

SENATE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 10, 2005

SENATE JOURNAL
59TH LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 10, 2005

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Tester presiding. Invocation by Pastor Loren Gustafson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cobb, Cooney, Grimes, and Schmidt, excused. Quorum present.

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

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb, Cooney, Grimes, Schmidt.
Total 3

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the first, second, third, fourth, fifth, sixth, and seventh legislative days, find the same to be correct.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/10/2005
Correctly printed: **HB 20, HB 30, HB 79, HB 86, HB 114, HB 131, HB 150, HB 155, HB 180, HB 183, HB 184, HB 187, HB 188, HB 198, HB 207, HB 232, HB 242, HB 298, HB 302, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 429, HB 437, HB 508, HB 564, HB 598, HB 612, HJR 6, HJR 7, HJR 13.**
Correctly engrossed: **SB 109, SB 493, SB 496, HB 63, HB 83, HB 182, HB 216, HB 317, HB 701, HJR 17.**
Correctly enrolled: **SB 8, SB 9, SB 26, SB 36, SB 37, SB 50, SB 56, SB 83, SB 132.**

Examined by the sponsor and found to be correct: **SB 20.**
Signed by the Speaker at 3:15 p.m., March 10, 2005: **SB 20.**
Signed by the President at 3:05 p.m., March 10, 2005: **SB 20.**
Signed by the Secretary of the Senate at 2:36 p.m., March 10, 2005: **SB 20.**
Delivered to the Governor for approval at 3:30 p.m., March 10, 2005: **SB 20.**

Examined by the sponsor and found to be correct: **SB 14.**
Signed by the Speaker at 3:15 p.m., March 10, 2005: **SB 14.**
Signed by the President at 3:05 p.m., March 10, 2005: **SB 14.**
Signed by the Secretary of the Senate at 2:36 p.m., March 10, 2005: **SB 14.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman): 3/10/2005
HB 86, be concurred in. Report adopted.
HB 350, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 3/10/2005
HB 182, be amended as follows:

1. Title, page 1, line 25.

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Following: "37-8-202,"
Insert: "37-8-204,"

2. Page 24, line 11.
Following: "written"
Insert: "written"

3. Page 24, line 12.
Following: "practical"
Insert: "practical"

4. Page 31.
Following: line 15
Insert: "**Section 44.** Section 37-8-204, MCA, is amended to read:
"**37-8-204. Executive director.** (1) The department shall hire an executive director to provide services to the board in connection with the board's duties of:
(+) (a) prescribing curricula and standards for nursing schools and making surveys of and approving schools and courses;
(+) (b) evaluating and approving courses for affiliation of student nurses; and
(+) (c) reviewing qualifications of applicants for licensure.
(2) The department shall hire as the executive director an individual who:
(a) is a graduate of an approved school of nursing and who has at least a master's degree with postgraduate courses in nursing;
(b) is licensed as a registered professional nurse in Montana; and
(c) has experience in teaching or administration in an approved school of nursing and who has completed at least 3 years in the clinical practice of nursing."

5. Page 79, lines 29 through 30.
Strike: "of a" on line 29 through "board" on line 30

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

HB 207, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):
SB 496, introduced bill, be amended as follows:

3/10/2005

1. Title, line 7.
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 1, following line 16.
Insert: "(3) Money in the account may include money from grants, gifts, or donations and interest earned on the account."

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4. Page 4, line 7.

Strike: "deposited in the account provided in 20-7-504."

Insert: "distributed as follows:

(i) \$4.80 of the fee must be deposited in the state traffic education account provided in 20-7-504; and

(ii) \$1.20 of the fee must be deposited in the state senior traffic education account provided in [section 1]."

5. Page 4, line 19.

Following: "fund"

Insert: "as provided in 61-5-121"

6. Page 5, following line 11.

Insert: "NEW SECTION. **Section 7. Termination.** [This act] terminates October 1, 2007."

And, as amended, do pass. Report adopted.

HB 20, be concurred in. Report adopted.

HB 63, be amended as follows:

1. Title, line 12.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 7, line 22.

Strike: "statewide"

Insert: "facility guaranteed"

3. Page 7, line 24.

Strike: "statewide"

Insert: "facility guaranteed"

4. Page 7, line 25.

Strike: "statewide"

Insert: "facility guaranteed"

5. Page 9, line 7.

Strike: "July 1, 2005"

Insert: "on passage and approval"

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

HB 83, be amended as follows:

1. Title, line 15.

Following: "20-9-212,"

Strike: "AND"

Following: "20-9-335,"

Insert: "AND 20-10-105,"

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2. Page 11.

Following: line 21

Insert: "Section 7. Section 20-10-105, MCA, is amended to read:

"**20-10-105. Determination of residence.** When the residence of an eligible transportee is a matter of controversy and is an issue before a board of trustees, a county transportation committee, or the superintendent of public instruction, the residence must be established on the basis of the general state residence law as provided in 1-1-215. Whenever ~~a county~~ the state is determined to be responsible for paying tuition for any pupil in accordance with 20-5-321 through 20-5-323, the residence of the pupil for tuition purposes is the residence of the pupil for transportation purposes.""

Renumber: subsequent sections

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

HB 184, be concurred in. Report adopted.

HB 317, be amended as follows:

1. Title, line 4.

Following: "BUILDING"

Insert: ", EXCEPT A RELIGIOUS BUILDING,"

2. Page 1, line 19.

Following: "building"

Insert: ", excluding a building used primarily for religious purposes,"

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

HB 397, be concurred in. Report adopted.

HJR 17, be amended as follows:

1. Page 1, line 14.

Strike: "and lack of adequate community recreational facilities"

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

FINANCE AND CLAIMS (Cooney, Chairman):

3/10/2005

SB 109, introduced bill, be amended as follows:

1. Page 10, line 4.

Insert: "NEW SECTION. Section 15. Performance of strategic plan and performance measurement functions.

It is the intent of the legislature that the functions required in [this act] be conducted with existing employees and within existing levels of funding."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Wheat, Chairman):

3/10/2005

SB 493, introduced bill, be amended as follows:

1. Page 3, line 18.

Following: "report of a"

Insert: "second or subsequent"

2. Page 3, line 26.

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Following: "and"

Insert: ", commencing from the date of license reinstatement,"

3. Page 4, line 13.

Following: line 12

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If both Senate Bill No. 248 and [this act] are passed and approved, then Senate Bill No. 248 is void."

And, as amended, do pass. Report adopted.

HB 216, be amended as follows:

1. Page 2, lines 10 through 11.

Strike: "an interest" on line 10 through "exercised" on line 11

Insert: "full or partial ownership with rights to participate in general management and control that are derived from the full or partial ownership interest"

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

HB 232, be concurred in. Report adopted.

HB 354, be concurred in. Report adopted.

HB 598, be concurred in. Report adopted.

HB 701, be amended as follows:

1. Page 2, line 26.

Following: "decedent"

Strike: "dying"

Insert: "who died"

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

NATURAL RESOURCES (Roush, Chairman):

3/10/2005

HB 612, be concurred in. Report adopted.

HJR 13, be concurred in. Report adopted.

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

3/10/2005

HB 183, be concurred in. Report adopted.

HB 437, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

3/10/2005

HB 30, be concurred in. Report adopted.

HB 155, be concurred in. Report adopted.

HB 180, be concurred in. Report adopted.

HB 198, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/10/2005

HB 342, introduced by Wanzenried

HB 361, introduced by Gallik

HB 488, introduced by Gallik

HB 606, introduced by Gutsche

MOTIONS

Senator Elliott moved **HB 158** be passed for the day for the purpose of revising the fiscal note. Motion carried.

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Senator Moss moved **HB 250** be placed at the bottom of the 2nd Reading calendar. Motion carried.

Senator Elliott moved his vote on **HJR 11** be changed from "nay" to "aye". Motion carried.

Senator Schmidt moved her vote on **HB 178** be changed from "nay" to "aye". Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 342, introduced by Wanzenried, referred to Local Government.

HB 361, introduced by Gallik, referred to Natural Resources.

HB 488, introduced by Gallik, referred to Judiciary.

HB 606, introduced by Gutsche, Clark, Campbell, Cohenour, 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 Essmann in the chair.

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

HB 347 - Senator Lind moved **HB 347** be concurred in. Motion carried with Senators Bales, Curtiss, Laible, McGee, and Tash voting nay.

HB 79 - Senator Tropila moved **HB 79** be concurred in. Motion carried as follows:

Yeas: Balyeat, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 29

Nays: Bales, Barkus, Curtiss, Esp, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Smith, Stapleton, Steinbeisser, Story, Tash.
Total 17

Absent or not voting: Gallus, Gillan, Moss.
Total 3

Excused: Cobb.
Total 1

HB 114 - Senator Black moved **HB 114** be concurred in. Motion carried unanimously.

HB 131 - Senator Larson moved **HB 131** be concurred in. Motion carried with Senators Barkus, Laible, and O'Neil voting nay.

HB 150 - Senator Tropila moved **HB 150** be concurred in. Motion carried with Senator Grimes voting nay.

HB 187 - Senator Black moved **HB 187** be concurred in. Motion carried with Senator Esp voting nay.

HB 188 - Senator Roush moved **HB 188** be concurred in. Motion carried unanimously.

HB 242 - Senator Ryan moved **HB 242** be concurred in. Motion carried unanimously.

HB 298 - Senator Tash moved **HB 298** be concurred in. Motion carried unanimously.

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HB 302 - Senator Gillan moved **HB 302** be concurred in. Motion carried unanimously.

HB 400 - Senator Cocchiarella moved **HB 400** be concurred in. Motion carried unanimously.

HB 401 - Senator Tash moved **HB 401** be concurred in. Motion carried unanimously.

HB 429 - Senator Perry moved **HB 429** be concurred in. Motion carried unanimously.

HB 508 - Senator Shockley moved **HB 508** be concurred in. Motion carried unanimously.

HB 564 - Senator Black moved **HB 564** be concurred in. Motion carried unanimously.

HJR 6 - Senator Smith moved **HJR 6** be concurred in. Motion carried unanimously.

HJR 7 - Senator Pease moved **HJR 7** 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 Essmann 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 14 concurred in 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, 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 48

Nays: Laible.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 24 concurred in 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, 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: Cobb.
Total 1

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HB 25 concurred in 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, 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: Cobb.
Total 1

HB 26 concurred in 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, 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: Cobb.
Total 1

HB 54 concurred in 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, 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: Cobb.
Total 1

HB 56 concurred in 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, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 64 concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cooney, 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 46

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

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 110 concurred in 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, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Stapleton.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 112 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, 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 46

Nays: Curtiss, Keenan, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

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HB 138 concurred in 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, 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: Cobb.
Total 1

HB 139 concurred in 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, 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: Cobb.
Total 1

HB 144 concurred in 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, 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: Cobb.
Total 1

HB 154 concurred in 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, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 160 concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, 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 43

Nays: Bales, Balyeat, Curtiss, Esp, Gebhardt, McGee.
Total 6

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 178 concurred in 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, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Schmidt, Smith.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 215 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, 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, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Esp, Squires.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

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HB 255 concurred in 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, 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: Cobb.
Total 1

HB 266 concurred in 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, 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 48

Nays: Laslovich.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 308 concurred in 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, 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: Cobb.
Total 1

HB 312 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

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Nays: Brueggeman, Curtiss, Esp, McGee, O'Neil, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 313 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

Nays: Curtiss, Esp, Keenan, Mangan, Shockley, Story.
Total 6

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 439 concurred in as follows:

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

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 609 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Mr. President.
Total 40

Nays: Cooney, Gillan, Roush, Ryan, Schmidt, Smith, Tropila, Wheat, Williams.
Total 9

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

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HJR 4 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, 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 48

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HJR 11 concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, 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 46

Nays: Bales, Esp, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HJR 22 concurred in 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, 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: Cobb.
Total 1

HJR 24 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, 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 47

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Nays: Esp, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SB 480 passed as follows:

Yeas: Barkus, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 34

Nays: Bales, Balyeat, Black, Curtiss, Gebhardt, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Shockley, Squires, Stapleton, Steinbeisser.
Total 15

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SPECIAL ORDERS OF THE DAY

General Mosley and members of the Montana National Guard were presented with a proclamation from the Senate commemorating the 118th birthday of the Montana National Guard.

President Teddy Roosevelt addressed the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Friday, March 11, 2005. Motion carried.

Senate adjourned at 3:02 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate