

**SENATE JOURNAL
59TH LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 29, 2005

Senate Chambers
State Capitol

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

Roll Call. All members present, except Senators Gillan and Squires, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, 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, Roush, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Gillan, Squires.
Total 2

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/29/2005
Correctly printed: **SB 445, SB 477, SB 499, HB 142, HB 179, HB 220, HB 230, HB 385, HB 668, HB 688.**
Correctly engrossed: **SB 511, SB 513, HB 63, HB 192, HB 453.**
Correctly enrolled: **SB 152.**

FINANCE AND CLAIMS (Cooney, Chairman): 3/29/2005
HB 63, be amended as follows:

1. Title, page 1, line 20.

Following: "DEADLINES:"

Insert: "PROVIDING FOR UNIFIED AND JOINT BOARD INTERDISTRICT AGREEMENTS;"

2. Page 17, line 20.

Strike: "Except as provided in subsection (8), when"

Insert: "When"

3. Page 17, line 29.

Following: "(3)"

Strike: "When "

Insert: "Except as provided in subsection (8), when"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

4. Page 26, line 11.

Following: line 10

Insert: "NEW SECTION. Section 23. Unified and joint board interdistrict agreements. (1) The trustees of any two school districts that have unified pursuant to 20-6-312 or that have created a joint board of trustees pursuant to 20-3-361 may enter into an interdistrict agreement to provide for the joint funding and operation and maintenance of both districts upon the terms and conditions as may be mutually agreed to by the districts subject to the conditions of this section. An agreement must be approved by the board of trustees of both districts.

(2) All expenditures in support of the interdistrict agreement may be made from the interlocal cooperative fund as specified in 20-9-703 and 20-9-704. Each district may transfer funds into the interlocal cooperative fund from the general fund of the district. Transfers to the interlocal cooperative fund from each school district are limited to an amount not to exceed the direct state aid in support of the respective school district's general fund.

(3) Expenditures from the interlocal cooperative fund under this section are limited to those expenditures that are permitted by law and that are within the final budget for the general fund from which the transfer was made."

Renumber: subsequent sections

5. Page 26, line 16.

Following: line 15

Insert: "NEW SECTION. Section 25. Codification instruction. [Section 23] is intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3, apply to [section 23]."

Renumber: subsequent sections

6. Page 26, line 17.

Strike: "16"

Insert: "15"

7. Page 26, line 20.

Strike: "AND 17 THROUGH 25"

Insert: "17 through 19, and 21 through 27"

8. Page 26, line 22.

Strike: "[Section 10] is"

Insert: "[Sections 10 and 20] are"

Strike: "APPLIES"

Insert: "apply"

9. Page 26, line 26.

Following: line 25

Insert: "(6) [Section 16] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to the preparation of school budgets for the 2006 school fiscal year."

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

HIGHWAYS AND TRANSPORTATION (Pease, Chairman):

3/29/2005

HB 688, be concurred in. Report adopted.

TAXATION (Elliott, Chairman):

3/29/2005

SB 513, introduced bill, be amended as follows:

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

1. Title, line 14 through line 15.

Following: "TAX TREATMENT"

Strike: "TO" on line 14 through "TAX" on line 15

2. Title, line 29.

Strike: "15-31-114, 15-31-119,"

3. Page 16, line 12.

Following: line 11

Insert: "(iv) the Montana real estate is being relinquished in an exchange in which gain and loss is not recognized pursuant to section 1031 of the Internal Revenue Code, 26 U.S.C. 1031;"

Renumber: subsequent subsections

4. Page 16, line 27.

Following: "taxable"

Insert: "-- report to interim committee"

Following: "."

Insert: "(1)"

5. Page 16, line 30.

Insert: "(2) The department shall report to the revenue and transportation interim committee regarding differences between Montana law and federal law and methods of conforming Montana law to federal law on taxation of net recognized built-in gain of an S. corporation."

6. Page 26, line 13 through line 15.

Strike: "; and" on line 13 through "15-31-114" on line 15

7. Page 33, line 6.

Following: ";

Insert: "and"

8. Page 33, line 11.

Strike: "; and"

Insert: "."

9. Page 33, line 12 through line 17.

Strike: subsection (iii) in its entirety

10. Page 33, line 24.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

Strike: "(a)" through "the"
Insert: "The"

11. Page 33, line 26 through page 35, line 3.
Strike: "(b)" on page 33, line 26 through "renumbered." on page 35, line 3

12. Page 35, line 11 through page 39, line 26.
Strike: sections 22 and 23 in its entirety
Renumber: subsequent sections

13. Page 42, line 16.
Following: line 15
Insert: "(2) [Section 13] applies to the built-in gain of a small business corporation for which an election under 1362(a) of the Internal Revenue Code, 26 U.S.C. 1362(a), is made after June 30, 2005."
Renumber: subsequent subsection

14. Page 42, line 16.
Strike: "13"
Insert: "14"
Strike: "26"
Insert: "24"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

HB 540, introduced by Dickenson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/29/2005

Yeas - 81
Nays - 17

HB 748, introduced by Wells, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/29/2005

Yeas - 99
Nays - 0

House bills passed and transmitted to the Senate for concurrence:

3/29/2005

HB 6, introduced by Witt
HB 7, introduced by Callahan
HB 35, introduced by Jent
HB 76, introduced by Buzzas

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

HB 89, introduced by Witt
HB 99, introduced by Lange
HB 140, introduced by Parker
HB 173, introduced by Heinert
HB 204, introduced by Witt
HB 235, introduced by Lange
HB 249, introduced by Lindeen
HB 264, introduced by Windham
HB 277, introduced by Maedje
HB 288, introduced by Noennig
HB 326, introduced by Peterson
HB 336, introduced by Lange
HB 379, introduced by Windy Boy
HB 395, introduced by Becker
HB 423, introduced by Stahl
HB 435, introduced by Branae
HB 438, introduced by Buzzas
HB 440, introduced by Wiseman
HB 482, introduced by Lindeen
HB 484, introduced by L. Jones
HB 512, introduced by Witt
HB 531, introduced by Franklin
HB 552, introduced by Caferro
HB 643, introduced by Dowell
HB 667, introduced by Wanzenried
HB 687, introduced by Mendenhall
HB 695, introduced by Jayne
HB 704, introduced by Windy Boy
HB 707, introduced by Groesbeck
HB 740, introduced by Heinert
HB 742, introduced by Buzzas
HB 745, introduced by Matthews
HB 749, introduced by Ripley
HB 757, introduced by L. Jones
HB 772, introduced by Facey
HB 782, introduced by McNutt
HB 790, introduced by Peterson
HB 796, introduced by Callahan

MOTIONS

Senator Cooney moved **HB 476** be taken from third reading and referred to Senate Finance and Claims. Motion carried.

Senator Tash moved to blast **HJR 9** from the table in Senate Natural Resources to second reading. Motion failed as follows:

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

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

Total 24

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

Total 24

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

Senator Ryan moved **HB 181** be taken from Senate Education and Cultural Resources and placed in Senate Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 4, introduced by Musgrove (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 5, introduced by Wells (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 6, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 7, introduced by Callahan (by request of the Department of Natural Resources and Conservation, the Office of Budget and Program Planning), referred to Finance and Claims.

HB 8, introduced by Witt (by request of the Department of Natural Resources and Conservation, the Office of Budget and Program Planning), referred to Finance and Claims.

HB 9, introduced by Witt (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 11, introduced by McNutt (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 12, introduced by Sesso (by request of the Department of Environmental Quality and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 22, introduced by McNutt (by request of the Environmental Quality Council), referred to Judiciary.

HB 35, introduced by Jent (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Finance and Claims.

HB 76, introduced by Buzzas (by request of the Legislative Finance Committee), referred to Finance and Claims.

HB 89, introduced by Witt (by request of the Department of Justice), referred to Taxation.

HB 99, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.

HB 140, introduced by Parker, referred to Business, Labor, and Economic Affairs.

HB 148, introduced by Lambert (by request of the Public Employees' Retirement Board), referred to Finance and Claims.

HB 173, introduced by Heinert (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

HB 204, introduced by Witt (by request of the Department of Justice), referred to Judiciary.

HB 235, introduced by Lange, R. Brown, Himmelberger, McGillvray, Sinrud, Warden, Wagman, referred to Fish and Game.

HB 249, introduced by Lindeen, Gillan, Bergren, Branae, Brueggeman, Callahan, Campbell, Clark, Cooney, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Golie, Grinde, Hamilton, Harris, Jacobson, Jayne, Laslovich, Matthews, Mendenhall, Noennig, Parker, Pease, Ryan, Sinrud, Tester, Tropila, Wanzenried, Wilson, Witt, Barkus,

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

Hawks, Weinberg, Eaton, Jopek, Groesbeck, A. Olson, Windham, Driscoll, Groesbeck, Cocchiarella, Becker, McGillvray, Harrington, Larson, Noonan, Gallus, Roberts, Sesso, Small-Eastman, Gebhardt, Lenhart, Ellingson, referred to Finance and Claims.

HB 264, introduced by Windham, referred to Judiciary.

HB 277, introduced by Maedje, Curtiss, Heinert, referred to Finance and Claims.

HB 288, introduced by Noennig, R. Brown, Himmelberger, Parker, McGee, Lange, referred to State Administration.

HB 299, introduced by Wells, referred to Finance and Claims.

HB 326, introduced by Peterson, Clark, referred to Judiciary.

HB 336, introduced by Lange, referred to Public Health, Welfare and Safety.

HB 379, introduced by Windy Boy, Bergren, Pease, Gutsche, Hansen, Henry, Campbell, Toole, Hamilton, Wanzenried, Lambert, Musgrove, Caffero, Dickenson, Maedje, Small-Eastman, Windham, Franklin, Hiner, referred to Finance and Claims.

HB 395, introduced by Becker, Eaton, Driscoll, Grinde, referred to Judiciary.

HB 423, introduced by Stahl, Kitzenberg, referred to Fish and Game.

HB 435, introduced by Branae, Hiner, Wanzenried, Facey, Clark, Grinde, Callahan, Matthews, Windham, Wiseman, A. Olson, Williams, B. Olson, Small-Eastman, Lindeen, Gutsche, Cohenour, Bixby, Sesso, Gillan, Dowell, Raser, Laslovich, Campbell, Dickenson, Schmidt, Cooney, Gallus, Lenhart, Kitzenberg, Musgrove, Harrington, Cocchiarella, Bergren, Hanson, Hamilton, Parker, Becker, Moss, McAlpin, Driscoll, Golie, Tropila, Windy Boy, Toole, Wheat, Tester, Roush, Keane, Squire, Ellingson, Henry, Mangan, Noonan, Wilson, Jopek, Larson, Harris, Franklin, Facey, Weinberg, Warden, Ryan, Eaton, Arntzen, Groesbeck, Jacobson, Villa, Roberts, Lind, referred to Education and Cultural Resources.

HB 438, introduced by Buzzas, Lewis, referred to Education and Cultural Resources.

HB 440, introduced by Wiseman, Cohenour, Roberts, Wanzenried, Warden, referred to Agriculture, Livestock and Irrigation.

HB 482, introduced by Lindeen, Larson, Lake, Bergren, Tester, Sinrud, Witt, Bales, Matthews, Maedje, Lange, Stahl, Ripley, referred to Agriculture, Livestock and Irrigation.

HB 484, introduced by L. Jones, Wanzenried, Butcher, Windham, Lambert, referred to Business, Labor, and Economic Affairs.

HB 512, introduced by Witt, Black, referred to Highways and Transportation.

HB 531, introduced by Franklin, Dickenson, Schmidt, Callahan, Mangan, Tropila, Gillan, McKenney, Galvin-Halcro, Golie, Wilson, Wheat, Witt, Cobb, Kitzenberg, Black, referred to Finance and Claims.

HB 540, introduced by Dickenson, Galvin-Halcro, Sesso, Noonan, Callahan, Smith, Campbell, Gillan, Cohenour, Jacobson, Lindeen, Eaton, Harrington, Schmidt, Becker, Musgrove, Tester, Raser, Golie, McAlpin, Wilson, Dowell, Toole, Groesbeck, Grinde, Branae, Franklin, Cromley, Caferro, Villa, Kitzenberg, Laslovich, Larson, Wiseman, Furey, Gallus, Keane, Stahl, Milburn, Hamilton, Ryan, Hiner, Moss, Small-Eastman, Mangan, Ward, referred to Finance and Claims.

HB 552, introduced by Caferro, Henry, A. Olson, referred to Public Health, Welfare and Safety.

HB 643, introduced by Dowell, Roberts, McAlpin, Ward, Wanzenried, referred to Judiciary.

HB 667, introduced by Wanzenried, Tester, Arntzen, Lind, Brueggeman, McNutt, Matthews, Kitzenberg, A. Olson, Roberts, Cocchiarella, Klock, referred to Taxation.

HB 673, introduced by Butcher, referred to Highways and Transportation.

HB 687, introduced by Mendenhall, referred to Business, Labor, and Economic Affairs.

HB 695, introduced by Jayne, Windham, Hiner, Caferro, referred to Judiciary.

HB 704, introduced by Windy Boy, Keenan, Jacobson, Caferro, R. Brown, Barrett, Grimes, referred to Public Health, Welfare and Safety.

HB 707, introduced by Groesbeck, referred to Fish and Game.

HB 740, introduced by Heinert, Curtiss, Maedje, referred to Public Health, Welfare and Safety.

HB 742, introduced by Buzzas, Harris, Dickenson, Gutsche, Wiseman, Henry, Musgrove, Kaufmann, Raser, Hamilton, Roberts, Franklin, Dowell, A. Olson, Hiner, Lambert, Wanzenried, Lenhart, referred to Judiciary.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

HB 745, introduced by Matthews, Cooney, referred to Finance and Claims.

HB 748, introduced by Wells, referred to Finance and Claims.

HB 749, introduced by Ripley, Kaufmann, Morgan, Jayne, Matthews, Witt, R. Brown, referred to Public Health, Welfare and Safety.

HB 757, introduced by L. Jones, Black, Tester, Bergren, Peterson, Butcher, Kitzenberg, Witt, Bales, referred to Highways and Transportation.

HB 758, introduced by McNutt, Maedje, L. Jones, Larson, Roush, Curtiss, A. Olson, Peterson, Matthews, Steinbeisser, Witt, Klock, O'Neil, Story, referred to Taxation.

HB 772, introduced by Facey, Gillan, Harrington, Jacobson, Larson, Wiseman, referred to Business, Labor, and Economic Affairs.

HB 782, introduced by McNutt, Wheat, referred to Judiciary.

HB 790, introduced by Peterson, Roush, Larson, , Matthews, Wanzenried, Tester, Gebhardt, Brueggeman, referred to Natural Resources.

HB 796, introduced by Callahan, Hiner, Hawk, , Sesso, Witt, referred to Finance and Claims.

**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 Tropila in the chair.

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

SB 445 - Senator McGee moved **SB 445** do pass. Motion carried with Senators Cobb and Hansen voting nay.

HB 159 - Senator Ellingson moved consideration of **HB 159** be passed for the day. Motion carried.

SB 477 - Senator Elliott moved **SB 477** do pass. Motion carried with Senator Cobb voting nay.

SB 511 - Senator Mangan moved **SB 511** do pass.

SB 511 - Senator Mangan moved **SB 511**, second reading copy, be amended as follows:

1. Page 9, line 28.

Following: "(1)(j)"

Strike: "1"

Insert: ": (a) "purchase" means an acquisition of stock if:

(i) the basis of the stock in the hands of the purchaser is not determined in whole or in part by reference to the adjusted basis of the stock in the hands of the person from whom the stock is acquired;

(ii) the basis of the stock in the hands of the purchaser is not determined under section 1014(a) of the Internal Revenue Code, 26 U.S.C. 1014(a);

(iii) the stock is not acquired in an exchange to which section 351, 354, 355, or 356 of the Internal Revenue Code, 26 U.S.C. 351, 354, 355, or 356, applies and is not acquired in any other transactions described in U.S. treasury regulations in which the transferor does not recognize the entire amount of the gain or loss realized on the transaction; and

(iv) the stock is not acquired from a person the ownership of whose stock would be attributed, under section 318(a) of the Internal Revenue Code, 26 U.S.C. 318(a), to the person acquiring the stock; and (b)"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

2. Page 9, line 29.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

New Section due to clerical

2A. Page 10, line 12.

Strike: "(i)"

Insert: "(A)"

Renumber: subsequence subsections

3. Page 10, line 10.

Strike: "(3)(f)"

Insert: "(3)(b)(vi)"

4. Page 12, line 10.

Strike: "15-1-121(3)"

Insert: "15-30-121(3)"

Amendment adopted unanimously.

SB 511 - Senator Mangan moved **SB 511**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Kitzenberg, Laible, Larson, Laslovich, Mangan, McGee, Moss, Pease, Roush, Ryan, Shockley, Stapleton, Story, Tropila, Wheat, Williams, Mr. President.

Total 32

Nays: Cobb, Cooney, Elliott, Grimes, Hawks, Keenan, Lewis, Lind, O'Neil, Perry, Schmidt, Smith, Steinbeisser, Tash, Toole, Weinberg.

Total 16

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

SB 499 - Senator Keenan moved **SB 499** do pass. Motion carried unanimously.

HB 192 - Senator Roush moved **HB 192** be concurred in.

HB 192 - Senator Roush moved **HB 192**, second reading copy, be amended as follows:

1. Page 19, line 29.

Strike: "11.41%"

Insert: "18.25%"

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

2. Page 20, line 6.

Following: "each driver's license fee"

Insert: ", 2.5% of each commercial driver's license fee, "

3. Page 20, line 14.

Strike: "10.59%"

Insert: "16.94%"

4. Page 20, line 18.

Strike: "78%"

Insert: "62.31%"

Amendment adopted unanimously.

HB 192 - Senator Roush moved **HB 192**, as amended, be concurred in. Motion carried with Senators Gebhardt and O'Neil voting nay.

HB 142 - Senator Mangan moved **HB 142** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, 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 45

Nays: None.

Total 0

Absent or not voting: Black, Brueggeman, Gebhardt.

Total 3

Excused: Gillan, Squires.

Total 2

HB 179 - Senator Grimes moved **HB 179** be concurred in. Motion carried unanimously.

HB 220 - Senator Laible moved **HB 220** be concurred in. Motion carried with Senator McGee voting nay.

HB 230 - Senator Laible moved **HB 230** be concurred in. Motion carried unanimously.

HB 385 - Senator Cromley moved **HB 385** be concurred in. Motion carried unanimously.

HB 453 - Senator Williams moved **HB 453** be concurred in.

HB 453 - Senator Williams moved **HB 453**, second reading copy, be amended as follows:

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

1. Page 7, line 7.

Strike: "\$250"

Insert: "\$50"

Amendment adopted unanimously.

HB 453 - Senator Williams moved **HB 453**, as amended, be concurred in. Motion carried as follows:

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

Total 26

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

Total 22

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

HB 453 - Senator Moss moved **HB 453** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Cromley, Ellingson, Essmann, Gallus, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Esp, Gebhardt, Keenan, Laible, Lewis, McGee, O'Neil, Smith, Stapleton, Steinbeisser, Tropila.

Total 19

Absent or not voting: Elliott.

Total 1

Excused: Gillan, Squires.

Total 2

HB 668 - Senator Ryan moved **HB 668** 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 Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

THIRD READING OF BILLS

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

SB 133 passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Roush, Ryan, Schmidt, Smith, Stapleton, Tropila, Weinberg, Wheat, Mr. President.

Total 32

Nays: Bales, Balyeat, Ellingson, Elliott, Esp, Grimes, Keenan, Lewis, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash, Toole, Williams.

Total 16

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

SB 501 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, 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, Wheat, Williams, Mr. President.

Total 45

Nays: Cobb, Hansen, Weinberg.

Total 3

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

HB 236 concurred in as follows:

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

Total 42

Nays: Bales, Laible, McGee, Steinbeisser, Story, Tash.

Total 6

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

Absent or not voting: None.
Total 0

Excused: Gillan, Squires.
Total 2

SB 110 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, 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, Roush, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Squires.
Total 2

SB 152 passed as follows:

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

Nays: Balyeat, Curtiss, Keenan, Shockley, Stapleton.
Total 5

Absent or not voting: None.
Total 0

Excused: Gillan, Squires.
Total 2

SB 319 passed as follows:

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

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

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

Total 20

Paired: Gillan, Squires, Ayes; Story, Tash, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 358 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, 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, Roush, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 47

Nays: Cooney.

Total 1

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

SB 428 passed as follows:

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

Total 44

Nays: Bales, Balyeat, Keenan, O'Neil.

Total 4

Absent or not voting: None.

Total 0

Excused: Gillan, Squires.

Total 2

SB 507 passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Roush, Schmidt, Shockley, Smith, Stapleton, Story, Tash, Toole, Tropila, Wheat, Williams, Mr. President.

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

Total 36

Nays: Balyeat, Barkus, Curtiss, Esp, Keenan, Laible, Lewis, O'Neil, Perry, Ryan, Steinbeisser, Weinberg.
Total 12

Absent or not voting: None.
Total 0

Excused: Gillan, Squires.
Total 2

SJR 30 adopted as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 41

Nays: Bales, Balyeat, Esp, McGee, O'Neil, Shockley, Steinbeisser.
Total 7

Absent or not voting: None.
Total 0

Excused: Gillan, Squires.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Schmidt introduced each page individually by reading the following:

"Jennifer Cantwell: Jennifer is sponsored by Senator Gebhardt. She is a senior at Butte High School. She enjoys camping, snowmobiling, traveling and shopping."

"Chase Giacomo: Chase is sponsored by Senator Weinberg, and is a junior at Whitefish High School. He is on the soccer, track and debate teams, and is a member of Key Club."

"Caitlin Gallagher: Caitlin is sponsored by Senator Mangan. She is involved in cross country and track. She is also a member of the orchestra, and assists with Vacation Bible School in the summer months."

"Brent Grimes: Brent is sponsored by his dad, Senator Grimes. He attends Helena High School. He is a wrestler for the Bengals. He likes to play basketball for fun, but more than anything he enjoys relaxing."

"Riley Hanson: Riley is a junior at Capital High School, and is sponsored by Senator Toole. He is a member of Speech and Debate, and volunteers at St. Peter's Hospital, and plays Babe Ruth Baseball."

"Brittney Johnson: Brittney is a senior at Helena Christian School, and is sponsored by Senator Grimes. She is on the volleyball team, and is a statistics keeper for the Helena Home School Basketball team."

SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 29, 2005

"Kaitlin Lynch: Kaitlin is a junior at Butte High School, and is sponsored by Senator Gallus. She is a member of VICA, the Vocational Club, and Art Club."

"Chris McFadden: Chris is sponsored by Senator Roush. He is from Kevin, and is a senior at North Toole County High School. He is involved in FCCLA, Individual Science Investigation, and Science Symposium in Salt Lake. He is also a member of the basketball, track, football and golf teams."

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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

Senate adjourned at 3:12 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate