

SENATE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 14, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
March 14, 2005

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Tester presiding. Invocation by Rabbi Allen Secher. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Laslovich, 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, 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, O'Neil, Shockley.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Laslovich.  
Total 1

**BILLS AND JOURNAL:** 3/14/2005  
Correctly printed: **SB 48, SJR 30, SJR 31, HB 97, HB 116, HB 147, HB 157, HB 161, HB 209, HB 285, HB 367, HB 370, HB 463, HJR 10, HJR 18.**  
Correctly engrossed: **SB 18, SB 207, HB 345, HB 349, HB 428, HB 493.**  
Correctly enrolled: **SB 6, SB 17, SB 23, SB 53, SB 54, SB 67, SB 69, SB 79, SB 94, SB 99, SB 100, SB 106, SB 141, SB 169, SB 454.**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/14/2005  
**HB 157**, be concurred in. Report adopted.  
**HB 161**, be concurred in. Report adopted.  
**HB 209**, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Cooney, Chairman): 3/14/2005  
**SB 18**, introduced bill, be amended as follows:

1. Page 1, line 21.  
**Following:** "after"  
**Strike:** "July 1, 2005"  
**Insert:** "January 2, 2006"

And, as amended, do pass. Report adopted.

**SB 207**, introduced bill, be amended as follows:

1. Page 5, line 10 through line 11.  
**Strike:** section 8 in its entirety  
**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

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**HB 116**, be concurred in. Report adopted.

**HB 493**, be amended as follows:

1. Page 1, line 23.

**Following:** the first "department"

**Insert:** "of commerce"

2. Page 2, line 4.

**Following:** "DEPARTMENT"

**Insert:** "of commerce"

3. Page 2, line 29.

**Following:** the first "department"

**Insert:** "of commerce"

4. Page 3, lines 15, 21, and 28.

**Following:** "department"

**Insert:** "of commerce"

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

**JUDICIARY** (Wheat, Chairman):

**HB 97**, be concurred in. Report adopted.

**HB 285**, be concurred in. Report adopted.

**HB 345**, be amended as follows:

3/14/2005

1. Title, line 5 through line 7.

**Following:** "FILED;" on line 5

**Strike:** remainder of line 5 through "TRANSFEROR;" on line 7

2. Page 1, line 13.

**Following:** "action."

**Strike:** "(1)"

3. Page 1, line 15.

**Strike:** "(a)"

**Insert:** "(1)"

4. Page 1, line 18.

**Strike:** "(b)"

**Insert:** "(2)"

5. Page 1, line 20.

**Strike:** "(c)"

**Insert:** "(3)"

6. Page 1, line 21 through line 22.

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

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

**HB 349**, be amended as follows:

1. Title, line 8 through line 9.

**Following:** "CUSTODY;" on line 8

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**Strike:** remainder of line 8 through "ARREST;" on line 9

2. Page 1, line 19.

**Following:** "53-24-303"

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

3. Page 1, line 23.

**Following:** line 22

**Insert:** "(3) A peace officer, in detaining the person, shall make every reasonable effort to protect the person's health and safety. The peace officer may take reasonable steps for the officer's own protection. An entry or other record may not be made to indicate that the person detained under this section has been arrested or charged with a crime."

**Renumber:** subsequent subsection

4. Page 1, line 30.

**Following:** "health"

**Insert:** "care"

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

**HB 367**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Roush, Chairman):

3/14/2005

**HB 147**, be concurred in. Report adopted.

**HB 370**, be concurred in. Report adopted.

**HB 428**, be amended as follows:

1. Page 8, line 15.

**Following:** line 14

**Insert:** "COORDINATION SECTION. Section 4. Coordination instruction. If both House Bill No. 429 and [this act] are passed and approved, then the amendments to 82-4-441 in both House Bill No. 429 and [this act] are void and 82-4-441 must read as follows:

"82-4-441. Penalty Administrative and judicial penalties -- enforcement. (1) When the department has reason to believe that a person is in violation of this part, a rule adopted or an order issued under this part, or a term or condition of a permit issued under this part, it shall send a violation letter to the person. The violation letter must describe the provision of the statute, rule, order, or permit alleged to be violated and the facts alleged to constitute the violation. The letter must also recommend corrective actions that are necessary to return to compliance. Issuance of a violation letter under this subsection does not limit the authority of the department under this part to bring a judicial action for penalties or injunctive relief or to initiate an administrative enforcement action.

~~(1)~~(2) By issuance of an order pursuant to subsection (5), the department may assess against a person who violates any of the provisions of this part, rules adopted or orders issued under this part, or provisions of a reclamation permit:

(a) ~~a civil an administrative~~ penalty of not less than \$100 or more than \$1,000 for the violation; and  
(b) ~~an additional civil administrative~~ penalty of not less than \$100 or more than \$1,000 for each day during which a violation continues following the service of notice of the violation.

(3) The department may bring a judicial action seeking a penalty of not more than \$5,000 against a person who violates any of the provisions of this part, rules adopted or orders issued under this part, or provisions of a permit, and a penalty of not more than \$5,000 for each day that the violation continues. In determining the amount of the penalty, the district court shall consider the factors in subsection (4).

(4) Penalties assessed under this section must be determined in accordance with the penalty factors in [section 3 of House Bill No. 429].

~~(2)~~ The department shall take into account the following factors in determining whether to institute a civil penalty action and in determining the penalty amount:

- ~~\_\_\_\_\_~~ (a) ~~the nature, circumstances, extent, and gravity of the violation;~~
- ~~\_\_\_\_\_~~ (b) ~~the violator's prior history of violations within the past 3 years;~~
- ~~\_\_\_\_\_~~ (c) ~~the economic benefit or savings, if any, to the violator resulting from the violator's action;~~
- ~~\_\_\_\_\_~~ (d) ~~the amounts voluntarily expended by the violator to address or mitigate the violation or impacts of the violation; and~~
- ~~\_\_\_\_\_~~ (e) ~~other matters that justice may require to decrease the amount of penalty.~~

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(3) The department shall notify the person or operator of the violation. The department shall issue a statement of proposed penalty, including the penalty calculation that identifies and describes the factors considered pursuant to subsection (2), no more than 10 days after issuing the notice of violation. After a hearing provided for in 82-4-427, the board shall make findings of fact, issue a written decision as to the occurrence of the violation and, if the board finds that the violation occurred, the amount of penalty warranted, and order the payment of a penalty in that amount. If the time for requesting a hearing expires without a hearing request, the department shall make the findings of fact and issue the written decision and order. The person or operator shall remit the amount of any penalty within 30 days of the order. If the person or operator wishes to obtain judicial review of the assessment, the person or operator shall submit with the penalty a statement that the penalty is being paid under protest and the department shall hold the payment in escrow until judicial review is complete. A person or operator who fails to request and submit testimony at the hearing provided for in this subsection or who fails to pay the assessed penalty under protest within 30 days of the order assessing the penalty forfeits the right to seek judicial review of the violation or penalty determinations. These penalties are recoverable in an action brought by the department in the district court of the first judicial district, Lewis and Clark County, or in the district court of the county in which the open-cut mine is located.

(5) (a) In addition to the violation letter sent pursuant to subsection (1), the department may also issue an order if it has credible information that a violation listed in subsection (2) has occurred. The order must specify the provision of the part, rule, order, or permit alleged to be violated and the facts alleged to constitute the violation. The order may require necessary corrective action within a reasonable period of time, may assess an administrative penalty determined in accordance with this section, or both. The order must be served personally or by certified mail.

(b) An order issued pursuant to subsection (5)(a) becomes final unless, within 30 days after the order is served, the person to whom the order is issued submits to the board a written request for a hearing stating the reason for the request. Service of an order by mail is complete 3 business days after mailing. If a request for a hearing is filed, a hearing must be held within a reasonable time under the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6. After a hearing, the board shall affirm, modify, or rescind the order.

~~(4)~~(6) The department may bring an action to enjoin an operator or other person violating or threatening to violate this part, rules adopted pursuant to this part, or a permit issued pursuant to this part. Actions for injunctions or penalties must be filed in the district court of the first judicial district, Lewis and Clark County, or in the district court of the county in which the open-cut mine is located or, if mutually agreed on by both parties in the action, in the first judicial district, Lewis and Clark County.

(7) The provisions of this section do not limit the authority of the department to bring a judicial action for penalties or injunctive relief prior to or instead of initiating an administrative enforcement action under this part.""  
**Renumber:** subsequent sections

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

**HJR 10**, be concurred in. Report adopted.

**HJR 18**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

3/14/2005

**HB 463**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

3/14/2005

**SB 61**, introduced by Cocchiarella

**SB 69**, introduced by Cobb

**SB 79**, introduced by Tropila

**SB 169**, introduced by Gallus

**SB 248**, introduced by Joe Balyeat

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

3/14/2005

**HB 172**, introduced by Cohenour

**HB 260**, introduced by W. Jones

**HB 611**, introduced by Windy Boy

**MOTIONS**

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Senator Grimes moved **HB 30** be passed for the day. Motion carried.

Senator Ellingson moved **HB 63** be passed for the day. Motion carried.

Majority Leader Ellingson moved the Senate recess for the purpose of caucus.

**Senate recessed 12:41 p.m.**

**Senate reconvened 1:01 p.m.**

Roll Call. All members present. 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, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 46

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJR 30**, introduced by Weinberg, Cobb, Jayne, Kaufmann, Lind, Morgan, referred to Public Health, Welfare and Safety.

**SJR 31**, introduced by Curtiss, Bales, Barkus, D. Brown, Everett, Gallus, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Keenan, Lewis, O'Neil, Perry, Sonju, Tash, referred to Energy and Telecommunications.

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

**HB 172**, introduced by Cohenour (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

**HB 260**, introduced by W. Jones, referred to Fish and Game.

**HB 476**, introduced by McAlpin, Facey, Groesbeck, Campbell, Dickenson, Bixby, Harris, Raser, Wanzenried, Branae, Cohenour, Henry, Hiner, Callahan, Buzzas, Windham, Eaton, Bergen, Caferro, , Kaufmann, Lenhart, Galvin-Halcro, Noonan, Dowell, Gutsche, Juneau, Small-Eastman, Becker, Clark, Lindeen, Furey, Matthews, Gallik, referred to Judiciary.

**HB 611**, introduced by Windy Boy, Bergen, Hansen, Caferro, Noonan, McAlpin, Eaton, Harrington, Ellingson, Musgrove, Williams, Buzzas, Tester, Pease, referred to Judiciary.

**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 Gallus in the chair.

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

**SB 48** - Senator Harrington moved **SB 48** do pass.

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**SB 48** - Senator Black moved **SB 48**, second reading copy, be amended as follows:

1. Title, line 6.

**Strike:** "THE CAP ON"

2. Title, line 7.

**Strike:** "AGGREGATE"

**Following:** "FROM"

**Insert:** "AN AGGREGATE OWNERSHIP OF LESS THAN"

**Strike:** "\$20,000"

**Insert:** "THE FIRST \$50,000 OF CLASS EIGHT PROPERTY"

3. Page 3, lines 7 and 8.

**Following:** "THE" on line 7

**Insert:** "first \$50,000 of"

**Strike:** "THAT" on line 7 through "PROPERTY" on line 8

Amendment **not** adopted as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 48** - Senator Harrington moved **SB 48** do pass. Motion carried as follows:

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

Total 30

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

Total 20

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 Tester in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg,

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Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 29

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**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 39** 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, 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

**HB 81** 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, 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

**HB 82** 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

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Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 135** 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, 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

**HB 156** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, 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 46

Nays: Esp, Gebhardt, Grimes, Lewis.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 158** 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, 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

**HB 208** 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, 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

**HB 224** 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, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.  
Total 45

Nays: Lind, Mangan, McGee, Smith, Wheat.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 273** 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, 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

**HB 437** 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith,

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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

**HB 537** 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, 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

**HB 557** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Williams.  
Total 44

Nays: Cooney, Hansen, O'Neil, Story, Wheat, Mr. President.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 13** 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, 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

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Excused: None.  
Total 0

**HJR 17** concurred in as follows:

Yeas: Bales, Balyeat, 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, Schmidt, Smith, Squires, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 43

Nays: Barkus, Esp, O'Neil, Ryan, Shockley, Stapleton, Story.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 29** 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, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 46

Nays: Hawks, Larson, Lind, Moss.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 493** passed as follows:

Yeas: Bales, 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, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 46

Nays: Balyeat, Curtiss, Steinbeisser, Story.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Schmidt introduced the pages for the week:

SENATE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 14, 2005

**"Adrienne Barnes:** Adrienne is a senior at Polson High School and is sponsored by Senator Brueggeman. She is active in choir, both at school and in the community. She is the president of Key Club, and participates in Relay for Life, and National Honors Society. Adrienne also aids with the Freshman Advisory Program."

**"Mike Halligan:** Mike is sponsored by Senator Squires and is the son of former Senator Mike Halligan."

**"Dylan Jensen:** Dylan is a junior at Hinsdale Public School, and is sponsored by Senator Kitzenberg. He is involved in various sports including, basketball and track. He also sings in the choir and plays in band. He's a member of National Honors Society and is in student council."

**"Ted Koenig:** Ted is a junior at Flathead High School. His sponsor is Jerry O'Neil. He is the president of Youth Group American Angus Association, and has participated in speech and debate. He is a member of 4-H and FFA."

**"Dusty Roberts:** Dusty is a senior at Baker High School. She is sponsored by Senator Bales. She serves as the Senior Class President, and is on the basketball and volleyball teams."

**"Jeff Ryan:** Jeff is a senior at Cascade High School. He is sponsored by Senator Lewis. He is a member of Business Professionals of America, and National Honors Society. He also plays football and basketball."

**"Keefe Toole:** Keefe is sponsored by Senator Toole, and is a sophomore at Helena High School. He enjoys snowboarding, camping and anything outdoors. He is also a member of the Winter Sports Club."

**"Emily Tutvedt:** Emily is a senior at Flathead High School, and is sponsored by Senator Barkus. She is the president of her 4-H club, and is a member of the golf team. She also is involved in speech and debate."

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Tuesday, March 15, 2005. Motion carried.

Senate adjourned at 3:13 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate