

**SENATE JOURNAL  
59TH LEGISLATURE  
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
April 4, 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. 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

Senate recessed. 1:04 p.m.  
Senate reconvened 1:24 p.m.

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

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

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

Absent or not voting: None.  
Total 0

Excused: Cocchiarella, Gillan, Squires.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL:**

4/4/2005

Correctly printed: **SB 271, SB 524, SB 525, SJR 31, SJR 34, SJR 36, SJR 37, SJR 38, HB 7, HB 8, HB 9, HB 99,**

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**HB 104, HB 105, HB 109, HB 169, HB 177, HB 213, HB 264, HB 272, HB 297, HB 324, HB 332, HB 418, HB 440, HB 482, HB 522, HB 624, HB 645, HB 684, HB 688, HB 693, HB 732, HB 742, HB 746, HJR 12, HJR 19.**

Correctly engrossed: **HB 2, HB 60, HB 395, HB 672.**

Correctly enrolled: **SB 38, SB 61, SB 325, SB 329, SB 347, SB 369, SJR 19, SJR 23.**

Examined by the sponsor and found to be correct: **SB 375.**

Signed by the Speaker at 9:00 a.m., April 4, 2005: **SB 375.**

Signed by the President at 12:15 p.m., April 4, 2005: **SB 375.**

Signed by the Secretary of the Senate at 12:00 p.m., April 4, 2005: **SB 375.**

Delivered to the Governor for approval at 3:30 p.m., April 4, 2005: **SB 375.**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):

4/4/2005

**HB 440**, be concurred in. Report adopted.

**HB 482**, be concurred in. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

4/4/2005

**HB 522**, be concurred in. Report adopted.

**HB 624**, be concurred in. Report adopted.

**HB 672**, be amended as follows:

1. Page 1, line 26.

**Following:** "20-9-543"

**Insert:** "to be used only for facility repair and maintenance"

2. Page 2, line 29.

**Following:** "(2)"

**Insert:** "(a)"

3. Page 3.

**Following:** line 1

**Insert:** "(b) The unreserved fund balance of the general fund that is transferred to the school flexibility fund may be used only for facility repair and maintenance."

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

**FINANCE AND CLAIMS** (Cooney, Chairman):

4/4/2005

**HB 2**, be amended as follows:

1. Page A-1, line 4.

**Strike:** "4,685,823 4,900,519" [general fund FY06 and FY07]

**Insert:** "4,438,074 4,842,848" [general fund FY06 and FY07]

2. Page A-1.

**Following:** line 4

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**Insert:** "a. Interim School Funding Study (Restricted/Biennial) 200,000" [general fund FY 06]

3. Page A-1, line 6.

**Strike:** "554,138" [general fund FY06]

**Insert:** "419,732" [general fund FY06]

4. Page A-1, line 10.

**Strike:** "1,560,121 1,415,411" [state special fund FY06 and FY07]

**Insert:** "1,501,291 1,361,872" [state special fund FY06 and FY07]

5. Page A-1.

**Following:** line 13

**Insert:** "Interim School Funding Study is contingent upon passage and approval of a bill directing an interim study of the school funding formula."

6. Page A-1, line 19.

**Strike:** "~~219,354~~ 219,354" [state special fund FY06 and FY07]

**Insert:** "250,000 250,000" [state special fund FY06 and FY07]

7. Page A-2, line 1.

**Strike:** "1,519,312 1,518,109" [state special fund FY06 and FY07]

**Insert:** "173,530 181,370" [state special fund FY06 and FY07]

8. Page A-2, line 2.

**Strike:** "~~3,763,760~~ 4,104,420" [general fund FY06 and FY07]

**Insert:** "5,399,501 5,357,696" [general fund FY06 and FY07]

9. Page A-2, line 15.

**Strike:** "29,719,790 30,108,259" [general fund FY06 and FY07]

**Insert:** "29,979,801 22,178,591" [general fund FY06 and FY07]

10. Page A-3.

**Following:** line 13

**Insert:** "If Senate Bill No. 146 is not passed and approved, Supreme Court Operations is increased by \$43,725 in general fund money in fiscal year 2007. If Senate Bill No. 146 is not passed and approved, District Court Operations is decreased by \$209,508 in general fund money in fiscal year 2006 and increased by \$8,093,435 in general fund money in fiscal year 2007.

If Senate Bill No. 406 is not passed and approved, Supreme Court Operations is reduced by \$23,530 in fiscal year 2006 and by \$31,370 in fiscal year 2007 in state special revenue.

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If House Bill No. 536 is not passed and approved, Supreme Court Operations is decreased by \$1,935,000 in general fund money in each fiscal year of the 2007 biennium.

If Senate Bill No. 18 is not passed and approved, District Court Operations is reduced by \$157,477 in general fund money in fiscal year 2006 and by \$270,615 in general fund money in fiscal year 2007.

If Senate Bill No. 355 is not passed and approved, District Court Operations is reduced by \$5,000 in general fund money in each fiscal year of the biennium."

11. Page A-3, line 18.

**Strike:** "2,130,968" [general fund FY06]

**Insert:** "2,730,968" [general fund FY06]

12. Page A-4, line 1.

**Strike:** "600,000"

**Insert:** "300,000 300,000" [general fund FY06 and FY07]

13. Page A-4, line 4.

**Strike:** "61,527 61,395" [general fund FY06 and FY07]

**Insert:** "86,527 86,395" [general fund FY06 and FY07]

14. Page A-4, line 5.

**Strike:** "(OTO)"

15. Page A-4, line 9.

**Strike:** "240,117 226,866" [general fund FY06 and FY07]

**Insert:** "274,417 264,366" [general fund FY06 and FY07]

16. Page A-4, line 21.

**Strike:** "310,768 310,483" [general fund FY06 and FY07]

**Insert:** "346,776 341,343" [general fund FY06 and FY07]

17. Page A-5, line 6.

**Following:** "by July"

**Strike:** "1"

**Insert:** "31"

18. Page A-5.

**Following:** line 12

**Insert:** "If Senate Bill No. 385 is not passed and approved, Mental Disabilities Board of Visitors is reduced by \$36,008 in fiscal year 2006 and by \$30,860 in fiscal year 2007 in general fund money."

19. Page A-7.

**Following:** line 4

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**Insert:** "e. Premium Assistance for Small Employers -- HB 667 (Restricted)  
2,520,000 6,894,496 [state special fund FY06 and FY07]

f. Provide Tax Relief in the Form of Tax Credits -- HB 667  
1,680,000 4,596,330" [state special fund FY06 and FY07]

20. Page A-7.

**Following:** line 13

**Insert:** "Funding in Premium Assistance for Small Employers and Provide Tax Relief in the Form of Tax Credits is contingent upon passage and approval of House Bill No. 667 and may be used only to implement House Bill No. 667."

