

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana  
March 8, 2005

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Tester presiding. Invocation by Fr. Steve Brehe. Pledge of Allegiance to the Flag.

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

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, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: Balyeat, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:** 3/8/2005  
Correctly printed: **SB 480, SB 498, SB 508, SB 509, HB 24, HB 25, HB 26, HB 43, HB 54, HB 64, HB 67, HB 78, HB 87, HB 101, HB 107, HB 110, HB 112, HB 154, HB 160, HB 203, HB 215, HB 266, HB 313, HB 439, HB 609, HJR 11, HJR 22.**  
Correctly engrossed: **SB 66, SJR 20, HB 70, HB 150, HB 188, HB 197, HB 302, HB 429, HJR 6, HJR 7.**  
Correctly enrolled: **SB 14, SB 20.**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman): 3/8/2005  
**HB 266**, be concurred in. Report adopted.  
**HB 609**, be concurred in. Report adopted.  
**HJR 6**, be amended as follows:

1. Page 1, line 21 through line 22.  
**Following:** "LOCATED" on line 21  
**Strike:** remainder of line 21 through "CHOTEAU" on line 22

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

**HJR 7**, be amended as follows:

1. Page 2, line 18 through line 19.  
**Strike:** line 18 through line 19 in their entirety

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

**HJR 11**, be concurred in. Report adopted.

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**HJR 22**, be concurred in. Report adopted.

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

3/8/2005

**HB 160**, be concurred in. Report adopted.

**HB 188**, be amended as follows:

1. Title, page 1, line 8.

**Following:** "PROVISIONS;"

**Insert:** "EXPANDING REINSURANCE OPTIONS FOR FARM MUTUAL INSURERS;"

2. Title, page 1, line 30.

**Following:** "33-4-101,"

**Insert:** "33-4-503,"

3. Title, page 2, line 5.

**Strike:** "AN APPLICABILITY DATE"

**Insert:** "EFFECTIVE DATES AND APPLICABILITY DATES"

4. Page 5, line 19.

**Strike:** "company"

**Insert:** "insurer"

**Strike:** "plans"

**Insert:** "policies"

5. Page 5, line 23.

**Strike:** "or"

6. Page 5, line 24.

**Strike:** "[the effective date of this act]"

**Insert:** "January 1, 2005, and before January 1, 2009, at the election of the insurer for any one or more specified policies of life insurance"

7. Page 5.

**Following:** line 25

**Insert:** "(iv) for policies issued on or after January 1, 2009, the 2001 commissioners standard ordinary mortality table;  
or"

8. Page 9.

**Following:** line 26

**Insert:** "**Section 8.** Section 33-4-503, MCA, is amended to read:

"**33-4-503. Reinsurance.** A farm mutual insurer may cede reinsurance to any other farm mutual insurer or insurers and to other authorized property insurers and reinsurers meeting the requirements of 33-2-1216(3) and may accept reinsurance from other farm mutual insurers.""

**Renumber:** subsequent sections

9. Page 47.

**Following:** line 20

**Insert:** "NEW SECTION. Section 41. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective October 1, 2005.

(2) [Sections 4, 42, and 43 and this section] are effective on passage and approval.

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(3) [Section 22] is effective July 1, 2005."

**Insert:** "~~NEW SECTION.~~ **Section 42. Retroactive applicability.** [Section 4] applies retroactively, within the meaning of 1-2-109, to January 1, 2005."

**Renumber:** subsequent section

10. Page 47, line 22.

**Strike:** "17"

**Insert:** "18"

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

**HB 203**, be concurred in. Report adopted.

**JUDICIARY** (Wheat, Chairman):

3/8/2005

**HB 24**, be concurred in. Report adopted.

**HB 25**, be concurred in. Report adopted.

**HB 26**, be concurred in. Report adopted.

**HB 64**, be concurred in. Report adopted.

**HB 110**, be concurred in. Report adopted.

**HB 429**, be amended as follows:

1. Page 5, line 20 through line 21.

**Strike:** "in the" on line 20 through "or" on line 21

**Following:** "occurred" on line 21

**Insert:** "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

2. Page 6, line 18 through line 19.

**Strike:** "the" on line 18 through "of" on line 19

3. Page 6, line 20.

Following: "~~Montana~~"

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

4. Page 7, line 13.

Strike: "in the" through "or"

5. Page 7, line 14.

Following: "occurred"

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

6. Page 10, line 30 through page 11, line 1.

Strike: "in the" on page 10, line 30 through "or" on page 11, line 1

7. Page 11, line 2.

Following: "occurred"

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

8. Page 12, line 18 through line 19.

Strike: "in the" on line 18 through "or" on line 19

Following: "occurred" on line 19

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

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9. Page 13, line 10 through line 11.

Strike: "in the" on line 10 through "or" on line 11

Following: "occurred" on line 11

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

10. Page 13, line 23.

Strike: "in the" through "or"

11. Page 13, line 24.

Following: "occurred"

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

12. Page 14, line 17 through line 18.

Strike: "in the" on line 17 through "or" on line 18

Following: "occurred" on line 18

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

13. Page 15, line 1 through line 2.

Strike: "in the" on line 1 through "or" on line 2

Following: "occurred" on line 2

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

14. Page 16, line 8 through line 9.

Strike: "in the" on line 8 through "or" on line 9

Following: "occurred" on line 9

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

15. Page 16, line 26 through line 27.

Strike: "in the" on line 26 through "or" on line 27

Following: "occurred" on line 27

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

16. Page 17, line 12 through line 13.

Strike: "in the" on line 12 through "or" on line 13

Following: "occurred" on line 13

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

17. Page 19, line 8 through line 9.

Strike: "in the" on line 8 through "or" on line 9

Following: "occurred" on line 9

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

18. Page 19, line 27 through line 28.

Strike: "in the" on line 27 through "or" on line 28

Following: "occurred" on line 28

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

19. Page 20, line 5.

**Following:** "Montana"

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**Insert:** ", if mutually agreed on by the parties in the action"

20. Page 20, line 21 through line 22.

Strike: "in the" on line 21 through "or" on line 22

Following: "occurred" on line 22

Insert: "or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County"

21. Page 22, line 23.

**Following:** "County, "

Insert: "if mutually agreed on by the parties in the action,"

22. Page 26, line 4.

Following: "County, "

Insert: "if mutually agreed on by the parties in the action,"

23. Page 26, line 8.

Following: "County, "

Insert: "if mutually agreed on by the parties in the action,"

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

**PUBLIC HEALTH, WELFARE AND SAFETY** (Cromley, Chairman):

3/8/2005

**HB 215**, be concurred in. Report adopted.

**HB 313**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

3/8/2005

**HB 112**, be concurred in. Report adopted.

**HB 150**, be amended as follows:

1. Page 1, line 12.

**Following:** "person"

**Insert:** "who was ever"

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

**HB 154**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

3/8/2005

**SB 66**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "GENERAL"

**Insert:** "SMALL BUSINESS"

2. Title, line 5.

**Following:** "INVESTMENTS"

**Insert:** "BY A SMALL BUSINESS"

3. Title, line 6.

**Following:** "TAXES;"

**Insert:** "LIMITING THE AMOUNT OF INVESTMENT FOR WHICH THE CREDIT MAY BE CLAIMED TO \$100,000 FOR EACH NEW FULL-TIME EMPLOYMENT POSITION LASTING 3 YEARS; REQUIRING THAT THE DEPARTMENT OF REVENUE MAKE ANNUAL REPORTS ON THE CREDIT TO THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE;"

4. Title, line 9.

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**Following:** "MONTANA;"

**Insert:** "PROVIDING FOR RECAPTURE OF A CREDIT FOR EMPLOYMENT LASTING LESS THAN 3 YEARS;"

5. Page 1, line 13.

**Strike:** "Investment"

**Insert:** "Small business investment"

**Following:** the second "credit"

**Insert:** "for a small business"

6. Page 1, line 16.

**Strike:** "Investment"

**Insert:** "Small business investment"

**Following:** the second "credit"

**Insert:** "for a small business"

7. Page 1, line 29.

**Following:** "2005"

**Insert:** ", and before January 1, 2016"

8. Page 1.

**Following:** line 29

**Insert:** "(4) The credit allowed by this section may only be claimed by a small business that, for the purposes of this section, is a sole proprietorship, partnership, corporation, pass-through entity, or any other type of business entity with total assets of \$5 million or less in the year in which the credit is claimed."

**Renumber:** subsequent subsections

9. Page 1, line 30.

**Following:** "3% of the"

**Insert:** "employment-adjusted"

10. Page 2.

**Following:** line 2

**Insert:** "(b) The maximum amount of qualified investments must be adjusted so that it does not exceed \$100,000 for each additional full-time employee of the taxpayer for an employment position that will be filled for at least 3 years. The employee must be an employee who is in addition to the number of full-time employees employed by the taxpayer on the same day 1 year prior to the day on which the taxpayer applies for the credit and who has not been counted to meet the employment requirement of this section in a previous year. The hiring of an employee to replace an employee who was originally hired to meet the employment requirement of this section in a previous year does not qualify as an additional employee under this subsection (5)(b)."

**Renumber:** subsequent subsection

11. Page 2, line 4.

**Strike:** "(4)(a)"

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

12. Page 2, line 15.

**Following:** "(6)"

**Insert:** "(a)"

13. Page 2.

**Following:** line 18

**Insert:** "(b) The investment credit allowed by this section is subject to recapture of the credit if a full-time position

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for an employee required for the taxpayer to qualify under (5)(b) ends prior to the 3-year term required for the position. The credit and any carryforward of the credit must be adjusted by disallowing the maximum \$100,000 investment amount for an employment position terminated during the first year of the credit, disallowing \$66,600 during the second year of the credit, and disallowing \$33,300 during the third year of the credit, irrespective of the percentage of the year that the position was actually filled."

14. Page 2, line 24.

**Insert:** "NEW SECTION. Section 3. Report to committee on small business investment tax credit. The department shall report to the revenue and transportation interim committee at least once each year on the number and type of taxpayers claiming the small business investment tax credit under [sections 1 and 2], the total amount of the credit claimed, and the department's cost associated with administering the credit."

**Renumber:** subsequent sections

15. Page 2, line 29.

**Insert:** "(3) [Section 3] is intended to be codified as an integral part of Title 15, chapter 1, part 2, and the provisions of Title 15, chapter 1, part 2, apply to [section 3]."

And, as amended, do pass. Report adopted.

**SB 480**, do pass. Report adopted.

**SJR 20**, introduced joint resolution, be amended as follows:

1. Page 1, line 8.

**Strike:** "land"

**Insert:** "development rights"

2. Page 1, line 9.

**Strike:** "accelerated"

**Insert:** "increased"

3. Page 1, line 10.

**Strike:** "preclude"

**Insert:** "limit"

4. Page 1, line 12.

**Strike:** "significantly decrease"

**Insert:** "impact"

5. Page 1, line 14.

**Strike:** "decrease"

**Insert:** "impact"

6. Page 1, line 16.

**Following:** "WHEREAS,"

**Insert:** "income and estate"

7. Page 1, line 18.

**Strike:** "land"

**Insert:** "private lands"

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8. Page 1, line 20.

**Strike:** "more than"

**Insert:** "currently"

**Following:** "trusts"

**Insert:** "and government agencies"

9. Page 1, line 22 through line 23.

**Strike:** line 22 through line 23 in their entirety

10. Page 1, line 24.

**Following:** "taxpayers"

**Insert:** "and elected officials"

11. Page 2, line 4.

**Following:** "trends"

**Insert:** "in conservation easements and development of agricultural lands"

And, as amended, be adopted. Report adopted.

**HB 54**, be concurred in. Report adopted.

**HB 302**, be amended as follows:

1. Page 2, line 17.

**Following:** "electors."

**Insert:** "Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors."

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

**HB 439**, be concurred in. Report adopted.

#### MESSAGES FROM THE OTHER HOUSE

**House bills** passed and transmitted to the Senate for concurrence:

3/8/2005

**HB 109**, introduced by Jent

**HB 170**, introduced by Wilson

**HB 428**, introduced by Gutsche

**HB 607**, introduced by A. Olson

**House joint resolution** passed and transmitted to the Senate for concurrence:

3/8/2005

**HJR 10**, introduced by Jacobson

#### MOTIONS

Senator Laslovich moved that the Senate Rules be suspended for the late introduction of a resolution. Motion carried 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, McGee, Moss, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

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Total 47

Nays: Esp, Mangan.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

Senator Squires moved **HB 17** be taken from Senate State Administration and placed in Senate Taxation. Motion carried.

Senator Squires moved **HB 32** be taken from Senate State Administration and placed in Senate Public Health, Welfare, and Safety. Motion carried.

Majority Leader Ellingson moved the body be in recess for the purpose of convening the Senate Rules committee. Motion carried.

**Senate recessed 1:35 p.m.**  
**Senate Reconvened 2:09 p.m.**

Roll Call. All members present, except Pease, excused. Quorum present.

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, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Shockley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

Senator Ellingson delivered the report for the Senate Rules Committee.

Senator Tropila moved **HB 14** and **HB 56** be passed for the day. Motion carried.

Senator Cooney moved **HB 119** and **SB 501** be referred from 3rd reading to Senate Finance and Claims. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 508**, introduced by Brueggeman, Taylor, Windham, referred to Taxation.  
**SB 509**, introduced by Harrington, Cohenour, referred to Taxation.

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

**HB 109**, introduced by Jent (by request of the Department of Administration, the Department of Fish, Wildlife, and Parks), referred to State Administration.  
**HB 170**, introduced by Wilson (by request of the Revenue and Transportation Interim Committee), referred to

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Highways and Transportation.

**HB 428**, introduced by Gutsche, Musgrove, Harris, Cohenour, referred to Natural Resources.

**HB 607**, introduced by A. Olson, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 10**, introduced by Jacobson, Musgrove, D. Brown, Cooney, Callahan, referred to Natural Resources.

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

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

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

**HB 197** - Senator Cromley moved **HB 197** be concurred in.

**HB 197** - Senator Cromley moved **HB 197**, second reading copy, be amended as follows:

1. Title, line 9.

**Following:** "ABUSING"

**Strike:** "OR NEGLECTING"

2. Page 1, line 21.

**Following:** "abuses"

**Strike:** "or neglects"

Amendment adopted unanimously.

**HB 197** - Senator Cromley moved **HB 197**, as amended, be concurred in. Motion carried with Senators Balyeat and O'Neil voting nay.

**SB 498** - Senator Black moved **SB 498** do pass. Motion carried with Senator Weinberg voting nay.

**SB 501** - Senator McGee moved **SB 501** do pass. Motion carried unanimously.

**HB 43** - Senator Essmann moved **HB 43** be concurred in. Motion carried unanimously.

**HB 70** - Senator Gebhardt moved **HB 70** be concurred in.

**HB 70** - Senator Esp moved **HB 70**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "~~COUNTIES~~"

**Insert:** "OF CERTAIN COUNTIES"

2. Page 1, line 30.

**Following:** "~~7-1-2111~~"

**Insert:** "of a county with a population of less than 10,000"

Amendment adopted as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Larson, Lewis, McGee, O'Neil, Perry, Roush, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Mr. President.  
Total 34

Nays: Cooney, Gillan, Hansen, Harrington, Hawks, Lind, Mangan, Moss, Schmidt, Smith, Toole, Wheat, Williams.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Cobb, Laslovich, Pease.  
Total 3

**HB 70** - Senator Gebhardt moved **HB 70**, as amended, be concurred in. Motion carried with Senator Gillan voting nay.

**HB 78** - Senator Lind moved **HB 78** be concurred in. Motion carried with Senators Barkus and Shockley voting nay.

**HB 87** - Senator Steinbeisser moved **HB 87** be concurred in. Motion carried unanimously.

**HB 101** - Senator Laslovich moved **HB 101** be concurred in. Motion carried unanimously.

**HB 119** - Senator Barkus moved **HB 119** be concurred in. Motion carried unanimously.

**HB 67** - Senator Cooney moved **HB 67** be concurred in. Motion carried unanimously.

**HB 107** - Senator Grimes moved **HB 107** be concurred in. Motion carried unanimously.

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

**THIRD READING OF BILLS**

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

**HB 80** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 90** concurred in 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,

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Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 126** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 127** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 128** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.

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Total 0

Excused: Pease.  
Total 1

**HB 168** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 171** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 175** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 185** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott,

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Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 190** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 195** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.  
Total 48

Nays: Mr. President.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 205** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 226** concurred in as follows:

Yeas: Balyeat, Barkus, 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, Moss, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 42

Nays: Bales, Black, McGee, Stapleton, Steinbeisser, Story, Tash.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 227** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 274** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: Curtiss, Esp.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 300** concurred in as follows:

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Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 32

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Gebhardt, Hansen, Keenan, Laible, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HB 381** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**HJR 3** concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: Esp, Smith.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 432** 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 438** 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SPECIAL ORDERS OF THE DAY**

Senator Elliott read and presented a proclamation to Todd Daniels, the youth chosen to represent Montana regarding mental health issues in children throughout the United States. Todd Daniels will share his story in which he overcame many obstacles to become a successful member of society.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Wednesday, March 9, 2005. Motion carried.

Senate adjourned at 2:58 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate