reading and refer it to Senate Finance and Claims. Motion carried.

Senator Cooney moved **SB 333** and **SB 428** be taken from 3rd reading and referred to Senate Finance and Claims. Motion carried.

Senator Gallus moved to suspend the Senate Rules for the late introduction, drafting, and transmittal of a resolution. Motion carried as follows:

Yeas: Bales, Balyeat, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Laible, Larson, Laslovich, Lind, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 43

Nays: Barkus, Black, Kitzenberg, Lewis, Mangan, McGee, Moss.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Tester moved that action be reconsidered on the committee of the whole report, Legislative Day 41. Motion failed as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Kitzenberg, Laible, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 24

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Hawks, Keenan, Larson, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 20**, introduced by Dickenson, referred to Education and Cultural Resources.

**HB 21**, introduced by Gallik, referred to State Administration.

**HB 27**, introduced by Noennig, referred to State Administration.

**HB 29**, introduced by Golie, referred to State Administration.

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**HB 30**, introduced by Wanzenried, referred to State Administration.  
**HB 37**, introduced by Lambert, referred to Agriculture, Livestock and Irrigation.  
**HB 39**, introduced by Gutsche, referred to Fish and Game.  
**HB 40**, introduced by Harris, referred to Judiciary.  
**HB 43**, introduced by Musgrove, referred to Energy and Telecommunications.  
**HB 50**, introduced by Roberts, referred to Fish and Game.  
**HB 53**, introduced by Jacobson, referred to State Administration.  
**HB 54**, introduced by Small-Eastman, referred to Taxation.  
**HB 55**, introduced by Wanzenried, referred to Highways and Transportation.  
**HB 56**, introduced by Warden, referred to Fish and Game.  
**HB 66**, introduced by Jent, referred to Judiciary.  
**HB 67**, introduced by Jent, referred to State Administration.  
**HB 68**, introduced by Andersen, referred to Public Health, Welfare and Safety.  
**HB 77**, introduced by B. Olson, referred to Business, Labor, and Economic Affairs.  
**HB 78**, introduced by Harris, referred to Energy and Telecommunications.  
**HB 81**, introduced by Ross, Lange, referred to Fish and Game.  
**HB 82**, introduced by Ross, Lange, referred to Fish and Game.  
**HB 83**, introduced by Campbell, referred to Education and Cultural Resources.  
**HB 85**, introduced by Kaufmann, referred to State Administration.  
**HB 87**, introduced by Ward, referred to Highways and Transportation.  
**HB 90**, introduced by Kaufmann, referred to Judiciary.  
**HB 101**, introduced by Villa, referred to Highways and Transportation.  
**HB 103**, introduced by Driscoll, referred to Local Government.  
**HB 107**, introduced by Jent, referred to State Administration.  
**HB 108**, introduced by Furey, referred to Business, Labor, and Economic Affairs.  
**HB 110**, introduced by Furey, referred to Judiciary.  
**HB 112**, introduced by Musgrove, referred to State Administration.  
**HB 114**, introduced by Witt, referred to Highways and Transportation.  
**HB 118**, introduced by McNutt, referred to Business, Labor, and Economic Affairs.  
**HB 119**, introduced by Golie, referred to Fish and Game.  
**HB 126**, introduced by Mendenhall, referred to Business, Labor, and Economic Affairs.  
**HB 128**, introduced by Jent, referred to Judiciary.  
**HB 131**, introduced by Clark, referred to Fish and Game.  
**HB 135**, introduced by D. Brown, referred to Highways and Transportation.  
**HB 138**, introduced by Roberts, referred to Public Health, Welfare and Safety.  
**HB 139**, introduced by Gallik, referred to State Administration.  
**HB 142**, introduced by Ripley, referred to Local Government.  
**HB 144**, introduced by Kaufmann, referred to Natural Resources.  
**HB 146**, introduced by Gallik, referred to Judiciary.  
**HB 150**, introduced by Galvin-Halcro, referred to State Administration.  
**HB 154**, introduced by Jacobson, referred to State Administration.  
**HB 155**, introduced by Barrett, referred to State Administration.  
**HB 160**, introduced by Jacobson, referred to Business, Labor, and Economic Affairs.  
**HB 167**, introduced by MacLaren, referred to State Administration.  
**HB 168**, introduced by Becker, referred to Business, Labor, and Economic Affairs.  
**HB 175**, introduced by Cohenour, referred to Business, Labor, and Economic Affairs.  
**HB 178**, introduced by Taylor, referred to Natural Resources.  
**HB 180**, introduced by Lake, referred to State Administration.  
**HB 185**, introduced by Harris, referred to Natural Resources.  
**HB 188**, introduced by Bergren, referred to Business, Labor, and Economic Affairs.  
**HB 190**, introduced by Becker, referred to Judiciary.  
**HB 195**, introduced by Matthews, referred to Agriculture, Livestock and Irrigation.  
**HB 198**, introduced by Villa, referred to State Administration.  
**HB 205**, introduced by Parker, referred to Judiciary.  
**HB 207**, introduced by McKenney, referred to Business, Labor, and Economic Affairs.  
**HB 212**, introduced by Sesso, referred to Local Government.  
**HB 223**, introduced by Jent, referred to Business, Labor, and Economic Affairs.  
**HB 226**, introduced by McAlpin, referred to Local Government.  
**HB 250**, introduced by Becker, referred to Public Health, Welfare and Safety.