21. Page A-7, line 17.

**Strike:** "19,241,140" [state special fund FY07]

**Insert:** "19,276,705" [state special fund FY07]

22. Page A-8, line 10.

**Strike:** "5,670,390 5,667,305" [state special fund FY06 and FY07]

**Insert:** "5,787,856 5,822,978" [state special fund FY06 and FY07]

**Strike:** "0 0" [federal special fund FY06 and FY07]

**Insert:** "1,050,000 1,400,000" [federal special fund FY06 and FY07]

23. Page A-8.

**Following:** line 10

**Insert:** "a. Computer Programming -- HB 55 (OTO)  
10,000" [state special fund FY06]

24. Page A-9, line 1.

**Strike:** "2,264,925 2,254,428" [state special fund FY06 and FY07]

**Insert:** "2,469,137 2,456,683" [state special fund FY06 and FY07]

25. Page A-9, line 9.

**Following:** "federal special revenue"

**Strike:** "fund types"

**Insert:** "funds"

26. Page A-9, line 10 through line 11.

**Following:** "each program." on line 10

**Strike:** remainder of line 10 through line 11

27. Page A-9, line 16 through line 19.

**Strike:** line 16 through line 19 in their entirety

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28. Page A-9.

**Following:** line 19

**Insert:** "The department shall provide a report to the general government and transportation joint appropriations subcommittee of the 2007 legislature that summarizes the accomplishments achieved from funding provided in the 2007 biennium for disadvantaged business enterprises and fuel tax evasion included in General Operations Program and Corridor Studies. The report must at a minimum specify how many disadvantaged businesses were served and what services were provided. For each listed funding area, the report must include a listing of outcome goals planned for the 2007 biennium and the actual activities toward attaining the goals.

If House Bill No. 87 is not passed and approved, Motor Carrier Services Division is increased by \$7,348 in state special revenue in fiscal year 2006 and by \$7,348 in state special revenue in fiscal year 2007.

Computer Programming is contingent upon passage and approval of House Bill No. 55.

If House Bill No. 757 is not passed and approved, Transportation Planning Division is reduced by \$204,212 in state special revenue in fiscal year 2006 and by \$202,255 in state special revenue in fiscal year 2007."

29. Page A-9, line 23.

<b>Strike:</b> " <u>1,956,988</u>	<u>1,957,191</u> "	[general fund FY06 and FY07]
<b>Insert:</b> "2,077,468	2,077,671"	[general fund FY06 and FY07]

30. Page A-10, line 5.

<b>Strike:</b> " <u>3,048,995</u>	<u>3,688,098</u> "	[general fund FY06 and FY07]
<b>Insert:</b> "3,264,485	3,903,588"	[general fund FY06 and FY07]

31. Page A-10, line 8.

<b>Strike:</b> " <u>884,464</u> 883,147"	[general fund FY06 and FY07]
<b>Insert:</b> "991,141 989,824"	[general fund FY06 and FY07]

32. Page A-10, line 11.

<b>Strike:</b> " <u>4,605,617</u>	<u>4,591,708</u> "	[general fund FY06 and FY07]
<b>Insert:</b> "4,794,495	4,780,586"	[general fund FY06 and FY07]

33. Page A-10, line 18.

<b>Strike:</b> " <u>5,029,426</u>	<u>5,039,196</u> "	[general fund FY06 and FY07]
<b>Insert:</b> "5,096,954	5,106,724"	[general fund FY06 and FY07]

34. Page A-10.

**Following:** line 18

**Insert:** "a. Tax Compliance Staff (Restricted/Biennial) 1,120,000" [general fund FY06]

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35. Page A-10.

**Following:** line 22

**Insert:** "b. Agriculture/Forest Land Reappraisal Program (OTO) 147,502 423,161" [general fund FY06 and FY07]

36. Page A-11.

**Following:** line 12

**Insert:** "Funding in Tax Compliance Staff may be used only for personal services and operating costs for additional tax audit staff, including support and legal staff."

37. Page A-12, line 1.

**Strike:** "0 0" [state special fund FY06 and FY07]

**Insert:** "1,050,000 1,050,000" [state special fund FY06 and FY07]

38. Page A-12.

**Following:** line 12

**Insert:** "b. Mortgage Broker Act -- SB 274  
54,706 59,784" [state special fund FY06 and FY07]

39. Page A-13.

**Following:** line 18

**Insert:** "Mortgage Broker Act is contingent upon passage and approval of Senate Bill No. 274."

40. Page A-13, line 23.

**Strike:** "278,211 272,490" [general fund FY06 and FY07]

**Insert:** "0 0" [general fund FY06 and FY07]

41. Page A-14, line 4 through line 5.

**Strike:** line 4 through line 5 in their entirety

42. Page A-14.

**Following:** line 5

**Insert:** "If Senate Bill No. 146 is not passed and approved, Appellate Defender is increased by \$205,030 in general fund money in fiscal year 2006 and by \$205,261 in general fund money in fiscal year 2007.

If Senate Bill No. 146 is passed and approved, Computer Purchases is reduced by \$3,819 in general fund money in fiscal year 2006."

43. Page A-14

**Following:** line 15

**Insert:** OFFICE OF STATE PUBLIC DEFENDER (6108)

1. Office of State Public Defender (01)

514,552 13,017,335 [general fund FY06 and FY07]

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2. Office of Appellate Defender (02)

208,849 852,883 [general fund FY06 and FY07]

a. Computer Purchases (OTO)

3,819 [general fund FY06]

Total

All funding for the office is contingent upon passage and approval of Senate Bill No. 146."

44. Page B-1, line 4.

**Strike:** "23,713,891 23,772,335" [general fund FY06 and FY07]

**Insert:** "23,663,891 23,722,335" [general fund FY06 and FY07]

**Strike:** "942,143 940,809" [state special fund FY06 and FY07]

**Insert:** "992,143 990,809" [state special fund FY06 and FY07]

45. Page B-1, line 5.

**Strike:** "183,809,559 196,223,153" [federal special fund FY06 and FY07]

**Insert:** "187,809,559 202,223,153" [federal special fund FY06 and FY07]

46. Page B-1, line 8.

**Following:** "Ombudsman"

**Insert:** "Services"

47. Page B-1, line 13.

**Strike:** "2,000,000 2,000,000" [general fund FY06 and FY07]

**Insert:** "500,000 500,000" [general fund FY06 and FY07]

48. Page B-1, line 15.

**Strike:** "100,000 100,000" [general fund FY06 and FY07]

**Insert:** "100,000 100,000" [federal special fund FY06 and FY07]

49. Page B-1, line 17.

**Strike:** "2,515,000 2,515,000" [federal special fund FY06 and FY07]

**Insert:** "2,415,000 2,415,000" [federal special fund FY06 and FY07]

50. Page B-2, line 13.

**Strike:** "17,391,224 26,491,473" [state special fund FY06 and FY07]

**Insert:** "241,224 241,473" [state special fund FY06 and FY07]

**Strike:** "1,331,310" [general fund FY07]

**Insert:** "831,310" [general fund FY07]

51. Page B-2, lines 16 and 17.

**Strike:** lines 16 and 17 in their entirety

52. Page B-2.

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**Following:** line 17

**Insert:** "b. Tribal Programs (Restricted/Biennial)

52,000 52,000" [general fund and federal funds FY06]

c. Prescription Drug Program -- SB 324 (Restricted)

7,000,000 8,750,000" [state special fund FY06 and FY07]

53. Page B-3, line 2.

**Strike:** "3,188,802 1,923,446" [general fund FY06 and FY07]

**Insert:** "2,642,811 1,377,518" [general fund FY06 and FY07]

**Strike:** "9,538,324 10,174,956" [state special fund FY06 and FY07]

**Insert:** "10,371,118 11,007,750" [state special fund FY06 and FY07]

54. Page B-3, following line 11.

**Insert:** "d. Tribal Peer Counseling (Restricted/Biennial)

60,000" [general fund FY06]

55. Page B-4.

**Following:** line 17

**Insert:** "1. Direct-Care Worker Salary Increase From 25th to 35th Percentile (Restricted)

475,000 475,000 1,219,445 [general fund, state special and federal revenue FY06]

950,000 1,190,604" [state special and federal revenue FY07]

56. Page B-4, line 19.

**Strike:** "342,322,522" [federal special fund FY07]

**Insert:** "341,512,616" [federal special fund FY07]

57. Page B-4, line 20.

**Strike:** "8,866,860 10,001,211" [state special fund FY06 and FY07]

**Insert:** "10,214,070 11,371,943" [state special fund FY06 and FY07]

58. Page B-4.

**Strike:** lines 23 and 24 in their entirety

**Renumber:** subsequent subsections

59. Page B-5, line 10.

**Strike:** ""200,000 1,400,000" [general fund and state special fund FY06]

**Insert:** "400,000 1,200,000" [general fund and state special fund FY06]

60. Page B-5, line 10.

**Strike:** "1,924,781 1,346,732" [state special fund FY06 and FY07]

**Insert:** "601,571 0" [state special fund FY06 and FY07]

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61. Page B-5.

**Following:** line 10

**Insert:** "g. Nonhospital Provider Rate Increase, Dental Access

858,952 858,952 5,410,263 [general fund, state special and federal revenue FY06]

2,253,872 5,094,061 [state special and federal revenue FY07]

h. Cardiac and Pulmonary Rehabilitation

56,465 136,314 [state special and federal revenue FY06]

120,750 282,826 [state special and federal revenue FY07]

i. Flexible Funds for SED Waiver

50,000 117,112 [state special and federal revenue FY07]

j. Children's Special Health Care Clinic

25,000 50,000 [state special revenue FY06 and FY07]

k. EPSDT and Rate Increases for Hospitals, Critical Access Hospitals, and Ambulatory Surgical Centers

272,717 658,376 [state special and federal revenue FY06]

551,350 1,291,397" [state special and federal revenue FY07]

62. Page B-5, line 12.

**Strike:** "47,257,025 13,301,080" [general fund and state special fund FY06]

**Insert:** "46,911,777 13,329,328" [general fund and state special fund FY06]

**Strike:** "48,377,984 13,227,306" [general fund and state special fund FY07]

**Insert:** "47,263,403 14,024,887" [general fund and state special fund FY07]

63. Page B-5, line 17.

**Following:** "(Restricted/"

**Strike:** "Biennial/"

64. Page B-5, line 18.

**Strike:** "500,000 0" [general fund FY06 and FY07]

**Insert:** "567,000 567,000" [general fund FY06 and FY07]

65. Page B-5, line 22.

**Strike:** "2,600,000 1,400,000" [general fund and state special fund FY06]

**Insert:** "1,000,000 3,000,000" [general fund and state special fund FY06]

66. Page B-5.

**Following:** line 24

**Insert:** "g. Provider Rate Increases -- Nursing Home and Community Services

991,877 991,878 4,789,051 [general fund, state special and federal revenue FY06]

2,018,663 4,728,205 [state special and federal revenue FY07]

h. Community Services HCBS Expansion

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57,848 139,908 [state special and federal revenue FY06]  
118,184 279,816" [state special and federal revenue FY07]

67. Page B-6, line 5.

**Strike:** "135,415 135,415" [state special fund FY06 and FY07]

**Insert:** "180,127 211,915" [state special fund FY06 and FY07]

68. Page B-6.

**Strike:** lines 6 and 7 in their entirety

**Renumber:** subsequent subsection

69. Page B-6.

**Following:** line 12

**Insert:** "d. Expand Intensive Community-Based Rehabilitation

84,191 203,247 [state special and federal revenue FY06]

172,003 402,872 [state special and federal revenue FY07]

e. Develop Home and Community-Based Waiver

631,601 1,479,364" [state special and federal revenue FY07]

70. Page B-7, lines 5 through 10.

**Strike:** lines 5 through 10 in their entirety

71. Page B-7.

**Following:** line 10

**Insert:** "Human and Community Services Division includes \$50,000 in state special revenue in fiscal year 2006 and \$50,000 in state special revenue in fiscal year 2007 that are contingent upon passage and approval of House Bill No. 749 and Senate Bill No. 82. If House Bill No. 749 and Senate Bill No. 82 are not passed and approved, general fund money in Human and Community Services Division is increased by \$50,000 in fiscal year 2006 and by \$50,000 in fiscal year 2007."

72. Page B-7, line 14.

**Strike:** line 14 in its entirety

**Renumber:** subsequent subsections

73. Page B-8, line 2.

**Following:** "Ombudsman"

**Insert:** "Services"

74. Page B-8, line 6.

**Following:** "includes"

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**Strike:** "\$2 million"

**Insert:** "\$500,000"

75. Page B-8, line 7.

**Following:** "programs."

**Strike:** remainder of line 7

76. Page B-8, line 8.

**Following:** "may"

**Strike:** "not"

77. Page B-8, line 9.

**Strike:** "energy share of Montana."

**Insert:** "the state low-income energy assistance program, the state weatherization program, or tribal energy assistance programs."

78. Page B-8, line 10.

**Strike:** "It"

**Insert:** "Funding in TANF Cash Assistance Increase Benefit Level and TANF Reduce CC Transfer, Fund Cash Assistance may be used only to increase the monthly cash assistance benefit provided to TANF cash assistance recipients, and it"

79. Page B-8, line 17.

**Strike:** "on July 1"

**Insert:** "at fiscal yearend"

80. Page B-8, line 19 through line 24.

**Strike:** line 19 through line 24 in their entirety

81. Page B-9.

**Following:** line 3

**Insert:** "Funding for the Director's Office includes a \$500,000 reduction in general fund money in fiscal year 2007 from savings because of activities funded in Tribal Programs to assist Indian health services in claiming additional federal pass-through medicaid funding. The department may allocate this funding reduction among programs that administer medicaid services when developing the 2007 biennium operating plans."

82. Page B-9, lines 4 and 5.

**Strike:** lines 4 through 5 in their entirety

83. Page B-9.

**Following:** line 5

**Insert:** "Funds in Tribal Programs must be used for personal services costs for an FTE and operating costs to work with tribes to provide technical assistance on provision of pass-through federal medicaid funding for Indian

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health services. The appropriation must be used to:

- (1) develop expertise on tribal organization and tribal funding and to provide technical assistance to state staff; and
- (2) identify and resolve barriers and work on innovating programs for tribes to access federal medicaid pass-through funding for allowable costs. The department shall report to the legislative finance committee by September 1, 2006, on the number of tribes contacted, the type of work undertaken with each tribe, the specific tasks that each tribe identified to be accomplished, and the progress in completing those tasks.

Funding in Prescription Drug Program is contingent upon passage and approval of Senate Bill No. 324 and may be used only to implement Senate Bill No. 324.

The state special revenue appropriations from the health and medicaid initiatives account for Prescription Drug Program, Health Resources Division, Physician Rate Increase, Raise Asset Limit for Medicaid Eligibility for Children, Children's Mental Health Rate Increase, Medicaid, Senior and Long-Term Care Division, Direct-Care Worker Wage Increase, and Addictive and Mental Disorders Division are not available until the amount of funds deposited in the health and medicaid initiatives account exceeds \$25 million or until December 1, 2005, whichever occurs earlier, and are subject to 53-6-1201.

If Senate Bill No. 275 is not passed and approved, funding in the Public Health and Safety Division is increased by \$545,991 in general fund money in fiscal year 2006 and by \$545,928 in general fund money in fiscal year 2007 and decreased by \$832,794 in state special revenue in fiscal year 2006 and by \$832,794 in state special revenue in fiscal year 2007."

84. Page B-9, line 6 through line 16 on page B-10.

**Strike:** line 6 on page B-9 through line 16 on page B-10 in their entirety

85. Page B-11, line 4.

**Strike:** "on July 1"

**Insert:** ""at fiscal yearend"

86. Page B-11, line 8.

**Following:** "schedule"

**Strike:** "over a 4-year period"

87. Page B-11, line 13.

**Following:** "months"

**Strike:** "beginning July 1, 2005"

**Insert:** ", on December 31 and June 30"

88. Page B-11.

**Following:** line 18

**Insert:** "Appropriations for Disability Services Division, Health Resources Division, and Senior and Long-Term Care Division may not be expended until rate increases and services funded in Direct-Care Worker Salary Increase

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From 25th to 35th Percentile, Physician Rate Increase, Nonhospital Provider Rate Increase, Dental Access, Direct-Care Worker Wage Increase, and Provider Rate Increases -- Nursing Home and Community Services have been established and implemented at levels that will fully expend the appropriations beginning no later than July 15, 2005, and ending June 30, 2007. Rate increases must be structured so that funding in Direct-Care Worker Salary Increase From 25th to 35th Percentile, Physician Rate Increase, Nonhospital Provider Rate Increase, Dental Access, Direct-Care Worker Wage Increase, and Provider Rate Increases -- Nursing Home and Community Services is expended incrementally throughout the 2007 biennium."

89. Page B-12.

**Following:** line 20

**Insert:** "If Senate Bill No. 85 is not passed and approved, the funding in Health Resources Division is decreased by \$24,000 in state special revenue each year of the biennium."

90. Page B-12, line 21.

**Following:** "is"

**Strike:** "dependent on"

**Insert:** "contingent upon"

91. Page B-12.

**Strike:** line 22 through line 25 in their entirety

92. Page B-13, line 12.

**Following:** "time."

**Insert:** "The direct-care wage increase for Children's Mental Health Rate Increase must be implemented no later than October 1, 2005."

93. Page B-13, line 14.

**Following:** "programs."

**Insert:** "Funding for Additional Medicaid Management Staff must also be used to produce efficiencies and better access to the appropriate level of medical care."

94. Page B-13, line 15.

**Following:** "by"

**Strike:** the remainder of line 15

**Insert:** "September 1, 2006, for the legislative finance committee."

95. Page B-14, line 3.

**Following:** "least"

**Strike:** "\$2"

**Insert:** "\$1.6"

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96. Page B-15.

**Following:** line 2

**Insert:** "Funding in Nursing Care Center Bed Tax Payment may be used only to pay the nursing home utilization fees as provided for in 15-60-102. If House Bill No. 749 is not passed and approved, funding in Nursing Care Center Bed Tax Payment must be reduced by \$44,712 in general fund money in fiscal year 2006 and by \$76,500 in general fund money in fiscal year 2007."

97. Page C-1, line 5.

**Strike:** "5,947,367 6,001,533" [state special fund FY06 and FY07]

**Insert:** "6,138,467 6,192,633 [state special fund FY06 and FY07]"

98. Page C-1, line 10.

**Strike:** "5,962,035 3,978,389" [state special fund FY06 and FY07]

**Insert:** "5,948,352 4,667,020" [state special fund FY06 and FY07]

99. Page C-1, line 16.

**Strike:** "4,305,744 4,301,823" [state special fund FY06 and FY07]

**Insert:** "4,330,744 4,326,823" [state special fund FY06 and FY07]

100. Page C-1, line 21.

**Strike:** "6,605,053 6,436,448" [state special fund FY06 and FY07]

**Insert:** "6,719,053 6,598,549" [state special fund FY06 and FY07]

101. Page C-2, line 9.

**Strike:** "3,929,928 3,930,087" [federal special fund FY06 and FY07]

**Insert:** "3,954,928 3,955,087" [federal special fund FY06 and FY07]

102. Page C-2, line 10.

**Strike:** "4,236,476" [state special fund FY06]

**Insert:** "4,276,476" [state special fund FY06]

103. Page C-3, line 1.

**Strike:** "6,977,970 6,623,215" [state special fund FY06 and FY07]

**Insert:** "7,020,521 6,686,526" [state special fund FY06 and FY07]

104. Page C-3, line 8.

**Strike:** "2,103,800 1,989,466" [state special fund FY06 and FY07]

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**Insert:** "2,053,800 1,939,446" [state special fund FY06 and FY07]

105. Page C-3, line 13.

**Strike:** "2,975,036 2,988,045" [state special fund FY06 and FY07]

**Insert:** "3,037,170 3,045,437" [state special fund FY06 and FY07]

106. Page C-3, line 19.

**Strike:** "0" [state special fund FY06]

**Insert:** "200,000" [state special fund FY06]

107. Page C-3, line 25.

**Following:** "expenditures"

**Strike:** "costs"

**Following:** "authority"

**Strike:** "shall"

**Insert:** "may"

108. Page C-4, line 1.

**Following:** "amounts."

**Strike:** remainder of line 1

109. Page C-4.

**Following:** line 3

**Insert:** "If House Bill No. 707 is not passed and approved, Administration and Finance Division is decreased by \$91,100 in state special revenue in both fiscal year 2006 and 2007."

110. Page C-4.

**Following:** line 5

**Insert:** "If House Bill No. 235 is not passed and approved, Field Services Division is increased by \$13,683 in state special revenue in fiscal year 2006 and decreased by \$668,631 in state special revenue in fiscal year 2007 and Law Enforcement Division is reduced by \$57,601 in state special revenue in fiscal year 2007."

111. Page C-4.

**Following:** line 7

**Insert:** "If House Bill No. 235 is not passed and approved or is passed and approved with an appropriation, Law Enforcement Division is reduced by 2 FTE and \$114,000 of state special revenue in fiscal year 2006 and reduced by 2 FTE and \$104,500 of state special revenue in fiscal year 2007."

112. Page C-4.

**Strike:** line 10 through line 11

**Strike:** line 16 through line 17

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113. Page C-4.

**Following:** line 22

**Insert:** "If Senate Bill No. 461 is not passed and approved, Wildlife Division is decreased by \$25,000 in federal special revenue in each year of the biennium.

If Senate Bill No. 318 is not passed and approved, Parks Division is decreased by \$42,551 in state special revenue in fiscal year 2006 and by \$63,311 in state special revenue in fiscal year 2007."

114. Page C-4, line 23 through Page C-5, line 1.

**Strike:** line 23 on Page C-4 through line 1 on Page C-5 in their entirety.

115. Page C-5.

**Following:** line 15

**Insert:** "d. Gallatin River EIS (Restricted/OTO) 150,000"  
[state special fund FY 06]

116. Page C-6.

**Following:** line 15

"g. Orphan Share Feasibility Study -- SB 489 (Restricted/Biennial/OTO) 1,500,000" [state special fund FY06]

117. Page C-6, line 17.

**Strike:** "824,503 830,201" [general fund FY06 and FY07]

**Insert:** "955,900 953,963" [general fund FY06 and FY07]

118. Page C-7.

**Following:** line 13

**Insert:** "At the beginning of fiscal year 2006, \$150,000 of the amount in excess of \$100 million is transferred from the resource indemnity tax trust to the state special revenue fund for the Gallatin River EIS."

119. Page C-7.

**Following:** line 21

**Insert:** "If Senate Bill No. 489 is not passed and approved, Orphan Share Feasibility Study is void."

120. Page C-7.

**Following:** line 23

**Insert:** "If House Bill No. 60 is not passed and approved, Permitting and Compliance Division is decreased by \$131,397 in general fund money in fiscal year 2006 and by \$123,762 in general fund money in fiscal year 2007."

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121. Page C-8, line 7.

**Strike:** "241,911 241,911" [general fund FY06 and FY07]

**Insert:** "91,911 91,911" [general fund FY06 and FY07]

**Strike:** "1,062,796 1,072,277"[state special fund FY06 and FY07]

**Insert:** "1,212,796 1,222,277"[state special fund FY06 and FY07]

122. Page C-11, line 4.

**Strike:** "8,397,587 8,375,741" [general fund FY06 and FY07]

**Insert:** "7,777,587 7,795,741" [general fund FY06 and FY07]

123. Page C-12.

**Strike:** line 2 through line 3

124. Page C-13, line 17.

**Strike:** "1,901,642 1,904,909" [general fund FY06 and FY07]

**Insert:** "1,701,642 1,704,909" [general fund FY06 and FY07]

125. Page C-13, line 23.

**Strike:** "2,000,000 2,000,000" [general fund FY06 and FY07]

**Insert:** "1,400,000 1,400,000" [general fund FY06 and FY07]

126. Page C-13.

**Following:** line 25

**Insert:** "e. Made in Montana (Restricted/OTO) 100,000 100,000 [general fund FY06 and FY07]

f. Main Street Program

125,000 125,000" [general fund FY06 and FY07]

127. Page C-14, line 6

**Strike:** "2,412,285 845,337" [state special fund FY06 and FY07]

**Insert:** "862,649 862,779" [state special fund FY06 and FY07]

128. Page C-14.

**Following:** line 8.

**Insert:** "b. Coal Board Local Impact Grants (Biennial)

1,532,194" [state special fund FY06]

129. Page C-14, line 21.

**Following:** "restricted to"

**Strike:** "the"

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130. Page C-14, line 22.

**Following:** "community"

**Strike:** "project startup grant program."

**Insert:** "projects."

Main Street Program is contingent upon passage and approval of House Bill No. 481."

131. Page D-1, line 4.

**Strike:** "0 0" [state special fund FY06 and FY07]

**Insert:** "93,483 93,483" [state special fund FY06 and FY07]

132. Page D-1.

**Following:** line 11

**Insert:** "If House Bill No. 476 is not passed and approved, Justice System Support Service is reduced by \$93,483 in state special revenue in each fiscal year of the 2007 biennium."

133. Page D-1.

**Following:** line 22

**Insert:** "a. Accounting/Reporting System (Restricted/Biennial/OTO)  
1,065,000 435,000" [state special fund FY06][proprietary FY06]

134. Page D-1, line 25.

**Strike:** "3,722,254 3,727,966" [state special fund FY06 and FY07]

**Insert:** "3,729,602 3,735,314" [state special fund FY06 and FY07]

135. Page D-2.

**Following:** line 7

**Insert:** "c. Reissue License Plates (OTO) 192,470" [general fund FY06]

**Renumber:** subsequent subsections

136. Page D-2.

**Following:** line 11

**Insert:** "f. Revising Motor Vehicle Laws -- HB 671

262,500 525,000" [proprietary FY06 and FY07]

g. Revising Motor Vehicle Laws -- SB 285

47,813 44,837" [general fund FY06 and FY07]

137. Page D-3.

**Following:** line 13

**Insert:** "a. Criminal History Data Coordination (Restricted/Biennial/OTO) 250,000" [state special fund FY06]

138. Page D-3.

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**Following:** line 16

**Insert:** "a. Requiring Felons to Submit DNA Samples -- HB 113 (Biennial) 409,480" [federal special fund FY06]

139. Page D-4.

**Strike:** lines 20 through 23 in their entirety

140. Page D-5.

**Strike:** lines 2 through 4 in their entirety

141. Page D-5, line 4.

**Following:** line 4

**Insert:** "If House Bill No. 87 is not passed and approved, Motor Vehicle Division is reduced by \$7,348 in state special revenue in fiscal year 2006 and by \$7,348 in state special revenue in fiscal year 2007.

Revising Motor Vehicle Laws -- HB 671 is contingent upon passage and approval of House Bill No. 671.

Revising Motor Vehicle Laws -- SB 285 is contingent upon passage and approval of Senate Bill No. 285.

Requiring Felons to Submit DNA Samples -- HB 113 is contingent upon passage and approval of House Bill No. 113."

142. Page D-5, line 23.

**Strike:** "9,928,071 9,949,229" [general fund FY06 and FY07]

**Insert:** "9,948,071 9,899,088" [general fund FY06 and FY07]

**Strike:** "121,599 118,548" [state special fund FY06 and FY07]

**Insert:** "243,938 231,183" [state special fund FY06 and FY07]

143. Page D-6, line 4.

**Strike:** "55,604,723 58,759,212" [general fund FY06 and FY07]

**Insert:** "57,177,904 60,326,441" [general fund FY06 and FY07]

144. Page D-6.

**Following:** line 9

**Insert:** "a. License Plate Reissue (Restricted/OTO) 3,853,751 496,837" [general fund FY06 and FY07]

145. Page D-6, line 13.

**Strike:** "7,542,344 7,542,344" [general fund FY06 and FY07]

**Insert:** "6,042,344 6,042,344" [general fund FY06 and FY07]

**Strike:** "148,139 148,139" [state special fund FY06 and FY07]

**Insert:** "418,443 418,443" [state special fund FY06 and FY07]

146. Page D-6.

**Following:** line 19

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Insert: "If Senate Bill No. 426 is not passed and approved, Administration and Support Services is reduced by \$20,000 in general fund money in fiscal year 2006.

If Senate Bill No. 146 is not passed and approved, Administration and Support Services is increased by \$50,141 in general fund money in fiscal year 2007."

147. Page D-6.

**Following:** line 21

**Insert:** "If House Bill No. 288 is not passed and approved, Administration and Support Services is reduced by \$122,339 in state special revenue in fiscal year 2006 and by \$112,635 in state special revenue in fiscal year 2007."

148. Page D-6.

**Strike:** lines 22 through 24 in their entirety

149. Page D-7, line 2.

**Strike:** "7,710,655 7,909,375" [state special fund FY06 and FY07]

**Insert:** "8,482,799 8,643,287" [state special fund FY06 and FY07]

150. Page D-7, line 8.

**Following:** line 7.

**Insert:** "a. SUTA Dumping (OTO)  
17,250" [federal special revenue FY 2006]

151. Page D-7, line 11.

**Strike:** "6,614,072 6,629,167"[state special fund FY06 and FY07]

**Insert:** "7,426,562 7,422,121"[state special fund FY06 and FY07]

152. Page D-7, line 15.

**Strike:** "11,780,435 11,851,803"[state special fund FY06 and FY07]

**Insert:** "11,908,459 11,914,737"[state special fund FY06 and FY07]

153. Page D-7.

**Following:** line 23.

**Insert:** "SUTA Dumping is contingent upon passage and approval of House Bill No. 159.

If Senate Bill No. 108 is not passed and approved, Employment Relations Division is reduced by \$812,490 in state special revenue in fiscal year 2006 and by \$792,954 in state special revenue in fiscal year 2007.

If House Bill No. 406 is not passed and approved, Business Standards Division is reduced by \$26,784 in state special revenue in fiscal years 2006 and 2007.

If Senate Bill No. 412 is not passed and approved, Business Standards Division is reduced by \$75,240 in state

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special revenue in fiscal year 2006 and by \$10,150 in state special revenue in fiscal year 2007."

154. Page E-1, line 13 through line 14.

**Strike:** lines 13 and 14

155. Page E-1, line 18.

**Strike:** "423,522,296 427,637,698" [general fund FY06 and FY07]

**Insert:** "424,522,296 428,480,986" [general fund FY06 and FY07]

156. Page E-2, line 23.

**Insert:** "p. Stipend for Speech-Language Pathologists -- SB 383 (Restricted/OTO) 69,000 60,000" [general  
f u n d  
F Y 0 6  
a n d  
FY07]

157. Page E-3.

**Following:** line 9

**Insert:** "The funding for Stipend for Speech-Language Pathologists is contingent upon passage and approval of Senate Bill No. 383."

158. Page E-4, line 13.

**Strike:** "292,125 285,905" [general fund FY06 and FY07]

**Insert:** "367,125 360,905" [general fund FY06 and FY07]

159. Page E-5, line 22.

**Strike:** "643,073 643,077" [general fund FY06 and FY07]

**Insert:** "743,513 743,517" [general fund FY06 and FY07]

160. Page E-6, line 10.

**Strike:** "\$609,861"

**Insert:** "\$521,562"

161. Page E-6, line 15.

**Strike:** "188,299"

**Insert:** "100,000"

162. Page E-6, line 18 through line 20.

**Following:** "to \$100,000."

**Strike:** line 18 through line 20 in their entirety

163. Page E-6, line 24.

**Strike:** "1,456,562" [general fund FY06]

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**Insert:** "1,469,876" [general fund FY06]

164. Page E-7, line 1.

**Strike:** "47,337" [general fund FY06]

**Insert:** "34,023" [general fund FY06]

165. Page E-7, line 8.

**Strike:** "Need-Based Student Aid"

**Insert:** "Governor's Postsecondary Scholarship Program"

166. Page E-7, line 10 through line 11.

**Strike:** line 10 through line 11 in their entirety

**Renumber:** subsequent subsection

167. Page E-8, line 8.

**Strike:** "2,500,000 [general fund FY06]

**Insert:** "1,960,678 [general fund FY06]

168. Page E-8, line 14.

**Strike:** "10,391,148 10,401,104" [general fund FY06 and FY07]

**Insert:** "10,311,165 10,321,121" [general fund FY06 and FY07]

169. Page E-8, line 16.

**Strike:** "4,783,103 4,871,848" [general fund FY06 and FY07]

**Insert:** "4,717,503 4,740,648" [general fund FY06 and FY07]

170. Page E-8, line 18.

**Strike:** "1,071,324 1,068,731" [general fund FY06 and FY07]

**Insert:** "971,324 968,731" [general fund FY06 and FY07]

171. Page E-8, line 20.

**Strike:** "1,693,291 1,692,258" [general fund FY06 and FY07]

**Insert:** "1,621,291 1,617,378" [general fund FY06 and FY07]

172. Page E-8, line 22.

**Strike:** "64,697 69,038" [other revenue FY06 and FY07]

**Insert:** "64,697 69,038" [state special revenue FY06 and FY07]

173. Page E-8, line 24.

**Strike:** "675,515 639,545" [general fund FY06 and FY07]

**Insert:** "582,015 580,010" [general fund FY06 and FY07]

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174. Page E-9, line 9 through line 10.

**Strike:** line 9 through line 10 in their entirety

175. Page E-9, line 18.

**Strike:** "34,758,999" [federal special fund FY06]

**Insert:** "34,745,685" [federal special fund FY06]

176. Page E-9.

**Following:** line 18

**Insert:** "a. Legislative Audit (Restricted/Biennial) 13,314" [federal special fund FY06]

177. Page E-10, lines 2 and 3.

**Following:** "School," on line 2

**Insert:** "and"

**Following:** "AES" on line 2

**Strike:** remainder of line 2 through "County" on line 3

178. Page E-10, line 22.

**Strike:** line 22 in its entirety

179. Page E-11, line 1.

**Strike:** "Need-Based Student Aid and the Best and Brightest Scholarship Program are"

**Insert:** "Governor's Postsecondary Scholarship Program is"

180. Page E-11, line 1 through line 2.

**Following:** "approval of House Bill No. 435." on line 1

**Strike:** remainder of line 1 through line 2 in their entirety

181. Page E-13, line 5.

**Following:** "(2)" on line 5

**Strike:** "\$3.6 million"

**Insert:** "\$3,060,678"

182. Page E-13, line 7.

**Following:** "The" on line 7

**Strike:** "\$3.6 million"

**Insert:** "\$3,060,678"

183. Page E-13, line 16 through line 25.

**Strike:** line 16 through line 25 in their entirety

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184. Page E-13.

**Following:** line 25

**Insert:** "At the beginning of fiscal year 2006, \$133,735 of the amount in excess of \$100 million is transferred from the resource indemnity tax trust to the state special revenue fund for the Bureau Ground Water Program."

185. Page E-14, line 1 through line 2.

**Strike:** line 1 through line 2 in their entirety

186. Page R-3.

**Following:** line 15

**Insert:** "The department may charge the office of public defender up to \$55,000 in general fund money in fiscal year 2006 and \$25,000 in general fund money in fiscal year 2007 for human resources and payroll costs associated with the office. This authorization is contingent upon the passage and approval of Senate Bill No. 146."

187. Page R-5, line 22.

**Strike:** "\$283.60"

**Insert:** "\$297.78"

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

**HB 7**, be concurred in. Report adopted.

**HB 8**, be concurred in. Report adopted.

**HB 9**, be concurred in. Report adopted.

**HB 332**, be concurred in. Report adopted.

**JUDICIARY** (Wheat, Chairman):

4/4/2005

**HB 99**, be concurred in. Report adopted.

**HB 264**, be concurred in. Report adopted.

**HB 395**, be amended as follows:

1. Page 4, line 19.

**Following:** line 18

**Strike:** "by the county in which the person resides at the time that the person is committed"

**Insert:** "pursuant to subsection (2)(a)"

2. Page 4, line 21 through line 22.

**Following:** "~~of~~" on line 21

**Strike:** "THE COUNTY" on line 21 through "PAY ALL" on line 22

**Insert:** "The costs of"

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

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**HB 742**, be concurred in. Report adopted.

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

4/4/2005

**SJR 34**, be adopted. Report adopted.

**HB 60**, be amended as follows:

1. Title, line 13.

**Strike:** "STATE AND LOCAL OFFICIALS" on line 13

**Insert:** "A PROPERTY OWNER AND OWNER'S AGENT IN CERTAIN INSTANCES"

2. Page 1, lines 21 and 27.

**Strike:** "7"

**Insert:** "6"

3. Page 3, line 12.

**Following:** "notify"

**Insert:** "in writing"

**Strike:** "unless"

**Insert:** "if"

4. Page 3, line 13.

**Following:** "has"

**Insert:** "not"

5. Page 3, lines 17 and 18.

**Strike:** "WITH" on line 17 through the third "AN" on line 18

**Insert:** "An"

6. Page 3, line 19.

**Strike:** "WHO"

**Insert:** "referred to in subsection (1) may provide notice to a subsequent occupant or purchaser that the owner or the owner's agent"

**Following:** "SUBMITTED"

**Insert:** ":

(a)"

7. Page 3, line 21.

**Following:** "SECTION 31"

**Insert:** ";

**Strike:** "SUBMITS"

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**Insert:** "(b)"

8. Page 3, lines 22 through 24.

**Strike:** "AND WHO" on line 22 through "PROPERTY" ON LINE 24

9. Page 3.

**Following:** line 24

**Insert:** "(3) Notice as required or authorized in this section must occur before agreement to a lease or sale of the inhabitable property.

(4) If the department has confirmed that the decontamination standard provided for in [section 3] has been met and if notice has been given as provided in subsections (2) and (3), the owner and the owner's agent are not liable in any action brought by a person who has been given notice that is based on the presence of methamphetamine in an inhabitable property.

(5) The immunity provided for in subsection (4) does not apply to an owner or an owner's agent who caused the methamphetamine contamination."

10. Page 4, lines 19 through 22.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

11. Page 4, line 24.

**Strike:** "7"

**Insert:** "6"

12. Page 4, line 28 through page 5, line 1.

**Strike:** section 9 in its entirety

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

**MESSAGES FROM THE OTHER HOUSE**

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

4/4/2005

**HB 214**, introduced by Sales

**HB 461**, introduced by Arntzen

**HB 528**, introduced by Koopman

**HB 592**, introduced by Waitschies

**HB 776**, introduced by Raser

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

4/4/2005

**SB 329**, introduced by Tester

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**SB 347**, introduced by Lind

**Senate joint resolutions** concurred in and returned to the Senate:

4/4/2005

**SJR 19**, introduced by Elliott

**SJR 23**, introduced by Elliott

**MOTIONS**

Senator Shockley moved to blast **HB 730** from Senate Judiciary to 2nd Reading. Motion failed as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Ellingson moved to suspend the rules for late introduction and transmittal of two bills concerning amendments to the Montana ballot. Motion failed as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Schmidt, Shockley, Smith, Squires, Wheat, Williams, Mr. President.

Total 22

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Pease, Perry, Roush, Ryan, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Keenan moved action on **SB 520** be reconsidered. Motion failed as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Squires moved to re-refer **HB 288** from Senate State Administration to Senate Finance and Claims. Motion carried.

Senator Elliott moved to suspend the rules to place **SB 271** on 3rd Reading this same legislative day. Motion carried as follows:

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

Total 34

Nays: Bales, Balyeat, Barkus, Black, Esp, Grimes, Keenan, Laible, McGee, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 15

Absent or not voting: Squires.

Total 1

Excused: None.

Total 0

Senator Gallus moved his vote on **HB 474** be changed from "nay" to "aye". Motion carried.

Senator Shockley moved to blast **HB 693** from Senate Judiciary to 2nd Reading. Motion carried as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

Senator Perry moved his vote on SB 38 be changed from "nay" to "aye". Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 524**, introduced by Cooney, referred to Taxation.

**SB 525**, introduced by Tester, Cooney, Keenan, Ryan, Story, referred to Finance and Claims.

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

**SJR 36**, introduced by Toole, Essmann, referred to Energy and Telecommunications.

**SJR 37**, introduced by Williams, referred to Public Health, Welfare and Safety.

**SJR 38**, introduced by Cocchiarella, Joe Balyeat, Grimes, Laslovich, Lewis, Roush, Squires, Steinbeisser, Tash, Tropila, referred to Judiciary.

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

**HB 214**, introduced by Sales (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

**HB 461**, introduced by Arntzen, Stapleton, referred to Business, Labor, and Economic Affairs.

**HB 528**, introduced by Koopman, Perry, referred to Business, Labor, and Economic Affairs.

**HB 592**, introduced by Waitschies, referred to Taxation.

**HB 776**, introduced by Raser, Bergren, Waitschies, 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 Black in the chair.

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

**SB 271** - Senator Elliott moved consideration of **SB 271** be placed at the top of the second reading board. Motion carried.

**SB 271** - Senator Elliott moved **SB 271** do pass. Motion carried unanimously.

**SB 81 - House Amendments** - Senator Stapleton moved House amendments to **SB 81** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, 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, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 46

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Nays: None.  
Total 0

Absent or not voting: Black, Brueggeman, Cobb, Gillan.  
Total 4

Excused: None.  
Total 0

**SB 244 - House Amendments** - Senator Squires moved House amendments to **SB 244** be concurred in. Motion carried with Senator McGee voting nay.

**HB 105** - Senator Wheat moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Cooney, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash, Mr. President.  
Total 23

Absent or not voting: Gillan.  
Total 1

Excused: None.  
Total 0

**HB 177** - Senator Essmann moved consideration of **HB 177** be placed below HB 645 on the second reading board. Motion carried.

Senator Ellingson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Black moved the Committee of the Whole report be adopted. Report adopted unanimously.

Majority Leader Ellingson moved the Senate be in recess until 4:15 p.m. Motion carried.

**Senate recessed 3:01 p.m.**  
**Senate reconvened 4:16 p.m.**

Roll Call. All members present except, Senators Black, Curtiss, Gebhardt, Lewis, Schmidt. Quorum present.

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

Nays: Balyeat, O'Neil, Shockley.

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Total 3

Absent or not voting: None.

Total 0

Excused: Black, Curtiss, Gebhardt, Lewis, Schmidt.

Total 5

**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 Stapleton in the chair.

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

**HB 177** - Senator Essmann moved **HB 177** be concurred in. Motion carried with Senators Laslovich and Wheat voting nay.

**HB 297** - Senator Shockley moved **HB 297** be concurred in. Motion carried unanimously.

**HB 418** - Senator Cocchiarella moved **HB 418** be concurred in.

**HB 418** - Senator Grimes moved **HB 418**, second reading copy, be amended as follows:

1. Page 2, line 26.

**Strike:** "(a)"

2. Page 3, lines 21 through 24.

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

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Cobb, Curtiss, Esp, Essmann, Gallus, Grimes, Laible, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 17

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

Total 28

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Absent or not voting: Brueggeman, McGee.

Total 2

Excused: Black, Gebhardt, Schmidt.

Total 3

**HB 418** - Senator Cocchiarella moved **HB 418** be concurred in. Motion carried as follows:

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

Total 29

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

Total 17

Absent or not voting: Brueggeman, McGee.

Total 2

Excused: Black, Schmidt.

Total 2

**HB 474** - Senator Mangan moved **HB 474** be concurred in. Motion **failed** as follows:

Yeas: Bales, Cocchiarella, Cromley, Ellingson, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Larson, Lewis, Lind, Mangan, O'Neil, Perry, Ryan, Squires, Steinbeisser, Story, Toole, Tropila, Wheat, Williams.

Total 24

Nays: Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Elliott, Gebhardt, Grimes, Harrington, Keenan, Kitzenberg, Laible, Laslovich, McGee, Moss, Pease, Roush, Shockley, Smith, Stapleton, Tash, Weinberg, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Schmidt.

Total 1

**HB 474** - Senator Mangan moved **HB 474** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Cooney, Cromley, Curtiss, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, McGee, Moss, Pease, Perry, Roush, Ryan, Shockley, Smith, Stapleton, Story, Tash, Weinberg, Wheat, Mr. President.

Total 36

Nays: Brueggeman, Cocchiarella, Esp, Essmann, Laslovich, Lind, Mangan, O'Neil, Squires, Steinbeisser, Toole, Tropila, Williams.

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Total 13

Absent or not voting: None.

Total 0

Excused: Schmidt.

Total 1

**HB 645** - Senator Weinberg moved **HB 645** be concurred in. Motion carried unanimously.

**HB 732** - Senator Grimes moved **HB 732** be concurred in. Motion carried unanimously.

**HJR 19** - Senator Bales moved **HJR 19** be concurred in. Motion carried with Senator Larson voting nay.

**HB 684** - Senator Curtiss moved **HB 684** be concurred in. Motion carried with Senators McGee and Smith voting nay.

**HB 688** - Senator Tropila moved **HB 688** be concurred in. Motion carried unanimously.

**HB 746** - Senator Smith moved **HB 746** be concurred in. Motion carried unanimously.

**HB 765** - Senator Ellingson moved consideration of **HB 765** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 759** - Senator Ellingson moved consideration of **HB 759** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HJR 12** - Senator Laslovich moved **HJR 12** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams.

Total 35

Nays: Balyeat, Barkus, Esp, Gebhardt, Grimes, McGee, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash, Mr. President.

Total 13

Absent or not voting: Lewis.

Total 1

Excused: Schmidt.

Total 1

**SJR 31** - Senator Curtiss moved **SJR 31** be adopted. Motion carried unanimously.

**HB 104** - Senator Essmann moved **HB 104** be concurred in. Motion carried unanimously.

**HB 109** - Senator Tropila moved **HB 109** be concurred in. Motion carried unanimously.

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**HB 169** - Senator Cromley moved **HB 169** be concurred in. Motion carried unanimously.

**HB 213** - Senator Tropila moved **HB 213** be concurred in. Motion carried unanimously.

**HB 272** - Senator Bales moved **HB 272** be concurred in. Motion carried with Senator Barkus voting nay.

**HB 324** - Senator Shockley moved **HB 324** be concurred in.

**HB 324** - Senator Grimes moved **HB 324**, second reading copy, be amended as follows:

1. Page 1, line 20 and 21.

**Following:** "blocks" on line 20

**Strike:** remainder of line 20 through "person's" on line 21

**Following:** "facility"

**Insert:** "by another person who is not the person's minor child"

**Strike:** "but is not limited to"

Amendment **not** adopted as follows:

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

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Schmidt.

Total 1

**HB 324** - Senator O'Neil moved **HB 324**, second reading copy, be amended as follows:

1. Page 1, line 20 through line 21.

**Following:** "person" on line 20

**Strike:** remainder of line 20 through "to" on line 21

2. Page 1, line 22.

**Strike:** "approaching"

**Insert:** "approaches"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible,

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Lewis, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash, Tropila.  
Total 22

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: Schmidt.  
Total 1

**HB 324** - Senator Shockley moved **HB 324** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Pease, Perry, Stapleton, Steinbeisser, Story, Tash, Tropila.  
Total 24

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 Stapleton moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

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

**HB 73** concurred in as follows:

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

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Nays: Curtiss, Gebhardt, Keenan, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 19** passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Harrington, Kitzenberg, Laible, Larson, Mangan, McGee, Moss, Pease, Perry, Roush, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, Tropila, Wheat.  
Total 31

Nays: Balyeat, Cooney, Ellingson, Esp, Grimes, Hansen, Hawks, Keenan, Laslovich, Lewis, Lind, O'Neil, Ryan, Shockley, Stapleton, Toole, Weinberg, Williams, Mr. President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 38** passed as follows:

Yeas: Balyeat, Black, Brueggeman, 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 42

Nays: Bales, Barkus, Cobb, Esp, Keenan, Stapleton, Steinbeisser, Story.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 61** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, 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 49

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 213** passed as follows:

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

Total 48

Nays: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 325** passed 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 369** passed as follows:

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

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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 513** passed as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 516** passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Wheat, Williams.  
Total 42

Nays: Balyeat, Cromley, Grimes, Laslovich, Lind, Shockley, Toole, Mr. President.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 518** passed as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Keenan, Kitzenberg, Laible, Larson, Lewis, McGee, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Steinbeisser, Story, Tash, Tropila, Wheat, Williams.

Total 36

Nays: Cobb, Cooney, Ellingson, Hansen, Hawks, Laslovich, Lind, Mangan, Perry, Smith, Stapleton, Toole, Weinberg, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 520** passed as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 521** passed as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 431** concurred in as follows:

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Yeas: Bales, Balyeat, 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, 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: Curtiss, Mangan, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 32** adopted as follows:

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

Total 46

Nays: Barkus, Esp, Gebhardt, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 271** passed as follows:

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

Total 45

Nays: Bales, Balyeat, Keenan, Stapleton, Steinbeisser.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 332** concurred in as follows:

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

Total 35

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

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Perry introduced the Headwaters Junior Fiddlers.

Senator Squires introduced the pages for the week:

**"Brittany Byrd:** Brittany is sponsored by Senator Balyeat, and is a senior at Belgrade High School. She is a member of FFA, and plays on the school volleyball team. She also volunteers at the Chameleon Teen Center, with a program called Coffee Talk."

**"Amy DeMato:** Amy is sponsored by Senator Toole. She attends Helena High School and is involved in Business Co-Op, and studies French. This summer she plans on going to France for a summer trip."

**"Isaiah Hugs:** Isaiah is sponsored by Senator Pease. He is a senior at Plenty Coup High School. He is on the track team, and enjoys outdoor activities such as fishing and camping."

**"Julia Kohl:** Julia is a junior at Butte Central, and is sponsored by Senator Gallus. She is originally from Attendorn, Germany. She plays tennis and soccer. She enjoys hanging out with friends and traveling throughout the US."

**"Alex Lockman:** Alex is a junior at Froid High School. She is sponsored by Senator Smith. At school she is involved in Youth and Government, Student Council, Speech and Drama, Cheerleading, Golf, and various music groups. She is a 4-H ambassador, and has participated in the "make it yourself with wool" competition."

**"Jake Panasuk:** Jake is sponsored by Senator Kitzenberg. He is a member of Band, and FFA. He plays on the football team, and is also involved in Business Professionals of America."

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Tuesday, April 5, 2005. Motion carried.

Senate adjourned at 6:47 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate