

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

Helena, Montana  
April 5, 2005

Senate Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, 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 47

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first legislative days, find the same to be correct.

**Senate Recessed 12:37 p.m.**  
**Senate Reconvened 12:56 p.m.**

Roll Call. All members present except Senators Cocchiarella and Smith. Quorum present.

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

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

Absent or not voting: None.  
Total 0

Excused: Cocchiarella, Smith.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL:**

4/5/2005

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Correctly printed: **SJR 35, SJR 39, SR 17, HB 7, HB 8, HB 9, HB 12, HB 102, HB 140, HB 146, HB 170, HB 173, HB 204, HB 299, HB 326, HB 346, HB 374, HB 395, HB 436, HB 440, HB 450, HB 451, HB 470, HB 474, HB 513, HB 522, HB 528, HB 536, HB 540, HB 587, HB 591, HB 614, HB 624, HB 628, HB 666, HB 687, HB 698, HB 707, HB 720, HB 728, HB 749, HB 759.**

Correctly engrossed: **HB 406, HB 552, HB 625, HB 704, HJR 2.**

Correctly enrolled: **SB 21, SB 29, SB 32, SB 153, SB 167, SB 260, SB 264, SB 298, SB 322, SB 352, SB 363, SB 373, SB 460, SJR 4, SJR 17, SJR 24.**

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

4/5/2005

**HB 406**, be amended as follows:

1. Title, line 13.

**Following:** "PROVIDING"

**Insert:** "A DELAYED"

**Following:** "EFFECTIVE"

**Strike:** "DATES"

**Insert:** "DATE"

2. Page 1.

**Strike:** line 24 in its entirety

**Renumber:** subsequent subsections

3. Page 2, line 2.

**Strike:** "PROCESSED WHOLE grains, honey,"

4. Page 2, line 3 through line 4.

**Strike:** "PROCESSED" on line 3 through "honey," on line 4

5. Page 2, line 7.

**Strike:** "PROCESSED WHOLE GRAINS, honey, MUSCLE"

**Insert:** "Muscle"

6. Page 2, line 18.

**Strike:** "PROCESSED WHOLE grains, honey,"

7. Page 2, line 26.

**Strike:** "PROCESSED WHOLE grains, honey,"

8. Page 2, line 27.

**Strike:** "PROCESSED WHOLE grains, honey,"

9. Page 3, line 28.

**Strike:** "DATES -- CONTINGENT VOIDNESS"

**Insert:** "date"

10. Page 3, line 28 through line 29.

**Strike:** "(1)" on line 28 through "[THIS]" on line 29

**Insert:** "[This"

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11. Page 3, line 30 through page 4, line 8.

**Strike:** Page 3, line 30 through page 4, line 8 in their entirety

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

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 4/5/2005  
**SJR 35**, be adopted. Report adopted.  
**HB 528**, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Cooney, Chairman): 4/5/2005  
**HB 12**, be concurred in. Report adopted.  
**HB 299**, be concurred in. Report adopted.  
**HB 540**, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman): 4/5/2005  
**HB 173**, be concurred in. Report adopted.  
**HB 698**, be concurred in. Report adopted.  
**HB 707**, be concurred in. Report adopted.

**JUDICIARY** (Wheat, Chairman): 4/5/2005  
**HB 374**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Mangan, Chairman): 4/5/2005  
**HB 614**, be concurred in. Report adopted.  
**HB 720**, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Cromley, Chairman): 4/5/2005  
**HB 552**, be amended as follows:

1. Page 5, line 20.

**Strike:** "53-6-113"

**Insert:** "providing medicaid services to children under 19 years of age for whom the department may not apply financial criteria, as provided in 53-6-113(6)"

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

**HB 704**, be amended as follows:

1. Title, line 5.

**Strike:** "DECISIONS ON"

**Insert:** "THE RESULTS OF"

2. Page 2, line 3.

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**Strike:** "a reasonable time period, not to exceed"

3. Page 2, lines 3 and 4.

**Strike:** "review process is complete"

**Insert:** "dispute is submitted to the individual conducting the dispute resolution process. As used in this subsection (1)(b), "submitted" means that the provider and any other party to the dispute have provided their final position statements or arguments to the individual conducting the dispute resolution process, along with any supporting documents, within the time established by that individual"

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

**HB 749**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

4/5/2005

**HB 102**, be concurred in. Report adopted.

**HB 728**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

4/5/2005

**HB 513**, be concurred in. Report adopted.

**HB 625**, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "CLARIFYING"

**Insert:** "CHANGING"

2. Page 2, line 16.

**Strike:** "5,500"

**Insert:** "8,500"

3. Page 2, line 29 through line 30.

**Following:** "7-6-1501" on line 29

**Insert:** ", or if the designation occurred prior to [the effective date of this act], the question must be submitted to the electorate prior to [5 years after the effective date of this act]"

**Strike:** "An election may not be held based upon a designation that is more than 5 years old." on lines 29 and 30

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

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

1. Page 2, line 15.

**Strike:** "\$1,396,528,000"

**Insert:** "\$1,411,952,000"

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2. Page 2, line 16.

**Strike:** "~~\$1,425,745,000~~"

**Insert:** "\$1,429,768,000"

**Strike:** "~~\$1,467,194,000~~"

**Insert:** "\$1,475,348,000"

3. Page 3, line 13.

**Strike:** "~~\$604.062~~"

**Insert:** "\$619.486"

4. Page 4, line 2.

**Strike:** "34.660"

**Insert:** "35.616"

**Strike:** "35.334"

**Insert:** "37.283"

5. Page 4, line 8.

**Strike:** "58.498"

**Insert:** "61.565"

**Strike:** "59.057"

**Insert:** "65.263"

6. Page 5, line 9.

**Strike:** "~~\$1,396,528~~"

**Insert:** "\$1,411.952"

**Strike:** "~~\$1,425,745~~"

**Insert:** "\$1,429.768"

**Strike:** "~~\$1,467.194~~"

**Insert:** "\$1,475.348"

7. Page 11, line 3.

**Strike:** "\$33.394"

**Insert:** "\$36.734"

**Strike:** "\$33.570"

**Insert:** "\$36.929"

8. Page 11, line 5.

**Strike:** "\$6.365"

**Insert:** "\$7.001"

**Strike:** "\$5.213"

**Insert:** "\$5.738"

9. Page 12, line 18.

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**Strike:** "\$34.30"

**Insert:** "\$37.73"

**Strike:** "\$34.48"

**Insert:** "\$37.93"

10. Page 13, line 3.

**Strike:** "\$4.97"

**Insert:** "\$5.47"

**Strike:** "\$4.07"

**Insert:** "\$4.48"

11. Page 18, line 13.

**Strike:** "56.809"

**Insert:** "57.286"

**Strike:** "55.568"

**Insert:** "56.571"

12. Page 19, line 17.

**Strike:** "\$335.814"

**Insert:** "\$336.291"

**Strike:** "\$340.303"

**Insert:** "\$341.306"

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

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 278**  
Report No. 0, April 1, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 278** (reference copy -- salmon) and recommend this Conference Committee report be adopted as follows:

BE ADOPTED

WITH NO RECOMMENDATION

And, recommend that House amendments to **Senate Bill 278** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

For the House:

Wheat, Chairman  
Black  
Hansen

Heinert, Chairman  
Gallik  
Keane  
McKenney

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**MESSAGES FROM THE GOVERNOR**

April 5, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear President Tester:

Attached is a list of board appointments requiring confirmation by the Montana State Senate.

**Hard Rock Mining Board 2-15-1822**

The board is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. Three members must come from impact areas or areas expected to be impacted by large-scale mineral development and at least two persons must come from one of each district designated by statute. Further, members must include a representative of the hard-rock mining industry, a representative of a major financial institution, an elected school district trustee, an elected county commissioner and a member of the public. Holdover members include a school trustee and a public member, both of whom reside in District 1, and one is from an impact area. The Board elects a presiding member.

Kristen K. Koss, 4310 N Highway 47, Custer MT 59024

Work phone: 406-322-8744; Home phone: 406-856-4073

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: a representative of the hard-rock mining industry and resident of district 2

Koss has been with the Stillwater Mining Company since 1995, serving in various staff capacities as a human resources professional. She attended the University of Wisconsin and has had labor law, collective bargaining and other extensive HR-related training. In her role with Stillwater Mining, Koss works with school officials, local health providers, community service organizations, local law enforcement, and social services in Yellowstone, Sweetgrass and Stillwater Counties. Koss is active in the Redeemer Lutheran Church in Hardin, where her husband serves as pastor.

Mary Ellen Cremer, 189 Boulder Rd, Big Timber MT 59011

Work phone: 406-932-5774; Home phone: 406-932-4392

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: a representative of a major financial institution in Montana and resident of district 1/impact area  
Cremer has been on the board of directors for the Citizens Bank and Trust Company in Big Timber for 20 years, most of those years as vice president. Cremer has a doctorate in business administration from the University of Washington, as well as a master's degree in economics. Cremer is on the advisory council of Big Brothers Big Sisters and a member of the Cottonwood Resource Council. She's a consultant with CCG Group, a management-consulting group specializing in matching enterprise demand to communications and information technologies. Cremer also was a manager with Deloitte & Touche.

Edward M. Tinsley, 1236 9th Ave, Helena MT 59601

Work phone: 406-447-8302; Home phone: 406-443-7126

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: elected county commissioner and resident of district 2/impact area

After serving in the United States Army, Tinsley graduated from the University of Montana and later, the Montana

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Law Enforcement Academy. Prior to being elected County Commissioner, Tinsley worked in the Montana State Auditor's office. At the State Auditor's office, he served as Land Board Advisor to the Auditor and as the Senior Outreach Coordinator. Tinsley also served as the Chief of Enforcement for the Montana Securities Department and as an insurance fraud investigator. Tinsley is a member of the American Legion and the Kiwanis Club, and serves on the board of Shodair Hospital, Trout Unlimited, and the Friendship Center.

Labor Appeals Board 2-15-1704

The board is designated as a quasi-judicial board and consists of three members of the public who are not employees of the state government. The holdover member is an attorney.

Elizabeth Best, PO Box 2114, Great Falls MT 59403, Chair

Work phone: 406-452-2933

Appointment date: 3/29/2005; Term ends: January 1, 2009

Qualification: public representative

Best is an attorney in private practice with her husband, Mike Best. A 1978 graduate of MSU Bozeman, she earned her law degree at the University of Montana in 1981. During the next three years on active duty with the U.S. Army JAG Corps in Germany, she served as a criminal prosecutor, liaison between the Army V Corps and German prosecutors and as an instructor in the law of war. Upon return to Montana, she clerked for U.S. District Judge Paul Hatfield before entering private practice. Elizabeth was a Centerville School District trustee for six years and has served on the Montana Trial Lawyers Association since 1995, with two years as the association president.

Ed Logan, 1330 Lonesome Pine Ln, Billings MT 59105

Home phone: 406-252-0992

Appointment date: 3/29/2005; Term ends: January 1, 2009

Qualification: public representative

Logan has been the senior operator/metal tradesman for ExxonMobile Refinery since 1977. He also serves as the Safety Project Coordinator. He attended Eastern Montana College, Billings, and has completed the national safety council principles of occupational safety and health course. He has also participated in OSHA safety conferences. Logan is active in labor union affairs and has served in various leadership positions. His community involvement includes volunteer construction work for Zoo Montana and Habitat for Humanity and other events. He serves on the Heights Task Force, and is a past grand knight of the Knights of Columbus.

Board of Personnel Appeals 2-15-1705

The board is designated as a quasi-judicial board and consists of five members and two substitute members. Two members are required to be full-time management employees in organizations with collective bargaining units or who represent management in collective bargaining activities; two members are required to be full-time employees or elected officials of a labor union or an association recognized by the board; and one member is required to have general labor-management experience, who is the presiding officer. Holdover members include the presiding officer with general labor-management experience and a management representative. Two substitute members (one labor, one management) are also holdovers.

David Alberi, PO Box 1049, Dillon MT 59725

Work phone: 406-683-2327

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: full-time management employee in an organization with a collective bargaining unit

Alberi is the General Manager of the Vigilante Electric Cooperative. Raised on a ranch near Red Lodge, Alberi received a congressional appointment to the United States Merchant Marine Academy in Kingsport, New York, from then-Senator Mike Mansfield. He has a BS degree in mechanical engineering from the academy and was with the SSR professional consulting engineers from 1971-1980. He has served with the Vigilante Electric



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Cooperative since 1980, with fourteen years in engineering and operations and eleven years in management.

Allan Audet, 510 N 29th St, Billings MT 59101

Work phone: 406-248-9812

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: full-time elected official of a labor union recognized by the board

Audet is the President of the Billings Education Association. A graduate of MSU-Billings, he earned a BS degree in elementary/special education and served as a Billings schoolteacher from 1992-2002. During that time, he was involved in various labor union activities, including first vice president of the BEA, as well as serving on negotiation teams, political action committees, and insurance committees. He served on the MEA-MFT board of directors and currently serves on a local leaders task force for the American Federation of Teachers.

Jay Reardon, PO Box 1176, Helena MT 59624

Work phone: 406-442-1708

Appointment date: 3/31/2005; Term ends: January 1, 2009 [Reappointment]

Qualification: full-time employee of a labor union or an association recognized by the board

Reardon is the director of Project Challenge: Work Again, the dislocated worker program operated by the Montana State AFL-CIO. An employee of ASARCO from 1975-2001, Reardon served in a variety of positions and was also involved in labor-management relations and with safety training programs. Long active in labor union affairs, he served as the president of his local union, and has held other offices in the labor movement. Reardon was the labor representative on the Montana Board of Labor Appeals from 1988-1992. His education includes the industrial pipefitters apprenticeship, ASARCO, and the Rocky Mountain Labor School. He was an East Helena school district trustee and chair of the East Helena school improvement committee.

Board of Public Assistance                      2-15-2203

The board is designated as a quasi-judicial board and consists of three members. An employee of the Department of Public Health and Human Services cannot be a member of the board. The holdover member is a resident of Missoula.

Scott Sorenson, 6 Willow Brook Close, Whitefish MT 59937

Work phone: 406-862-3669

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: public representative

Sorenson graduated from Havre High School and attended Northern Montana College before obtaining both a bachelor's and master's degree in journalism from the University of Montana. Following graduation from UM, he attended the International Journalism Center in Washington, D.C. Sorenson then became a certified shopping center manager and marketing director, and worked in the industry in Washington, D.C., Oregon and Iowa. Sorenson has been in the Flathead area for 12 years. He operates Scott Sorenson Resources, and consults for the International Council for Shopping Centers. Sorenson is also a substitute teacher in the Flathead, works at the food bank, and performs other community services. He's currently a member of the Whitefish planning board, was the first director of Citizens for a Better Flathead, served on the Whitefish Affordable Housing Committee. Sorenson will be the chair of the Board.

Amy Christensen, 4 Olive St, Helena MT 59601

Work phone: 406-442-1022

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: public representative

Christensen was born in Dillon and raised in Helena, where she graduated from Capital High School in 1988. She received a bachelor's degree in government from the University of Notre Dame in 1992. She volunteered for a year in a homeless shelter in Boston, and then worked for a year for Senator Max Baucus. In 1997, she obtained a

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law degree from the University of Colorado School of Law. She's in private practice with the law firm of Hughes, Kellner, Sullivan and Alke, and has received awards from the University of Colorado law school and the First Judicial District Bar Association for her pro-bono work. She's on the board of Helena Industries, a nonprofit corporation employing persons with developmental disabilities.

Respiratory Care Practitioners 2-15-1750

The board is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. Three members must be respiratory care practitioners, with three years' experience in the field immediately preceding appointment. One of the three must have passed the registry examination for respiratory therapists administered by the national board for respiratory care and at least one of these members must have passed the entry-level examination for respiratory therapy technicians administered by the national board for respiratory care. The remaining members must be: one physician licensed in Montana who has a special interest in the treatment of cardiopulmonary diseases; and one member of the public who is not a member of a health care profession. Holdover members are a doctor of medicine and a respiratory care practitioner certified by the National Board for Respiratory Care.

Eileen Carney, PO Box 1193, Libby MT 59923, Chair

Home phone: 406-293-6407

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: public representative

Carney was born in Huntley, Montana, and graduated from Billings Central High School. She received a Bachelor of Arts degree from Carroll College and an MA from the University of Montana. A long-time teacher, Carney is active in the Libby community. She's served on the Irish Fair Board, the Recovery Northwest board, the hospital board, and the Libby Community Advisory Group, formed to help the community deal with the severe health effects of asbestos mined by WR Grace. Carney served in the legislature during the 2001 and 2003 sessions.

Leonard Bates, 608 8th St N, Great Falls MT 59401

Work phone: 406-771-4360; Home phone: 406-268-1463

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: respiratory care practitioner, certified by National Board of Respiratory Care

Bates is a licensed respiratory care practitioner and teaches respiratory therapy at MSU-Great Falls College of Technology. He has a master's degree in vocational education from Montana State University-Northern, and a Bachelor of Arts degree from the University of the State of New York. He received an associate degree in respiratory therapy from Mount San Antonio College in Walnut, CA and has been active in the Montana Society for Respiratory Care and the American Association for Respiratory Care. Bates is also a board member for MEA-MFT. He's worked in respiratory care at Montana Deaconess Medical Center in Great Falls, St. Peter's Community Hospital in Helena and the Sonora Community Hospital in California.

Tony Jay Miller, 203 4th Ave E, Joplin MT 59531

Work phone: 406-262-1437; Home phone: 406-292-3617

Appointment date: 3/31/2005; Term ends: January 1, 2009

Qualification: respiratory care practitioner, certified by National Board of Respiratory Care

Miller graduated from high school in Joplin in 1996, and received an associate of applied science – respiratory therapy from the MSU College of Technology in Great Falls in 1999. Miller is registered and certified as a respiratory therapist from the National Board of Respiratory Care, and also is a registered polysomnograph technologist. Miller works for Northern Montana Hospital in Havre as the sleep lab coordinator and as clinical coordinator for Big Sky Sleep Diagnostics. Other work experience includes respiratory therapist positions with Liberty County Hospital and Nursing Home and Deaconess Billings Hospital and Clinic.

Sincerely,

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BRIAN SCHWEITZER  
Governor

**MESSAGES FROM THE OTHER HOUSE**

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

4/5/2005

**HB 529**, introduced by Kaufmann  
**HB 703**, introduced by Bergren  
**HB 756**, introduced by Gutsche  
**HB 802**, introduced by A. Olson

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

4/5/2005

**SB 21**, introduced by Grimes  
**SB 29**, introduced by Schmidt  
**SB 32**, introduced by Cromley  
**SB 76**, introduced by Laslovich  
**SB 95**, introduced by Roush  
**SB 153**, introduced by Cobb  
**SB 167**, introduced by Mangan  
**SB 212**, introduced by Esp  
**SB 214**, introduced by Gebhardt  
**SB 225**, introduced by Cocchiarella  
**SB 260**, introduced by Perry  
**SB 264**, introduced by Smith  
**SB 298**, introduced by Tropila  
**SB 322**, introduced by Gillan  
**SB 335**, introduced by Williams  
**SB 349**, introduced by Cocchiarella  
**SB 350**, introduced by Cocchiarella  
**SB 352**, introduced by Grimes  
**SB 355**, introduced by Shockley  
**SB 363**, introduced by Williams  
**SB 365**, introduced by Ellingson  
**SB 368**, introduced by Cocchiarella  
**SB 370**, introduced by Squires  
**SB 373**, introduced by Essmann  
**SB 410**, introduced by Gallus  
**SB 457**, introduced by Gebhardt  
**SB 460**, introduced by Weinberg  
**SB 470**, introduced by Harrington  
**SB 497**, introduced by Tropila

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

4/5/2005

**SJR 4**, introduced by Cobb  
**SJR 17**, introduced by Lind  
**SJR 24**, introduced by Barkus

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**Senate bills** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2005

**SB 2**, introduced by Laible  
**SB 40**, introduced by McGee  
**SB 127**, introduced by Keenan  
**SB 138**, introduced by Weinberg  
**SB 145**, introduced by Harrington  
**SB 183**, introduced by Laible  
**SB 186**, introduced by Joe Balyeat  
**SB 294**, introduced by Hawks  
**SB 385**, introduced by Esp  
**SB 388**, introduced by Keenan  
**SB 423**, introduced by Laslovich  
**SB 434**, introduced by Lewis  
**SB 443**, introduced by Roush  
**SB 466**, introduced by Esp  
**SB 472**, introduced by Perry

**Senate joint resolutions** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2005

**SJR 7**, introduced by Weinberg  
**SJR 12**, introduced by Kitzenberg

**Senate bills not** concurred in and returned to the Senate:

4/5/2005

**SB 194**, introduced by Laible  
**SB 265**, introduced by Larson

**MOTIONS**

Senator Mangan moved to suspend the rules for the late introduction of a bill concerning the initiative process.  
Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Schmidt, Shockley, Smith, Steinbeisser, Story, Tash, Tropila, Wheat.  
Total 39

Nays: Balyeat, Hawks, Larson, O'Neil, Ryan, Squires, Stapleton, Toole, Weinberg, Williams, Mr. President.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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Senator Gebhardt moved to suspend the rules for the late introduction of a bill concerning a trust fund for older Montanans. Motion carried 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, Shockley, Smith, Squires, Steinbeisser, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 37

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Keenan, Laible, McGee, O'Neil, Perry, Stapleton, Story, Tash.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Ellingson moved to appointment of a conference committee on **SB 81**. President Tester appointed Senator Tropila (Chair), Senator Roush, and Senator Stapleton.

Senator Brueggeman moved action on **HB 474** be reconsidered. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hawks, Larson, Lewis, Lind, Mangan, O'Neil, Roush, Schmidt, Shockley, Squires, Steinbeisser, Story, Toole, Tropila, Weinberg, Wheat, Williams.  
Total 30

Nays: Balyeat, Cobb, Cooney, Gebhardt, Grimes, Hansen, Harrington, Keenan, Kitzenberg, Laible, Laslovich, McGee, Moss, Pease, Perry, Ryan, Smith, Stapleton, Tash, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Brueggeman further moved that **HB 474** be placed on 2nd reading. Motion carried except Senators Moss, McGee, Balyeat, Stapleton, and Laslovich.

Senator Cocchiarella moved **SJR 38** be taken from Senate Judiciary and placed into Senate Business, Labor, and Economic Affairs. Motion carried.

Senator Laible moved his vote on **SB 521** be changed from "aye" to "nay". Motion carried.

Senator Tash moved action on **HB 687** be reconsidered. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Schmidt, Smith,

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Squires, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Gebhardt, Hansen, Keenan, Laible, Lewis, McGee, O'Neil, Ryan, Shockley, Stapleton, Story.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Elliott, Gillan, Grimes.  
Total 3

Senator Tash further moved **HB 687** be placed on 2nd reading the next regular legislative day. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 39**, introduced by Toole, Gallik, A. Olson, Perry, referred to Energy and Telecommunications.

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 17**, introduced by Squires, referred to State Administration.

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

**HB 529**, introduced by Kaufmann, referred to Taxation.

**HB 584**, introduced by Harris, referred to Taxation.

**HB 703**, introduced by Bergren, Tester, referred to Taxation.

**HB 756**, introduced by Gutsche, Bergren, Wanzenried, Witt, Lindeen, Noonan, Ward, Lake, Peterson, referred to Taxation.

**HB 802**, introduced by A. Olson, 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 Hawks in the chair.

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

**HB 624** - Senator Mangan moved **HB 624** be concurred in. Motion carried as follows:

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

Total 28

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Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Lind, Pease, Stapleton.  
Total 3

**HB 346** - Senator Shockley moved **HB 346** be concurred in. Motion carried unanimously.

**HB 450** - Senator Harrington assumed the chair.

**HB 450** - Senator Hawks moved **HB 450** be concurred in. Motion carried as follows:

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

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Curtiss, Esp, Grimes, Keenan, Laible, Lewis, McGee, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Gillan, Ryan.  
Total 2

**HB 587** - Senator Hawks reassumed the chair.

**HB 587** - Senator Tropila moved **HB 587** be concurred in. Motion carried unanimously.

**HB 591** - Senator Laible moved **HB 591** be concurred in. Motion carried with Senators McGee and Story voting nay.

**HB 436** - Senator Ellingson moved consideration of **HB 436** be placed below HB 666 on the second reading board. Motion carried.

**HB 451** - Senator Pease moved **HB 451** be concurred in. Motion carried with Senator McGee voting nay.

**HB 666** - Senator Wheat moved **HB 666** be concurred in. Motion carried as follows:

Yeas: Balyeat, Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 34

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Nays: Bales, Barkus, Brueggeman, Curtiss, Esp, Keenan, Laible, Lewis, McGee, Perry, Shockley, Steinbeisser, Story, Tash.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Grimes, Stapleton.  
Total 2

**HB 436** - Senator Shockley moved **HB 436** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Keenan, Kitzenberg, Laible, Lewis, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Steinbeisser, Story, Tash, Tropila.  
Total 33

Nays: Cobb, Cooney, Ellingson, Hawks, Larson, Laslovich, Lind, Mangan, Ryan, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Grimes, Stapleton.  
Total 2

**HB 170** - Senator Steinbeisser moved **HB 170** be concurred in. Motion carried unanimously.

**HB 204** - Senator Cromley moved **HB 204** be concurred in. Motion carried unanimously.

**HB 759** - Senator Black moved **HB 759** be concurred in. Motion carried with Senators Larson, Ryan, and Weinberg voting nay.

**HB 765** - Senator Black moved **HB 765** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Black, Curtiss, Esp, Essmann, Gebhardt, Grimes, Harrington, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash.  
Total 19

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

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Schmidt, Stapleton, Williams.  
Total 4



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**HB 765** - Senator Laslovich moved **HB 765** be **indefinitely postponed**. Motion carried as follows:

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

Total 30

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

Total 18

Absent or not voting: None.

Total 0

Excused: Brueggeman, Stapleton.

Total 2

**HB 470** - Senator Gebhardt moved **HB 470** be concurred in. Motion carried with Senators Grimes and Steinbeisser voting nay.

**HB 140** - Senator Cocchiarella moved **HB 140** be concurred in. Motion carried as follows:

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

Total 43

Nays: Balyeat, Brueggeman, Curtiss, Gebhardt, Grimes, McGee, O'Neil.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 395** - Senator Moss moved **HB 395** be concurred in. Motion carried unanimously.

**HB 687** - Senator Cocchiarella moved **HB 687** be concurred in. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Cromley, Ellingson, Esp, Gallus, Gebhardt, Grimes, Hawks, Keenan, Lind, Pease, Roush, Schmidt, Smith, Tash, Tropila, Weinberg.

Total 18

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cooney, Curtiss, Elliott, Essmann, Hansen, Harrington, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Perry, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Toole, Wheat, Williams, Mr. President.

Total 31

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Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 687** - Senator Tash moved **HB 687** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 37

Nays: Balyeat, Cobb, Cocchiarella, Cromley, Gallus, Grimes, Keenan, Lind, Roush, Smith, Tash, Tropila.

Total 12

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

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 Hawks 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 104** concurred in as follows:

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

Total 49

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 105** concurred in as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 109** concurred in as follows:

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

Total 46

Nays: Gallus, Keenan, McGee, Story.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 169** concurred in as follows:

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

Total 47

Nays: Gallus, Mangan, Stapleton.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 177 failed** as follows:

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

Nays: 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 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 213 concurred in** as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 41

Nays: Bales, Curtiss, Esp, Gallus, Keenan, McGee, Stapleton, Steinbeisser, Story.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 272 concurred in** as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 297** concurred in as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 324** concurred in as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 28

Nays: 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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 418** concurred in as follows:

Yeas: Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 32

Nays: Bales, Balyeat, Barkus, Cobb, Curtiss, Esp, Essmann, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 645** concurred in as follows:

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

Total 40

Nays: Bales, Barkus, Esp, Essmann, Gallus, Keenan, Shockley, Stapleton, Steinbeisser, Story.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 684 failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 688** concurred in as follows:

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

Total 41

Nays: Bales, Barkus, Esp, Gebhardt, Grimes, Keenan, McGee, O'Neil, Stapleton.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 732** concurred in as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 746** concurred in as follows:

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 12** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Toole, Tropila, Weinberg, Wheat, Williams.  
Total 36

Nays: Bales, Balyeat, Barkus, Esp, Gallus, Gebhardt, Grimes, McGee, O'Neil, Perry, Stapleton, Story, Tash, Mr. President.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HJR 19** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.  
Total 43

Nays: Barkus, Esp, Gallus, Gillan, Lind, Perry, Wheat.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 244** passed as follows:

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

Nays: Bales, Keenan, McGee, Steinbeisser.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 31** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0



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**UNFINISHED BUSINESS**

President Tester announced amendments to HB 2 be presented by the 73rd legislative day.

**SPECIAL ORDERS OF THE DAY**

Senator Squires introduced the two remaining pages for the week:

**"Adriann Buckles:** Adriann is sponsored by Senator Smith, and is a senior at Poplar High School. She is a member of the National Honors Society, and Pep Club. She is also involved with Student Council, Varsity Sports, Diabetes Prevention, and Youth Leadership."

**"Ryan Clinch:** Ryan is sponsored by Senator Cocchiarella. He is a junior at Capital High School. He is very active with the Muscular Dystrophy Association. He has served as a camp counselor and volunteer, and recently just received the Prudential Insurance Award for his work with the Association."

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Majority Leader Ellingson moved the Senate recess until 5:00p p.m. this same legislative day. Motion carried.

**Senate recessed 3:38 p.m.**

**Senate reconvened 5:02 p.m.**

Roll Call. All members present except Senators Black, Cobb, Cocchiarella, Pease, Smith, Steinbeisser. Quorum present.

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

Total 42

Nays: Balyeat, Gebhardt.

Total 2

Absent or not voting: None.

Total 0

Excused: Black, Cobb, Cocchiarella, Pease, Smith, Steinbeisser.

Total 6

**MOTIONS**

Senator Cooney moved **HB 264**, **HB 336**, **HB 482**, and **HB 695** be referred to Senate Finance and Claims. Motion carried.

Senator Curtiss moved action on **HB 684** be reconsidered. Motion carried except Senators Elliott, Harrington, and Smith.

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Senator Black moved action on **HB 765** be reconsidered. Motion failed as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Curtiss, Gebhardt, Grimes, Keenan, Lewis, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.  
Total 14

Nays: Bales, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 35

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

Senator Essmann moved action on HB 177 be reconsidered. Motion carried except Senators Harrington, Toole, Laslovich, Weinberg, Ryan, and Larson.

Senator Larson moved his vote on HB 421 be changed from "nay" to "aye". Motion carried.

**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 Hawks in the chair.

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

**SB 40 - House Amendments** - Senator McGee moved House amendments to **SB 40** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, 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 45

Nays: Ellingson, Elliott, Larson.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Cobb, Curtiss.  
Total 2

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**SB 127 - House Amendments** - Senator Keenan moved House amendments to **SB 127** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Cobb, Curtiss.  
Total 3

**SJR 7 - House Amendments** - Senator Weinberg moved House amendments to **SJR 7** be concurred in. Motion carried unanimously.

**SJR 12 - House Amendments** - Senator Kitzenberg moved House amendments to **SJR 12** be concurred in. Motion carried unanimously.

**HB 474** - Senator Mangan moved consideration of **HB 474** be placed below HB 7 on the second reading board. Motion carried.

**HB 687** - Senator Cocchiarella moved consideration of **HB 687** be placed below HB 264 on the second reading board. Motion carried.

**HB 693** - Senator Shockley moved **HB 693** be concurred in.

**HB 693** - Senator Shockley moved **HB 693**, second reading copy, be amended as follows:

1. Page 1, line 29.

**Following:** "includes"

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

2. Page 2, line 2.

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

**Renumber:** subsequent subsections

3. Page 2, line 5.

**Following:** "(3)"

**Strike:** "The"

**Insert:** "Except for force used pursuant to 45-3-102, 45-3-103, 45-3-104, and 49-1-103, the"

4. Page 2, line 11.

**Following:** "(d)"

**Strike:** "an offensive"

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**Insert:** "a"

Amendment adopted unanimously.

**HB 693** - Senator Wheat moved **HB 693**, second reading copy, be further amended as follows:

1. Title, line 5 through line 6.

**Following:** "ARMS" on line 5

**Strike:** remainder of line 5 through "MCA" on line 6

2. Page 1, line 10 through page 3, line 27.

**Strike:** section 1 through section 5 in their entirety

**Renumber:** subsequent sections

3. Page 4, line 11.

**Following:** "employer"

**Insert:** ", except by written policy,"

4. Page 5, line 4 through line 11.

**Strike:** section 7 in its entirety

**Renumber:** subsequent section

5. Page 6, line 6 through line 15.

**Strike:** subsection (1) through subsection (3) in their entirety

**Insert:** "[Section 1] is intended to be codified as an integral part of Title 39, chapter 2, and the provisions of Title 39, chapter 2, apply to [section 1]."

Amendment .

**HB 693** - Senator O'Neil moved the amendment (amendment #3 section #3) be divided. Thereupon, amendment #3 section #3 was adopted unanimously.

**HB 693** - Senator Wheat moved **HB 693**, second reading copy, be amended as follows:

3. Page 4, line 11.

**Following:** "employer"

**Insert:** ", except by written policy,"

Amendment adopted with Senators Larson and Shockley voting nay.

**HB 693** - Senator Wheat moved **HB 693**, second reading copy, be amended as follows:

1. Title, line 5 through line 6.

**Following:** "ARMS" on line 5

**Strike:** remainder of line 5 through "MCA" on line 6

2. Page 1, line 10 through page 3, line 27.

**Strike:** section 1 through section 5 in their entirety

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**Renumber:** subsequent sections

4. Page 5, line 4 through line 11.

**Strike:** section 7 in its entirety

**Renumber:** subsequent section

5. Page 6, line 6 through line 15.

**Strike:** subsection (1) through subsection (3) in their entirety

**Insert:** "[Section 1] is intended to be codified as an integral part of Title 39, chapter 2, and the provisions of Title 39, chapter 2, apply to [section 1]."

Amendment adopted as follows:

Yeas: 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.

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 693** - Senator Esp made a **substitute motion** that **HB 693** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Ellingson, Elliott, Esp, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Laible, Larson, Lewis, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 38

Nays: Cooney, Curtiss, Essmann, Gallus, Keenan, Kitzenberg, Laslovich, Lind, McGee, Stapleton, Steinbeisser.

Total 11

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 146** - Senator Cromley moved **HB 146** be concurred in. Motion carried as follows:

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Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Keenan, Laible, McGee, Perry, Stapleton, Steinbeisser.

Total 13

Absent or not voting: None.

Total 0

Excused: Brueggeman, Cobb, Cocchiarella, Gillan.

Total 4

**HB 536** - Senator Wheat moved **HB 536** be concurred in. Motion carried unanimously.

**HB 7** - Senator Laible moved **HB 7** be concurred in. Motion carried unanimously.

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

Yeas: Brueggeman, Cocchiarella, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Larson, Lind, Mangan, O'Neil, Perry, Roush, Schmidt, Smith, Squires, Story, Toole, Tropila, Weinberg, Wheat, Williams.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Cooney, Curtiss, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Laslovich, Lewis, McGee, Moss, Pease, Ryan, Shockley, Stapleton, Steinbeisser, Tash, Mr. President.

Total 22

Absent or not voting: Gillan.

Total 1

Excused: Cobb.

Total 1

**HB 8** - Senator Esp moved **HB 8** be concurred in. Motion carried unanimously.

**HB 9** - Senator Tester moved **HB 9** be concurred in. Motion carried with Senators Balyeat and O'Neil voting nay.

**HB 99** - Senator Mangan moved **HB 99** be concurred in. Motion **failed** as follows:

Yeas: Barkus, Black, Cooney, Cromley, Curtiss, Ellingson, Essmann, Gillan, Grimes, Hansen, Keenan, Kitzenberg, Lind, Mangan, Moss, Perry, Roush, Stapleton, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 23

Nays: Bales, Balyeat, Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Harrington, Hawks, Laible, Larson, Laslovich, Lewis, McGee, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole.

Total 26

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Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 99** - Senator Mangan moved **HB 99** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Ellingson, Elliott, Esp, Gebhardt, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Steinbeisser, Story, Tash, Toole, Weinberg, Williams, Mr. President.

Total 34

Nays: Cooney, Cromley, Curtiss, Essmann, Gallus, Gillan, Grimes, Hansen, Lind, Moss, Roush, Smith, Stapleton, Tropila, Wheat.

Total 15

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 264** - Senator Moss moved **HB 264** be concurred in. Motion carried with Senators Bales, Barkus, and Esp voting nay.

**HB 687** - Senator Tash moved **HB 687** be concurred in. Motion carried as follows:

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

Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Keenan, Laible, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: Cobb, Mangan.

Total 2

**HB 326** - Senator Schmidt moved **HB 326** be concurred in. Motion carried with Senator Esp voting nay.

**HB 336** - Senator Cromley moved **HB 336** be concurred in. Motion carried unanimously.

**HB 421** - Senator Gallus moved **HB 421** be concurred in.

**HB 421** - Senator Bales moved **HB 421**, second reading copy, be amended as follows:

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1. Title, line 9.

**Following:** "RESIDENT;"

**Insert:** "AMENDING SECTION 87-2-102, MCA;"

2. Page 1, following line 12.

**Insert:** "**Section 1.** Section 87-2-102, MCA, is amended to read:

**"87-2-102. Resident defined.** In determining whether a person is a resident for the purpose of issuing resident hunting, fishing, and trapping licenses, the following provisions apply:

(1) (a) A member of the regular armed forces of the United States, a member's dependent, as defined in 15-30-113, who resides in the member's Montana household, or a member of the armed forces of a foreign government attached to the regular armed forces of the United States is considered a resident for the purposes of this chapter if:

(i) the member was a resident of Montana under the provisions of subsection (4) at the time the member entered the armed forces and continues to meet the residency criteria of subsections (4)(b) through (4)(e); or

(ii) the member is currently stationed in and assigned to active duty in Montana, has resided in Montana for at least 30 days, and presents official assignment orders and proof of completion of a hunter safety course approved by the department, as provided in 87-2-105, or a certificate verifying the successful completion of a hunter safety course in any state or province. The 30-day residence requirement is waived in time of war. Reassignment to another state, United States territory, or country terminates Montana residency for purposes of this section, except that a reassigned member continues to qualify as a resident if the member's spouse and dependents continue to physically reside in Montana and the member continues to meet the residency criteria of subsections (4)(b) through (4)(e). The designation of Montana by a member of the regular armed forces as a "home of record" or "home of residence" in that member's armed forces records does not determine the member's residency for purposes of this section.

(b) A member of the regular armed forces of the United States who is otherwise considered a Montana resident pursuant to subsection (1)(a)(i) does not forfeit that status as a resident because the member, by virtue of that membership, also possesses, has applied for, or has received resident hunting, fishing, or trapping privileges in another state or country.

(2) A person who has physically resided in Montana as the person's principal or primary home or place of abode for 180 consecutive days, except as provided in [section 2], and who meets the criteria of subsection (4) immediately before making application for any license is eligible to receive resident hunting, fishing, and trapping licenses. As used in this section, a vacant lot or a premises used solely for business purposes is not considered a principal or primary home or place of abode.

(3) A person who obtains residency under subsection (2) may continue to be a resident for purposes of this section by physically residing in Montana as the person's principal or primary home or place of abode for not less than 120 days a year and by meeting the criteria of subsection (4) prior to making application for any resident hunting, fishing, or trapping license.

(4) In addition to the requirements of subsection (2) or (3), a person shall meet the following criteria to be considered a resident for purposes of this section:

(a) the person's principal or primary home or place of abode is in Montana;

(b) the person files Montana state income tax returns as a resident if required to file;

(c) the person licenses and titles in Montana as required by law any vehicles that the person owns and operates in Montana;

(d) except as provided in subsection (1)(b), the person does not possess or apply for any resident hunting, fishing, or trapping licenses from another state or country or exercise resident hunting, fishing, or trapping privileges in another state or country; and

(e) if the person registers to vote, the person registers only in Montana.



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(5) A student who is enrolled full-time in a postsecondary educational institution out of state and who would qualify for Montana resident tuition or who otherwise meets the residence requirements of subsection (2) or (3) is considered a resident for purposes of this section.

(6) An enrollee of a job corps camp located within the state of Montana is, after a period of 30 days within Montana, considered a resident for the purpose of making application for a fishing license as long as the person remains an enrollee in a Montana camp.

(7) A person who does not reside in Montana but who meets all of the following requirements is a resident for purposes of obtaining hunting and fishing licenses:

(a) The person's principal employment is within this state and the income from this employment is the principal source of the applicant's family income.

(b) The person is required to pay and has paid Montana income tax in a timely manner and proper amount.

(c) The person has been employed within this state on a full-time basis for at least 12 consecutive months immediately preceding each application.

(d) The person's state of residency has laws substantially similar to this subsection (7).

(8) An unmarried minor is considered a resident for the purposes of this section if the minor's parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for purposes of this section. The minor is considered a resident for purposes of this section regardless of whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent or guardian of the minor may be required to show proof of the parental, guardianship, or custodial relationship to the minor.

(9) A person is not considered a resident for the purposes of this section if the person:

(a) claims residence in any other state or country for any purpose; or

(b) is an absentee property owner paying property tax on property in Montana.

(10) A license agent is not considered a representative of the state for the purpose of determining a license applicant's residence status."

**Renumber:** subsequent sections

3. Page 1, line 20.

**Strike:** "2"

**Insert:** "3"

4. Page 1, line 28.

**Strike:** "(a)" through "Montana;"

5. Page 1, line 29.

**Strike:** "(b)"

**Insert:** "(a)"

**Strike:** "Montana"

6. Page 2, line 1.

**Strike:** "(c)"

**Insert:** "(b)"

7. Page 2, line 2.

**Following:** "87-2-102"

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**Insert:** ", and has resided in Montana for a period of at least 10 years"

8. Page 2, line 9.

**Insert:** "(7) The number of licenses issued under this part may not exceed 200 in a given year."

9. Page 2, line 13.

**Strike:** "1"

**Insert:** "2"

10. Page 2, line 19.

**Strike:** "1 and 2"

**Insert:** "2 and 3"

11. Page 2, line 21.

**Strike:** "1 and 2"

**Insert:** "2 and 3"

12. Page 2, line 24.

**Strike:** "1(2)"

**Insert:** "2(2)"

Amendment **not** adopted as follows:

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

Total 24

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

Total 25

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 421** - Senator Gallus moved **HB 421** be concurred in. Motion **failed** as follows:

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

Total 24

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Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 421** - Senator Bales moved **HB 421** be indefinitely postponed. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Moss, O'Neil, Perry, Roush, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg, Mr. President.

Total 30

Nays: Balyeat, Cromley, Ellingson, Gallus, Gillan, Hansen, Laslovich, Lind, Mangan, McGee, Pease, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Wheat, Williams.

Total 19

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 440** - Senator Smith moved **HB 440** be concurred in. Motion carried unanimously.

**HB 482** - Senator Bales moved **HB 482** be concurred in. Motion carried unanimously.

**HB 522** - Senator Kitzenberg moved **HB 522** be concurred in. Motion carried unanimously.

**HB 628** - Senator Elliott moved **HB 628** be concurred in. Motion carried as follows:

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

Total 39

Nays: Balyeat, Esp, Gallus, Gillan, Mangan, O'Neil, Schmidt, Shockley, Story, Williams.

Total 10

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

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**HB 695** - Senator Shockley moved **HB 695** be concurred in. Motion carried with Senators Barkus, Esp, and O'Neil voting nay.

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

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Wednesday, April 6, 2005. Motion carried.

Senate adjourned at 9:41 p.m.

**BILL LOMBARDI**  
Secretary of Senate

**JON TESTER**  
President of the Senate