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**HB 257**, introduced by Branae, referred to Business, Labor, and Economic Affairs.

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

**HJR 3**, introduced by Jackson, referred to Natural Resources.

**HJR 5**, introduced by Small-Eastman, referred to Agriculture, Livestock and Irrigation.

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

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

**SB 114** - Senator Ellingson moved consideration of **SB 114** be placed below SB 380 on the second reading board. Motion carried.

**SB 380** - Senator Tester moved **SB 380** do pass. Motion carried unanimously.

**SB 114** - Senator Tester moved **SB 114** do pass. Motion carried unanimously.

**SB 167** - Senator Mangan moved **SB 167** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 37

Nays: Bales, Balyeat, Curtiss, Elliott, Esp, Harrington, Keenan, McGee, O'Neil, Shockley, Story, Tash, Toole.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 174** - Senator Kitzenberg moved **SB 174** do pass. Motion carried unanimously.

**SB 281** - Senator Williams moved **SB 281** do pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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

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Majority Leader Ellingson moved the Senate recess. Motion carried.

**Senate recessed 1:15 p.m.**  
**Senate reconvened 2:45 p.m.**

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 45

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

Absent or not voting: Elliott, Harrington.  
Total 2

Excused: None.  
Total 0

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

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

**SB 301** - Senator Story moved **SB 301** do pass. Motion carried with Senators Balyeat, Cobb, O'Neil, and Shockley voting nay.

**SB 333** - Senator Smith moved **SB 333** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 38

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Grimes, McGee, O'Neil, Shockley, Stapleton.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 335** - Senator Williams moved **SB 335** do pass. Motion carried with Senators Barkus, Gebhardt, Lind, McGee, and Ryan voting nay.

**SB 350** - Senator Cocchiarella moved **SB 350** do pass. Motion carried unanimously.

**SB 370** - Senator Squires moved **SB 370** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

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Total 44

Nays: Balyeat, Esp, Grimes, Laible, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 378** - Senator Wheat moved **SB 378** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 383** - Senator Cocchiarella moved **SB 383** do pass. Motion carried unanimously.

**SB 384** - Senator Gebhardt moved **SB 384** do pass. Motion carried unanimously.

**SB 423** - Senator Tester moved consideration of **SB 423** be placed below SB 465 on the second reading board. Motion carried.

**SB 388** - Senator Keenan moved **SB 388** do pass. Motion carried with Senators Hansen and Steinbeisser voting nay.

**SB 402** - Senator Perry moved **SB 402** do pass. Motion carried with Senators Cocchiarella, Cromley, Mangan, and Moss voting nay.

**SB 407** - Senator Grimes moved **SB 407** do pass. Motion carried with Senators Cocchiarella, Cromley, Larson, and Ryan voting nay.

**SB 415** - Senator Tester moved **SB 415** do pass.

**SB 415** - Senator Tester moved **SB 415**, second reading copy, be amended as follows:

1. Title, line 18 through line 19.  
**Strike:** "AND" on line 18 through "PROVISION" on line 19

2. Page 2, line 8 through line 16.  
**Strike:** subsection (1) in its entirety  
**Renumber:** subsequent subsections

3. Page 3, line 16.  
**Strike:** "(7)"  
**Insert:** "(6)"

4. Page 3, line 17 through line 18.

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**Strike:** "(7)(A)" on line 17 through "(7)(H)" on line 18  
**Insert:** "(6)(a) through (6)(h)"

5. Page 3, line 28 through line 29.  
**Strike:** "(8)(A)" on line 28 through "(8)(F)" on line 29  
**Insert:** "(7)(a) through (7)(f)"

6. Page 4, line 12.  
**Strike:** "(12)"  
**Insert:** "(11)"

7. Page 5, line 5 through line 17.  
**Strike:** subsection (5) in its entirety  
**Renumber:** subsequent subsections

8. Page 6, line 2.  
**Strike:** "(8)(A)(I) AND (8)(A)(II)"  
**Insert:** "(7)(a)(i) and (7)(a)(ii)"

9. Page 6, line 15.  
**Strike:** "(12)"  
**Insert:** "(11)"

10. Page 6, line 23.  
**Strike:** "(11)"  
**Insert:** "(10)"

11. Page 9, line 2 through line 4.  
**Strike:** section 11 in its entirety  
**Renumber:** subsequent section

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: Hansen.  
Total 1

Excused: Gillan.  
Total 1

**SB 415** - Senator Tester moved **SB 415**, as amended, do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.  
Total 16

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Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SB 426** - Senator Stapleton moved **SB 426** do pass. Motion carried unanimously.

**SB 428** - Senator Stapleton moved **SB 428** do pass. Motion carried with Senators Bales and O'Neil voting nay.

**SB 429** - Senator Shockley moved **SB 429** do pass. Motion carried unanimously.

**SB 443** - Senator Roush moved **SB 443** do pass. Motion carried unanimously.

**SB 447** - Senator Ellingson moved **SB 447** do pass. Motion carried unanimously.

**SB 451** - Senator Wheat moved **SB 451** do pass. Motion carried with Senators Balyeat and Lind voting nay.

**SB 458** - Senator Schmidt moved consideration of **SB 458** be placed below SB 479 on the second reading board. Motion carried.

**SB 454** - Senator Gebhardt moved **SB 454** do pass. Motion carried unanimously.

**SB 459** - Senator Tropila moved **SB 459** do pass. Motion carried unanimously.

**SB 461** - Senator Steinbeisser moved **SB 461** do pass. Motion carried unanimously.

**SB 462** - Senator Bales moved **SB 462** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hawks, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Stapleton, Steinbeisser, Story, Tash.  
Total 26

Nays: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Hansen, Harrington, Larson, Laslovich, Lind, Moss, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.  
Total 22

Absent or not voting: Mr. President.  
Total 1

Excused: Gillan.  
Total 1

**SB 465** - Senator Tropila assumed the chair.

**SB 465** - Senator Laslovich moved **SB 465** do pass. Motion carried unanimously.

**SB 423** - Senator Laslovich moved **SB 423** do pass. Motion carried unanimously.

**SB 478** - Senator Laslovich reassumed the chair.

**SB 478** - Senator Gallus moved **SB 478** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry,



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Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SB 479** - Senator Lind moved **SB 479** do pass. Motion carried unanimously.

**SB 458** - Senator Schmidt moved consideration of **SB 458** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 481** - Senator Cocchiarella moved **SB 481** do pass.

**SB 481** - Senator Wheat moved **SB 481**, second reading copy, be amended as follows:

1. Page 22, line 17.

**Following:** "are"

**Strike:** "more than 50% responsible for"

**Insert:** "the major contributing factor of"

2. Page 23, line 25.

**Strike:** "and (4)"

**Insert:** "through (5)"

3. Page 24, line 11.

**Following:** line 10

**Insert:** "(4) The insurer may, upon a reasonable showing by the claimant or a decedent's beneficiaries that the claimant or the beneficiaries could not have known that the claimant's condition or the employee's death was related to an occupational disease, waive the claim time requirement for up to an additional 2 years."

**Renumber:** subsequent subsection

Amendment **not** adopted as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Wheat, Williams, Mr. President.

Total 23

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg.

Total 26

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SB 481** - Senator Cocchiarella moved **SB 481** do pass. Motion carried unanimously.

**SB 486** - Senator Cocchiarella moved **SB 486** do pass.

**SB 486** - Senator Cocchiarella moved **SB 486**, second reading copy, be amended as follows:

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1. Title, page 1, line 5.

**Following:** "BROKERS;"

**Insert:** "CLARIFYING THAT A LIFE INSURANCE PRODUCER MAY ACT AS A VIATICAL SETTLEMENT BROKER;"

2. Title, page 1, line 7.

**Following:** "SECTIONS"

**Insert:** "33-2-708,"

**Following:** "33-20-1303"

**Insert:** ", "

3. Page 1.

**Following:** line 11

**Insert:** "**Section 1.** Section 33-2-708, MCA, is amended to read:

"**33-2-708. Fees and licenses.** (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(v) insurance consultant's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(vi) viatical settlement broker's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

~~(vi)~~(vii) resident and nonresident rental car entity producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) quarterly filing fee, \$25;

(viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;

~~(vii)~~(ix) 50 cents for each page for copies of documents on file in the commissioner's office.

(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.

(2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(3) The commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109. All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

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(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded."

**Renumber:** subsequent sections

4. Page 1, line 19.

**Following:** "shall"

**Insert:** ":(  
(i)"

5. Page 1, line 20.

**Following:** "rule"

**Strike:** ".\_"

**Insert:** "; and"

6. Page 1.

**Following:** line 20

**Insert:** "(ii) pay a fee for an original viatical settlement broker's license pursuant to 33-2-708. The fees for license renewal and lapsed license reinstatement for a viatical settlement broker's license are as provided in 33-2-708."

7. Page 1, line 23.

**Strike:** "has been"

**Insert:** "is"

8. Page 1, line 24.

**Following:** "home state"

**Insert:** "and has been licensed"

9. Page 1, lines 27 through 28.

**Strike:** ".\_, not to exceed" on line 27 through "commissioner" on line 28

**Insert:** "pursuant to 33-2-708(1)(b)(viii)"

10. Page 1, line 29.

**Strike:** ".\_: and"

**Insert:** ".\_."

11. Page 2.

**Following:** line 2

**Insert:** "(c) If requested by the commissioner, a life insurance producer acting as a viatical settlement broker under this subsection (2) who has previously complied with subsection (2)(b)(i) shall report to the commissioner when renewing a resident or nonresident life insurance producer's license regarding the life insurance producer's intent to continue to act as a viatical settlement broker. The statement regarding an intent to continue acting as a viatical settlement broker must be made on the life insurance producer's license renewal form. A person who makes a statement pursuant to this subsection (2)(c) may not be charged an additional fee."

**Renumber:** subsequent subsection

12. Page 2, line 10.

**Strike:** "on forms prescribed"

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**Insert:** "in a form approved"

13. Page 2.

**Following:** line 21

**Insert:** "(4) (a) An individual licensed as a viatical settlement broker must meet the continuing education requirements in 33-17-1203.

(b) The hours of continuing education required under subsection (4)(a) must be in the subjects of life insurance, viaticals, or ethics.

(c) For an individual licensed as a viatical settlement broker, the 24-month period for meeting the continuing education requirements must correlate with the broker's license renewal period.

(d) The viatical settlement broker's license of an individual who fails to comply with this continuing education requirement and who has not been granted an extension of time to comply in accordance with 33-17-1203(3) must be terminated and promptly surrendered to the commissioner."

14. Page 3, line 4.

**Following:** "than the"

**Insert:** "greater of the"

**Following:** "or"

**Insert:** "the"

15. Page 3, line 9.

**Strike:** "and"

16. Page 3, line 10.

**Following:** "and"

**Insert:** "; and

(c) the continuing education program provided for in 33-20-1303(4)"

Amendment adopted unanimously.

**SB 486** - Senator Cocchiarella moved **SB 486**, as amended, do pass. Motion carried unanimously.

**SB 487** - Senator Pease moved **SB 487** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.

Total 35

Nays: Balyeat, Barkus, Cobb, Cromley, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Mangan, O'Neil, Perry, Shockley, Steinbeisser, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 489** - Senator Lind moved **SB 489** do pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 27

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Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Harrington in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 143** passed as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 37

Nays: Balyeat, Barkus, Brueggeman, Curtiss, Esp, Lewis, O'Neil, Perry, Roush, Shockley, Steinbeisser, Story, Tash.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 354** passed as follows:

Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Roush, Ryan, Shockley, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Laible, Lewis, O'Neil, Perry, Schmidt, Smith, Steinbeisser, Story, Tash, Williams.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 285** passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires,

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Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Balyeat, Roush.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 289** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 294** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Curtiss, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 356** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 357** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 381** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 410** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.  
Total 43

Nays: Ellingson, Harrington, Mangan, Moss, Schmidt, Smith, Williams.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 411** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith,

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Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.  
Total 48

Nays: Cobb, Mr. President.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 456** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lind, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 45

Nays: Ellingson, Larson, Lewis, Moss, Squires.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 304** passed as follows:

Yeas: Bales, Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 31

Nays: Balyeat, Barkus, Brueggeman, Cobb, Curtiss, Esp, Gebhardt, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash, Toole.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 317** passed as follows:

Yeas: Balyeat, Black, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 36

Nays: Bales, Barkus, Brueggeman, Esp, Gebhardt, Hansen, Keenan, Laible, Mangan, McGee, Squires, Stapleton, Steinbeisser, Story.  
Total 14

Absent or not voting: None.  
Total 0



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Excused: None.  
Total 0

**SB 339** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: Ryan.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 347** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 349** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 377** passed as follows:

Yeas: Balyeat, Barkus, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story,

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Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 46

Nays: Bales, Black, Brueggeman, Curtiss.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 412** passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 40

Nays: Bales, Balyeat, Curtiss, Esp, Laible, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 418** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Keenan, Laible, McGee, O'Neil, Perry, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 434** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 466** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 470** passed as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 44

Nays: Black, Cobb, Cromley, Keenan, Mangan, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 472** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.  
Total 43

Nays: Cobb, Cocchiarella, Gillan, Larson, Ryan, Squires, Williams.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 17** adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

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Total 38

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Gebhardt, Keenan, Laible, McGee, O'Neil, Steinbeisser.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 18** adopted as follows:

Yeas: Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tropila.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 19** adopted as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 40

Nays: Bales, Barkus, Black, Brueggeman, Esp, Keenan, Lewis, Stapleton, Steinbeisser, Story.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 21** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 46

Nays: Balyeat, Esp, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SJR 22** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 46

Nays: Balyeat, Esp, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 23** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SR 3** adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Cocchiarella, Curtiss, Esp, Essmann, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Squires introduced the pages for the week by reading the following remarks:

**"Robert Dunn:**

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Robert is sponsored by Senator Wheat, and is a senior at Bozeman high school. While at school Robert participates in track and winter track, key club, and Eagle Mount. He also serves as a teacher's aide."

**"Justin Folsom:**

Justin is from Helena and is sponsored by Senator Toole. He is a member of the tennis team, chess club and 3-7-77's, a service club at Helena High. He also has served as part of the Ukraine Exchange program."

**"Madeline Forbis:**

Madeline is sponsored by Senator Brueggeman and is a senior at Polson High School. She is a member of the tennis team, and served on the Board of Governors. She is also involved in Key Club, yearbook and migrant education outreach."

**"Rachel Hansen:**

Rachel is sponsored by her uncle Senator Hansen. She is a senior at Chinook high school. Rachel participates in swimming, tennis, pep club and pep band, basketball, and volleyball. She is a member of National Honors society, and has spent countless hours volunteering at the Sweet Medical Center. She also works as a lifeguard, and webmaster for the Sweet Medical Center."

**"Erin Hatch:**

Erin is a senior at Darby Consolidated School and is sponsored by Senator Liable. She is involved in high school drama, drama club, and student council. She has also participated in model UN and Youth Legislature.

**"Lara Hatch:**

Senator Liable sponsors Lara, a senior at Darby High School. While at school she is involved in Rodeo, National Honors Society, and Student Council. She has also participated in Youth Legislature and Model UN."

**"Kala Jones:**

Kala is sponsored by Senator Squires. She is a junior at Capitol High School here in Helena. She plays on the high school softball team and is a member of student council. She is looking forward to an exciting week of paging."

**"Nicholas Schwaderer:**

Nicholas is a junior at St. Regis School, and is sponsored by Senator Elliott. He is involved with the Business Professionals of America, and Drug Free Youth of Montana. Nicholas is participant in the Heroes program, which is a mentoring program for local youth and teens. He also is a member of the football and golf teams."

A special presentation was given by an Abraham Lincoln impersonator (a.k.a. Harry Fritz) in honor of President's Day.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 8:00 a.m., Tuesday, February 22, 2005. Motion carried.

Senate adjourned at 7:32 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate