

SENATE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 21, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana  
March 21, 2005

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

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

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, 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: Hansen.  
Total 1

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the tenth legislative day, find the same to be correct.

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:**

3/21/2005

Correctly printed: **SB 509, HB 281, HB 351, HB 396, HB 409, HB 478, HB 555, HB 607, HB 702, HJR 1.**

Correctly engrossed: **SB 272, HB 349, HB 473, HB 737.**

Correctly enrolled: **SB 57, SB 61, SB 64, SB 117, SB 166, SB 243.**

Examined by the sponsor and found to be correct: **SB 16, SB 24, SB 51, SB 84, SB 98, SB 170, SB 171, SB 187, SB 188, SB 189, SB 235, SB 356.**

Signed by the Speaker at 11:10 a.m., March 21, 2005: **SB 16, SB 24, SB 51, SB 84, SB 98, SB 170, SB 171, SB 187, SB 188, SB 189, SB 235, SB 356.**

Signed by the Secretary of the Senate at 10:23 a.m., March 21, 2005: **SB 16, SB 24, SB 51, SB 84, SB 98, SB 170, SB 171, SB 187, SB 188, SB 189, SB 235, SB 356.**

Signed by the President at 9:15 a.m., March 21, 2005: **SB 16, SB 24, SB 51, SB 84, SB 98, SB 170, SB 171, SB 187, SB 188, SB 189, SB 235, SB 356.**

Delivered to the Governor for approval at 11:45 a.m., March 21, 2005: **SB 16, SB 24, SB 51, SB 84, SB 98, SB 170, SB 171, SB 187, SB 188, SB 189, SB 235, SB 356.**

**JUDICIARY** (Wheat, Chairman):  
**HB 349**, be amended as follows:

3/21/2005

1. Title, line 4 through line 6.

**Following:** the second "AN ACT"

**Strike:** remainder of line 4 through "ADMINISTRATION OF" on line 6. **Insert:** "REVISING"

2. Title, line 7.

**Following:** line 6

**Strike:** "STATUTES CONCERNING"

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3. Page 1, line 28 through line 29.

**Following:** "actions" on line 28

**Strike:** remainder of line 28 through "SECTION" on line 29

**Insert:** "acting within the scope of the officer's authority under this chapter, is not personally liable for the officer's actions"

4. Page 2, line 12 through line 13.

**Following:** line 11

**Strike:** "the state," on line 12 through "SECTION" line 13

**Insert:** "acting within the scope of the officer's authority under this chapter, is not personally liable for the officer's actions"

5. Page 2, line 15 through line 17.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

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

**PUBLIC HEALTH, WELFARE AND SAFETY** (Cromley, Chairman):  
**HB 555**, be concurred in. Report adopted.

3/21/2005

**TAXATION** (Elliott, Chairman):  
**SB 272**, introduced bill, be amended as follows:

3/21/2005

1. Page 2, line 11.

**Strike:** "full-time,"

2. Page 2, line 12.

**Following:** "year"

**Insert:** "for a full-time employee or a proportional reduction of that amount for a part-time employee"

3. Page 2, line 13.

**Strike:** "25%, when annualized,"

**Insert:** "50%"

**Strike:** "working less than 40 hours a week"

**Insert:** ", other than employees hired for a period of 90 days or less, scheduled to work less than 2,000 hours a year, which includes any paid annual leave, sick leave, medical leave, vacations, and holidays"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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

3/21/2005

**HB 327**, introduced by Groesbeck

**HB 541**, introduced by Glaser

**MOTIONS**

Majority Leader Ellingson moved that a Conference Committee be appointed for **SB 278**. Motion carried.

President Tester appointed Senator Wheat (Ch.), Senator Hansen, and Senator Black to the Conference Committee on **SB 278**.

Senator Ellingson moved **SB 146** be passed for the day for the purpose of amendment. Motion carried.

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Senator Perry moved his vote on **HB 269** be changed from "nay" to "aye". Motion carried.

Majority Leader Ellingson moved the Senate recess for the purpose of receiving an address by U.S. Congressman Dennis Rehberg. And further that, following the session, the Senate reconvene.

Senate recessed 12:52 p.m.

**SPECIAL ORDERS OF THE DAY**

Sgt-At-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaited outside the Chamber. Speaker Matthews requested Sgt-At-Arms Clark to admit the Honorable Senate to the House Chambers.

Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Father Jerry Lowney gave the invocation, followed by the Pledge of Allegiance.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from U.S. Congressman, the Honorable Dennis Rehberg. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a Committee of Four to notify U.S. Congressman Rehberg that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Tropila, Senator McGee, Representative Campbell and Representative Hendrick to escort The Honorable Congressman into the House Chambers.

The Committee escorted U.S. Congressman Rehberg into the chambers.

President Tester introduced U.S. Congressman Rehberg who delivered the following remarks:

"Distinguished members of the Legislature, honored guests, my fellow Montanans.

A famous newspaperman I often quote, Irvin Cobb, once said, "No speech can be entirely bad if it is short enough." So I'll try not to keep you long.

Thank you for allowing me time to be here today. It is truly a privilege to stand before you once again as Montana's Congressman to review my priorities for Montana in the U.S. House of Representatives.

Since I last spoke to you, two years ago, we've passed and the president has signed into law the Medicare Prescription Drug and Modernization Act. With this legislation, we've not only provided seniors with prescription drug coverage, but we've also added much-needed reforms to Medicare by addressing the need for preventive programs to help seniors with chronic illnesses maximize their health and well-being and minimize their visits to the emergency room and the hospital.

There's so much to be done in the area of health care. With nearly one-in-five Montanans uninsured, we need Small Business Health Care Plans that will enable farmers, ranchers and small business employees to access the same affordable health care choices and benefits enjoyed by employees of large companies. I applaud what you've accomplished this session on association health care plans, and have once again sponsored the Small Business Health Fairness Act, at the federal level, to help more Montanans get the care they need at a price they can afford.

At the same time, one of the things that has bothered me most since being a state legislator and Montana's Lt. Governor, has been the unfunded mandates that the federal government continues to drop onto states like Montana. Each year, our state has to spend millions complying with burdensome federal mandates that make it harder to provide cleaner air and water, collect and dispose of hazardous waste, and provide health care for the uninsured. We are making some progress, but much more can and will be done.

I think we can all agree that we also need to see that Social Security remains solvent for future generations. When the president visited Montana the day after his State of the Union Address, Senator Burns and I accompanied him on Air Force One. During that time, we had a chance to listen as he explained his Social Security presentation to the American people. I was impressed by his willingness to entertain and consider any suggestion that will preserve and protect Social Security. And while I'm willing to listen to all sides of the debate, I think I also have enough common sense to recognize when change isn't necessarily progress. One thing remains: we need to protect

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our seniors' Social Security benefits, while improving retirement security for our children and their children. But, we must remember, people forget how fast you did a job - but remember how well you did it.

Energy Policy - Let me say that America must also protect its interests and future by establishing a national energy policy. Four times, the House has passed a comprehensive energy bill, and four times the bill has become stalled in the Senate. As I've said many times, we needed a comprehensive energy plan twenty years ago. Our growing dependence upon foreign energy sources means we no longer have the luxury to wait until tomorrow.

And so, I'm going to urge my colleagues to do what we did last session, and once again pass a comprehensive energy policy that addresses ways to improve domestic production, as well as improve access to reliable electricity, new technologies, increased energy efficiency and increasing funding for low-income energy assistance. Let's give America a plan that funds clean-coal technology, enables the development of alternatives like ethanol, and encourages energy conservation.

Working on the energy bill has helped me to discover what a monumental task it is to get major legislation sent to the president. I think it was Woody Allen who said: "I don't want to achieve immortality through my work...I want to achieve it through not dying."

Well, you and I know that in our line of work, you can't achieve immortality, but you can successfully confront seemingly immortal achievements. For me, one of those has to be the Highway Bill that we passed in the House earlier this month. I was honored to be a member of the House and Senate Conference Committee that helped write this monumental legislation last year. Under the shadow of a threatened veto, our measure was delayed by disagreements in the Senate. But this year, after an 18-month delay, we finally have something everyone can agree on, a bill that will see highway funding for Montana increase to almost \$2 billion over the next six years.

The ramifications of this six-year highway construction measure are far-reaching. Every billion dollars spent on our highways translates into thousands of well paying jobs. These new highway investments will help stimulate Montana's own economy, as well as provide our state with better roads, bridges, and increased transit options, encouraging development and, above all, give us an economic return of \$6 for every \$1 spent.

The road construction season is before us. Congress needs to put politics aside and send legislation to the president he will sign.

One additional change since we last met: I asked for and now sit on the House Appropriations Committee. What a difference - I'm now getting my phone calls returned from bureaucrats. I have often said that the definition of a bureaucrat is a Democrat that has a job that a Republican wants. Both sides want more money. Both sides are going to have to give a little if we're going to balance the budget. Sound familiar? It was Herbert Hoover who once said: "It would be a lot easier to make ends meet if we didn't keep moving the ends."

I believe my subcommittee assignments are well-suited for promoting the interests of Montana.

At an Energy & Water Appropriations subcommittee hearing the other day, I had the opportunity to press the head of the Army Corps of Engineers to more strongly direct his agency to recognize our prolonged drought in Montana, and to do more to help us keep our water here.

Earlier this month, my Foreign Operations subcommittee held a face-to-face with Secretary of State Condoleezza Rice about State Department priorities and our financial commitments abroad. Back in the old days I used to think foreign relations was about how well we got along with North and South Dakota.

I'm also now on the Subcommittee on Military Quality of Life, from which the House oversees spending on programs involving Veterans Affairs, National Guard, reservists, military facilities, housing, and health programs. It's a real opportunity to both protect Malmstrom Air Force Base in the latest round of BRAC closures, and to upgrade its infrastructure and advocate a new Malmstrom mission.

One of the most important things we're focusing on this year is the effort to protect our borders. It's one of the reasons I asked to be on the House Appropriations Committee.

I've developed a multi-phased, Border Security Plan to address Montana's role in the war on terror, as well as the need to protect our state's agriculture economy, and finally, to put a stop to the flow of illegal drugs in and out of Montana.

As you know, Montana has the largest international border among the contiguous states. We have a role to play in securing our nation's border against the threat of terrorists. In recent months, Montana has received more than \$20 million from the Department of Homeland Security to enhance the capability of our state and local agencies to prevent and respond to incidents of terrorism involving the use of chemical, biological, radiological, nuclear or explosive weapons. Great Falls has been selected to base one of five Canadian border surveillance operations. Last

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month, the House passed legislation that tightens procedures for non-citizen entry into, and movements and activities within, the United States. The measure will also enable Montana's state government to bolster standards for the security and integrity of drivers' licenses.

But, there's another threat that involves our border, and that's the economic and health threat posed by BSE. That's why, for the past four years, I've been the chief advocate in the House for mandatory Country of Origin Labeling. As part of my Border Security Plan, I want our border with Canada to stay closed to live beef until questions have been adequately answered. I spent a couple of hours making that point to President Bush when we traveled together aboard Air Force One earlier this year. I've also had pointed discussions with Agriculture Secretary, Mike Johanns, telling him, "Let's reestablish our beef trade with Japan and Korea first before reopening the border with Canada." Our consumers deserve nothing less than the safest product; our producers deserve nothing less than market stability.

An even bigger and more immediate threat to Montana's communities is the flow of illegal drugs in and out of our state. Today, I'm announcing a five-point Methamphetamine Initiative designed to help Montana fight the growing specter of this terrible blight that threatens our families, communities, and even our environment. This five-point Methamphetamine Initiative, which I will call CLEAN UP PLUS, stands for Clean Learn Educate Abolish Neutralize and Undermine the Production of meth -- plus wages a war on international trafficking from Canada and Mexico. The initiative begins with enhanced enforcement. We must ensure that our prosecutors and law enforcement have all the tools and training they need to find and eradicate meth labs and prosecute those who operate them.

Second, we need to require federal funds to be used to help clean up methamphetamine laboratories, which produce hazardous conditions because of their use of chemicals such as anhydrous ammonia, ether, sulfuric acid, and other volatile, corrosive, and poisonous toxins. Meth traffickers dump these toxins in rivers, streams, and even household drains. Their illegal activity threatens neighborhoods with serious environmental damage and exposure to dangerous toxins. It's time to make the guilty pay the price for cleanup.

Third, we must create education grants to schools and other organizations to carry out programs to teach our young people the dangers of methamphetamine use to the public health and to the environment.

In addition, we must assist local hospitals and clinics with tools and training they need to treat methamphetamine abuse, especially children who suffer from the effects of methamphetamines or exposure to the production process.

And then we're going to go one step further: we'll ask the administration to do what we should have done ten years ago: force Canada and Mexico to step up and help the U.S. in keeping their drugs from crossing our borders.

These are the things I am ready to fight for in Congress. But government can't do this alone. If we really want to put a stop to this terrible scourge in our society, private citizens and organizations must recognize they, too, have a stake in this. Today I challenge all Montanans to join this fight; take responsibility for what you see happening in your community. Together, we can send a message out to our kids that methamphetamine hurts communities, damages the environment, and destroys the lives of people who use it. As part of the initiative, I will also begin immediately calling and meeting with private individuals, foundations, and corporations to create public-private funding opportunities. I hope to announce our first successful partnership by this summer.

Perhaps Ronald Reagan put it best when he said, "It is up to us...to work together for progress and humanity so that our grandchildren, when they look back at us, can truly say that we not only preserved the flame of freedom, but cast its warmth and light further than those who came before us."

You and I are Montanans. We share the common goal of a better Montana. Together, you and I have a role to play if we're to reach that goal.

But, I am reminded of Ben Franklin's belief that state officeholders like you are the real participants in the "laboratories of democracy" and therefore "you alone should be the architects of a states' destiny." It's your contracts with the United States that render such promise. The tenth amendment reads "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, as to the people." I believe that, and I honor, respect, and thank you for your service to Montana.

May God bless you and may God bless our wonderful state."

President Tester thanked Congressman Rehberg and directed the Committee of Four to escort U.S. Congressman Rehberg from the Chamber.

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Senate Majority Leader Ellingson moved the joint session adjourn. Motion carried.

**Joint Session adjourned 1:30 p.m.**  
**Senate reconvened 1:36 p.m.**

Roll Call. All members present except, Black, O'Neil, Smith, Squires, Steinbeisser, and Tropila. Quorum present.

Yeas: Bales, 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, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Stapleton, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 42

Nays: Balyeat, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Black, O'Neil, Smith, Squires, Steinbeisser, Tropila.  
Total 6

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 327**, introduced by Groesbeck, Bergren, Jopek, Driscoll, Jent, Sesso, McAlpin, Musgrove, Henry, Hiner, Noonan, Keane, Galvin-Halcro, Golie, Wilson, Small-Eastman, McNutt, Dowell, Jayne, Harris, Eaton, Dickenson, Hamilton,, referred to Public Health, Welfare and Safety.  
**HB 541**, introduced by Glaser, Hendrick, Maedje, Sonju, D. Brown, Lambert, R. Brown, Taylor, Wagman, Morgan, Ward, L. Jones, referred to Taxation.

**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 Moss in the chair.

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

**HB 420** - Senator Harrington moved consideration of **HB 420** be passed for the day. Motion carried.

**HB 457** - Senator Harrington moved consideration of **HB 457** be passed for the day. Motion carried.

**HB 520** - Senator Harrington moved consideration of **HB 520** be passed for the day. Motion carried.

**HB 738** - Senator Harrington moved consideration of **HB 738** be passed for the day. Motion carried.

**HB 281** - Senator Barkus moved **HB 281** be concurred in. Motion carried unanimously.

**HB 351** - Senator Tester moved **HB 351** be concurred in. Motion carried unanimously.

**HB 396** - Senator Squires moved **HB 396** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.  
Total 46

Nays: Cromley, Wheat.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Cobb, Stapleton.  
Total 2

**HB 409** - Senator Mangan moved **HB 409** be concurred in. Motion carried unanimously.

**HB 473** - Senator Mangan moved **HB 473** be concurred in.

**HB 473** - Senator Gebhardt moved **HB 473**, second reading copy, be amended as follows:

1. Page 1, line 18.

**Following:** "NONFLAMMABLE"

**Strike:** "FIRE RING"

**Insert:** "structure and for which a suitable source of extinguishing the fire is available"

Amendment adopted unanimously.

**HB 473** - Senator Mangan moved **HB 473**, as amended, be concurred in. Motion carried with Senator Curtiss voting nay.

**HB 478** - Senator Laslovich moved **HB 478** be concurred in. Motion carried unanimously.

**HB 607** - Senator Gebhardt moved **HB 607** be concurred in. Motion carried unanimously.

**HB 702** - Senator Bales moved **HB 702** be concurred in. Motion carried unanimously.

**HB 737** - Senator Esp moved **HB 737** be concurred in.

**HB 737** - Senator Ellingson moved **HB 737**, second reading copy, be amended as follows:

1. Title, lines 18.

**Following:** "ABORTION;"

**Insert:** "REMOVING THE PROHIBITION AGAINST A PHYSICIAN ASSISTANT PERFORMING AN  
ABORTION;"

2. Page 7, line 3.

**Strike:** "NOT"

3. Page 28, line 8.

**Following:** "assistant"

**Insert:** "or physician assistant"

4. Page 28, line 23.

**Strike:** "NOT"

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Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.

Total 22

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 737** - Senator Cromley moved **HB 737**, as amended, be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.

Total 22

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HJR 1** - Senator Schmidt moved **HJR 1** be concurred in. Motion carried unanimously.

**SB 509** - Senator Harrington moved **SB 509** do pass. Motion carried as follows:

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

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

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



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**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 17** 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 44** 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 46** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, 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 47

Nays: Bales, Gebhardt, Laible.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 88** concurred in as follows:

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

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

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 100** concurred in as follows:

Yeas: Balyeat, Barkus, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Mr. President.  
Total 37

Nays: Bales, Black, Cooney, Ellingson, Hansen, Hawks, Lewis, Mangan, Ryan, Schmidt, Toole, Wheat, Williams.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 113** concurred in as follows:

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

Nays: Balyeat, Esp, Keenan, Stapleton, Steinbeisser, Story.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 162** 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

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 201** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 44

Nays: Bales, Esp, Keenan, McGee, Stapleton, Steinbeisser.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 225** 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 269** concurred in as follows:

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

Nays: Bales, Barkus, Brueggeman, Cobb, Curtiss, Esp, Keenan, Lewis, McGee, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 377** concurred in as follows:

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Yeas: Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 481** concurred in as follows:

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

Nays: Bales, Curtiss, Gebhardt, Keenan, McGee, O'Neil, Stapleton.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 556** 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 653** 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, 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: McGee.  
Total 1

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 660** 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 709** 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

**HJR 5** 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, 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, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 117** passed as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 275** passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 42

Nays: Bales, Balyeat, Barkus, Essmann, McGee, O'Neil, Shockley, Steinbeisser.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Squires introduced the pages for the week:

**"Sam Geisser:** Sam is sponsored by Senator Balyeat. He is from Townsend, and is involved in a number of activities. He is on the basketball team, and volunteers as a Little League baseball coach, and is a volunteer with Heaven Sent Ministry to the Poor."

**"Marilyn Bennett:** Marilyn is sponsored by Senator O'Neil and is involved in speech and debate. She volunteers as a bell ringer for the Salvation Army, and helps serve at a community kitchen."

**"Mariah Childs:** Mariah is a junior at Seeley-Swan High School. She is a member of student council, band, basketball, track and field, drama and she volunteers at the Swan Ecosystem Center."

**"Kate Dramstead:** Kate is from Helena, but attends St. Paul's school in New Hampshire. She is sponsored by Senator Cromley. She is involved in Carroll College gifted institute, and she won the AGATE scholarship in 2004."

**"Nicole Garramon:** Nicole is a junior at Choteau High School, and is sponsored by Senator Cobb. She is involved in Close-up, basketball, tennis, Montana Youth Tobacco Coalition, and is a HOBY Scholar. She is also the school newspaper editor, and Class Vice President."

**"Christine Haaland:** Chirstine is sponsored by Senator Story, and is a junior at Absarokee High School. She is involved in cheerleading, track, drama, volleyball, Swing Choir and National Honor Society."

**"Renaë Roush:** Renaë is sponsored by Senator Barkus, and is the granddaughter to Senator Roush. She is a Montana All-star Cheerleader, and is a camp counselor during the summer months."

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Tuesday, March 22, 2005. Motion carried.

Senate adjourned at 3:20 p.m.

**BILL LOMBARDI**  
Secretary of Senate

**JON TESTER**  
President of the Senate