

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

Helena, Montana
April 7, 2005

Senate Chambers
State Capitol

Senate convened at 8:00 a.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, 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 45

Nays: Balyeat, Gebhardt, Grimes, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

4/7/2005

Correctly printed: **SB 747, SR 16, SR 18.**

Correctly engrossed: **SB 435, SB 782.**

Correctly enrolled: **SB 1, SB 33, SB 46, SB 62, SB 86, SB 124, SB 127, SB 140, SB 160, SB 174, SB 182, SB 295, SB 299, SB 304, SB 311, SB 381, SB 384, SB 440, SB 459, SB 478, SB 500, SJR 7, SJR 9, SJR 12, SJR 13, SJR 22, SJR 26, SJR 27.**

Examined by the sponsor and found to be correct: **SB 21, SB 29, SB 32, SB 38, SB 76, SB 95, SB 153, SB 167, SB 212, SB 214, SB 225, SB 244, SB 260, SB 264, SB 298, SB 322, SB 325, SB 335, SB 349, SB 350, SB 352, SB 355, SB 363, SB 365, SB 368, SB 369, SB 370, SB 373, SB 410, SB 457, SB 460, SB 470, SB 497.**

Signed by the Speaker at 3:30 p.m., April 7, 2005: **SB 21, SB 29, SB 32, SB 38, SB 76, SB 95, SB 153, SB 167, SB 212, SB 214, SB 225, SB 244, SB 260, SB 264, SB 298, SB 322, SB 325, SB 335, SB 349, SB 350, SB 352, SB 355, SB 363, SB 365, SB 368, SB 369, SB 370, SB 373, SB 410, SB 457, SB 460, SB 470, SB 497.**

Signed by the President at 8:10 a.m., April 7, 2005: **SB 21, SB 29, SB 32, SB 38, SB 76, SB 95, SB 153, SB 167, SB 212, SB 214, SB 225, SB 244, SB 260, SB 264, SB 298, SB 322, SB 325, SB 335, SB 349, SB 350, SB 352, SB 355, SB 363, SB 365, SB 368, SB 369, SB 370, SB 373, SB 410, SB 457, SB 460, SB 470, SB 497.**

Signed by the Secretary of the Senate at 7:45 p.m., April 7, 2005: **SB 21, SB 29, SB 32, SB 38, SB 76, SB 95, SB 153, SB 167, SB 212, SB 214, SB 225, SB 244, SB 260, SB 264, SB 298, SB 322, SB 325, SB 335, SB 349, SB 350, SB 352, SB 355, SB 363, SB 365, SB 368, SB 369, SB 370, SB 373, SB 410, SB 457, SB 460, SB 470, SB 497.**

Delivered to the Secretary of State at 4:45 p.m., April 7, 2005: **SB 21, SB 29, SB 32, SB 38, SB 76, SB 95, SB 153, SB 167, SB 212, SB 214, SB 225, SB 244, SB 260, SB 264, SB 298, SB 322, SB 325, SB 335, SB 349, SB 350, SB 352, SB 355, SB 363, SB 365, SB 368, SB 369, SB 370, SB 373, SB 410, SB 457, SB 460, SB 470,**

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SB 497.

Examined by the sponsor and found to be correct: **SJR 4, SJR 17, SJR 24.**
Signed by the Speaker at 3:30 p.m., April 7, 2005: **SJR 4, SJR 17, SJR 24.**
Signed by the President at 8:10 a.m., April 7, 2005: **SJR 4, SJR 17, SJR 24.**
Signed by the Secretary of the Senate at 7:45 p.m., April 7, 2005: **SJR 4, SJR 17, SJR 24.**
Delivered to the Secretary of State at 4:45 p.m., April 7, 2005: **SJR 4, SJR 17, SJR 24.**

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):
HB 435, be amended as follows:

4/7/2005

1. Title, page 1, line 19.

Following: "COLLEGES"

Insert: "IF SO DESIGNATED BY THE DONOR"

2. Page 3, line 1.

Following: the second "IN"

Insert: "postsecondary institutions or, when designated by the donor, in"

3. Page 3, line 6 through line 7.

Following: "MEANS"

Strike: remainder of line 6 through "ESTABLISHED" on line 7

Insert: "a school that is accredited"

4. Page 3, line 10 through line 11.

Strike: "ADMISSION OFFICER"

Insert: "admissions office"

5. Page 4, line 26 through line 28.

Following: "PROCESS" on line 26

Strike: remainder of line 26 through "CRITERIA" on line 27

Following: "STUDENTS" on line 27

Strike: remainder of line 27 through "TEST" on line 28

6. Page 5, line 15 through line 16.

Following: "another" on line 15

Strike: remainder of line 15 through "INSTITUTION" on line 16

7. Page 5, lines 25 and 26.

Following: "(6)"

Strike: remainder of line 25 through "SOURCES" on line 26

Insert: ", (7), and (9)"

Following: "provided" on line 26

Insert: "in each fiscal year"

8. Page 5, line 28.

Strike: "OR MONTANA PRIVATE COLLEGES"

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9. Page 6, line 1.

Strike: "OR A MONTANA PRIVATE COLLEGE"

10. Page 6, line 19.

Following: "OR"

Insert: ", subject to the availability of private funds, to"

11. Page 6.

Following: line 30

Insert: "(7) Except when a donor of private funds designates that scholarship funds must be given to students attending a Montana private college, the board, following consultation with the council, shall establish criteria and procedures for distributing funds from private sources for scholarships to students enrolled in postsecondary institutions. Funds from private sources may not be used as an offset to general fund appropriations.

(8) Except when a donor of private funds designates that scholarship funds must be given to students attending a Montana private college, scholarship awards are determined solely by the board following consultation with the council. Scholarship awards are not subject to appeal."

Renumber: subsequent subsection

12. Page 7, line 8.

Strike: "OR A MONTANA PRIVATE COLLEGE"

13. Page 7, line 9 through line 10.

Following: "policy" on line 9

Strike: remainder of line 9 through "graduation" on line 10

14. Page 7, line 15.

Following: "policy"

Strike: "OR"

Insert: "and"

Following: "BOARD"

Insert: ", "

15. Page 7, line 16 through line 17.

Strike: "PURSUANT" on line 16 through "scale" on line 17

Insert: ", at least part of which must include a grade point average or a numerical score on a standardized college admission test"

16. Page 7, line 19.

Strike: "OR A MONTANA PRIVATE COLLEGE"

17. Page 7, line 20.

Following: "attendance"

Strike: ";

Insert: ".

(2) To be eligible to receive a scholarship, an entering freshman student seeking a certificate or an associate or baccalaureate degree at a Montana private college:

(a) must be classified as a Montana resident for in-state tuition under the board's policy; and

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(b) must meet the admission requirements and eligibility criteria established by the admissions office of the Montana private college."

Renumber: subsequent subsections

18. Page 7, line 23.

Following: "(1)(a)"

Insert: "or (2)(a)"

19. Page 7, line 24.

Following: "DETERMINED"

Insert: "through procedures established"

20. Page 7, line 28.

Following: the second "a"

Insert: "merit-based"

Following: "scholarship"

Strike: "based on financial need"

21. Page 8, line 5.

Strike: "(5)"

Insert: "(6)"

22. Page 8, line 7.

Following: "(1)(a)"

Insert: "or (2)(a)"

23. Page 8, line 8.

Following: "DETERMINED"

Insert: "through procedures established"

24. Page 8, line 14.

Strike: "(5)"

Insert: "(6)"

25. Page 8, line 16.

Following: "(1)(a)"

Insert: "or (2)(a)"

26. Page 8, line 17.

Following: "DETERMINED"

Insert: "through procedures established"

27. Page 8, line 30.

Following: "circumstances"

Insert: "as determined through procedures established by the board"

28. Page 9, line 14.

Following: line 13

Insert: "NEW SECTION. Section 9. Implementation. (1) The provisions of [this act] may not be implemented

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without a line item appropriation provided for the purposes of [this act].

(2) If the appropriation provided pursuant to subsection (1) is insufficient to fully fund the scholarship program provided for in [this act], the board shall reduce the number of scholarships in proportion to the amount of money appropriated and notify the office of budget program and planning of the reduction. Following consultation with the council, the board shall adopt procedures to implement this section."

Renumber: subsequent sections

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

JUDICIARY (Wheat, Chairman):

4/7/2005

HB 747, be concurred in. Report adopted.

HB 782, be amended as follows:

1. Title, line 10 through line 13.

Strike: "PROVIDING" on line 10 through "JUDGE;" on line 13

Insert: "TRANSFERRING MONEY FROM THE RESOURCE INDEMNITY TRUST AND"

2. Page 2, line 3.

Strike: "judicial notice"

Insert: "the court"

3. Page 2, line 24 through line 26.

Strike: "to finally" on line 24 through "legal issue" on line 26

4. Page 2, line 27.

Following: "duties"

Insert: "of the attorney general"

5. Page 3, line 2.

Following: "may"

Insert: ", in its ruling"

6. Page 3, line 4.

Strike: "through judicial notice; or"

Insert: "by the court;

(c) remove the issue remark; or"

Renumber: subsequent subsections

7. Page 3, line 16.

Strike: "to the most" through "objections in a basin,"

Insert: "to claims in a basin"

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8. Page 3, line 20.

Strike: "a claim record"

Insert: "an abstract of water right in a water court decree"

Strike: "and"

Insert: "or"

9. Page 9, line 27.

Following: "Appropriation"

Insert: "-- fund transfer"

Following: "money"

Insert: "(1)"

10. Page 9, line 28.

Strike: "AVAILABLE" through "\$49,000"

Insert: "water right appropriation account provided for in 85-2-318, \$98,000 for the biennium beginning July 1, 2005,"

11. Page 9.

Following: line 30

Insert: "(2) There is transferred \$98,000 from the principal of the resource indemnity trust in excess of \$100 million to the water right appropriation account provided for in 85-2-318 for the purposes provided in subsection (1)."

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

STATE ADMINISTRATION (Squires, Chairman):

4/7/2005

SR 16, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

4/7/2005

SB 503, introduced by Tropila

HB 367 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 367**:

4/7/2005

Representative Rice, Chair

Representative Driscoll

Representative Lange

Representative Parker

HB 361 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 361**:

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4/7/2005

Representative Peterson, Chair
Representative Gallik
Representative Hamilton
Representative Maedje

MOTIONS

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

Senate recessed 8:10 a.m.

Senate reconvened 8:30 p.m.

Roll Call. All members present except Senators Gillan, Schmidt, Smith, Williams. Quorum present.

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

Total 40

Nays: Balyeat, Gebhardt, Grimes, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Black, Gillan, Schmidt, Smith, Williams.

Total 5

Majority Leader Ellingson moved the appointment of a conference committee on SB 423. President Tester appoints Senators Laslovich (Ch), Mangan, and Shockley.

Majority Leader Ellingson moved the appointment of a conference committee on HB 63. President Tester appoints Senators Tester (Ch), Ryan, and Story.

Majority Leader Ellingson moved the appointment of a conference committee on SB 443. President Tester appoints Senators Roush (Ch), Cocchiarella, and Steinbeisser.

Senator Cooney moved HB 102 be taken from 3rd reading and placed back on 2nd reading for the purpose of amendment. Motion carried.

Senator Hansen moved to change his vote on Amendment #2015 on HB 2 from "nay" to "aye". Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SR 18, introduced by Squires, referred to State Administration.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Ellingson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tropila in the chair.

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

SB 2 - House Amendments - Senator Laible moved House amendments to **SB 2** be concurred in. Motion carried unanimously.

SB 138 - House Amendments - Senator Weinberg moved House amendments to **SB 138** be concurred in. Motion carried unanimously.

SB 183 - House Amendments - Senator Laible moved House amendments to **SB 183** be concurred in. Motion carried unanimously.

SB 186 - House Amendments - Senator Balyeat moved House amendments to **SB 186** be concurred in. Motion carried unanimously.

SB 294 - House Amendments - Senator Hawks moved House amendments to **SB 294** be concurred in. Motion carried unanimously.

SB 388 - House Amendments - Senator Keenan moved House amendments to **SB 388** be concurred in. Motion carried unanimously.

SB 423 - House Amendments - Senator Laslovich moved House amendments to **SB 423** be **not** concurred in. Motion carried unanimously.

SB 434 - House Amendments - Senator Lewis moved House amendments to **SB 434** be concurred in. Motion carried unanimously.

SB 443 - House Amendments - Senator Roush moved House amendments to **SB 443** be **not** concurred in. Motion carried unanimously.

SB 472 - House Amendments - Senator Perry moved House amendments to **SB 472** be concurred in. Motion carried unanimously.

HB 2 - Senator Cooney moved **HB 2** be concurred in.

Section A (General Government and Transportation) - Senator Larson

HB 2 - Senator McGee moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 5.

Strike: "4,438,074 ~~4,842,848~~" [general fund FY06 and FY07]

Insert: "4,347,683 4,748,842" [general fund FY06 and FY07]

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Amendment **not** adopted as follows:

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

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

HB 2 - Senator Gallus moved **HB 2**, second reading copy, be amended as follows:

1. Page A-17, line 5.

Strike: "69,040" "68,829"	[general fund FY 06 and FY 07]
Insert: "54,194" "54,026"	[general fund FY 06 and FY 07]
Strike: "247,569" "247,936"	[state special fund FY 06 and FY 07]
Insert: "262,415" "262,739"	[state special fund FY 06 and FY 07]

2. Page D-10, line 2.

Strike: " <u>1,109,832</u> " " <u>1,109,512</u> "	[general fund FY 06 and FY 07]
Insert: "1,124,678" "1,124,315"	[general fund FY 06 and FY 07]
Strike: " <u>1,664,747</u> " " <u>1,664,267</u> "	[federal special fund FY 06 and FY 07]
Insert: "1,687,016" "1,686,472"	[federal special fund FY 06 and FY 07]

Amendment **not** adopted unanimously.

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-4, line 13.

Strike: "2,718,583"	[general fund FY07]
Insert: "2,529,059"	[general fund FY07]

2. Page A-4, line 15.

Strike: " <u>2,730,968</u> "	[general fund FY06]
Insert: "2,531,284"	[general fund FY06]

3. Page A-6, line 3 through line 4.

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Strike: line 3 through line 4 in their entirety

4. Page A-11, line 16 through line 17.

Strike: line 16 through line 17 in their entirety

5. Page D-5, line 23 through line 24.

Strike: line 23 through line 24 in their entirety

Amendment adopted unanimously.

HB 2 - Senator Wheat moved **HB 2**, second reading copy, be amended as follows:

1. Page A-2.

Following: line 17

Insert: "c. Court Workload Assessment Study (OTO) 75,000"
[general fund FY06]

Amendment **not** adopted as follows:

Yeas: Barkus, Cobb, Cocchiarella, Elliott, Grimes, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Smith, Weinberg, Wheat, Williams.

Total 15

Nays: Bales, Balyeat, Black, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Keenan, Kitzenberg, Laible, Lewis, McGee, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Mr. President.

Total 33

Absent or not voting: Brueggeman, Roush.

Total 2

Excused: None.

Total 0

HB 2 - Senator Laible moved **HB 2**, second reading copy, be amended as follows:

1. Page A-6, line 5.

Strike: The department shall compile information and report

Insert: "The Marketing and Business Recruitment program of the governor's office shall develop goals, objectives, and performance indicators and submit interim reports"

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2. Page A-6, line 6.

Following: "program."

Insert: "A written summary of interim reports must be presented to the government and transportation subcommittee at the 2007 legislative session."

3. Page A-6, line 7.

Following: "the"

Insert: "interim"

Amendment adopted unanimously.

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-9, line 10.

Strike: "140,271,414 172,473,971" [state special fund FY06 and FY07]

Insert: "117,550,637 120,516,453" [state special fund FY06 and FY07]

Amendment adopted as follows:

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

Total 32

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

Total 16

Absent or not voting: Harrington, Shockley.

Total 2

Excused: None.

Total 0

HB 2 - Senator Laible moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1.

Following: line 20

Insert: "By September 1, 2005, the office of budget and program planning shall determine the amount of general fund revenue received for fiscal year 2005 in excess of the amount anticipated by the 2005 legislature as published in the 2007 legislative fiscal report compiled by the legislative fiscal division. Up to \$400,000 of any excess general fund money is appropriated to the legislative services division in the 2007 biennium in the following priority order:

River Governance	\$10,000
NCSL participation	\$39,826

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PNWER participation	\$44,754
Audio recording of minutes	\$127,749
Disaster recovery/security plans	\$120,000
Support for legislator laptops	\$57,671"

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Kitzenberg, Laible, McGee, Perry, Smith, Steinbeisser, Story, Tash, Tropila.

Total 22

Nays: Balyeat, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Hawks, Keenan, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 2 - Senator Laible moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 5.

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

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

2. Page A-1, line 10.

Strike: "419,732" [general fund FY06]

Insert: "514,312" [general fund FY06]

3. Page A-1, line 15.

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

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

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Gallus, Gebhardt, Gillan, Grimes, Kitzenberg, Laible, Mangan, McGee, Pease, Perry, Smith, Steinbeisser, Tash, Tropila.

Total 20

Nays: Balyeat, Cobb, Cooney, Cromley, Ellingson, Elliott, Esp, Hansen, Hawks, Keenan, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Toole, Weinberg, Wheat, Williams, Mr. President.

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Total 27

Absent or not voting: Essmann, Harrington, Story.

Total 3

Excused: None.

Total 0

HB 2 - Senator Tash moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 10.

Strike: "419,732" [general fund FY06]

Insert: "429,732" [general fund FY06]

Amendment **not** adopted as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Kitzenberg, Laible, Lewis, McGee, Pease, Perry, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Tropila, Williams.

Total 24

Nays: Bales, Balyeat, Cooney, Cromley, Ellingson, Elliott, Esp, Grimes, Hansen, Harrington, Hawks, Keenan, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Roush, Ryan, Schmidt, Stapleton, Toole, Weinberg, Wheat, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 14.

Strike: "1,778,408" [general fund FY06]

Insert: "1,866,563" [general fund FY06]

2. Page A-1.

Following: line 20

Insert: "If Senate Bill No. 146 is not passed and approved, Audit and Examination is reduced by \$88,155 in general fund money in fiscal year 2006."

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Amendment adopted unanimously.

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-10, line 17.

Strike: "2,469,137 2,456,683" [state special fund FY06 and FY 07]

Insert: "2,264,925 2,254,428" [state special fund FY06 and FY 07]

2. Page A-11, line 19 through line 20.

Strike: line 19 through line 20 in their entirety

Amendment adopted unanimously.

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-5, line 4.

Strike: "~~(OTO)~~"

Insert: "(OTO)"

2. Page B-5, line 11.

Strike: "10,214,070 11,371,943" [state special fund FY06/FY07]

Insert: "10,164,070 11,321,943" [state special fund FY06/FY07]

Explanation- Item 2 removes \$50,000 state special revenue from I-149 funds that was double counted in an amendment passed in Senate Finance and Claims.

3. Page B-5, line 24.

Strike: "1,000,000" [state special fund FY06]

Insert: "750,000" [state special fund FY06]

Explanation -Item 3 removes \$250,000 state special revenue from I-149 funds that should have been included in an amendment passed in Senate Finance and Claims.

4. Page C-1, line 25.

Strike: "6,776,654 6,540,948" [state special fund FY06 and FY07]

Insert: "6,834,255 6,598,549" [state special fund FY06 and FY 07]

5. Page D-7, line 14.

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Strike: "~~558,682~~ 558,682" [state special fund FY06 and FY07]
Insert: "288,378 288,378" [state special fund FY06 and FY07]

6. Page D-7, line 16.

Strike: "148,139 148,139" [state special fund FY06 and FY07]
Insert: "418,443 418,443" [state special fund FY06 and FY07]

Amendment adopted unanimously.

HB 2 - Senator Gillan moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 10.

Strike: "419,732" [general fund FY06]
Insert: "464,486" [general fund FY06]

Amendment **not** adopted as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gillan, Grimes, Kitzenberg, Lewis, Mangan, McGee, Pease, Perry, Ryan, Squires, Story, Tropila.

Total 20

Nays: Bales, Balyeat, Cooney, Cromley, Ellingson, Elliott, Esp, Gebhardt, Hansen, Harrington, Hawks, Keenan, Larson, Laslovich, Lind, Moss, O'Neil, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 28

Absent or not voting: Laible, Tash.

Total 2

Excused: None.

Total 0

HB 2 - Senator McGee moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 5.

Strike: "~~4,438,074~~ 4,842,848" [general fund FY06 and FY07]
Insert: "4,392,879 4,795,845" [general fund FY06 and FY07]5

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Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Laslovich, Lewis, McGee, O'Neil, Perry, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 25

Nays: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Larson moved to close Section A. Motion carried.

Section B (Health and Human Services) - Senator Weinberg

HB 2 - Senator Grimes moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, following line 3.

Insert: "b. Dispute Resolution -- HB 704 (Restricted)
7,411 7,039 [general fund FY06 and FY07]
51,875 49,271" [federal funds FY06 and FY07]

2. Page B-13, line 17.

Following: "Funds in Dispute Resolution -- HB 704 are contingent upon passage and approval of House Bill No. 704 and may be used only for personal services and operating costs to perform dispute resolution duties."

Amendment **not** adopted as follows:

Yeas: Barkus, Brueggeman, Cobb, Curtiss, Essmann, Grimes, Laible, Larson, McGee, Perry, Steinbeisser, Story, Tash, Tropila, Williams.
Total 15

Nays: Bales, Balyeat, Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Weinberg, Wheat, Mr. President.
Total 34

Absent or not voting: Shockley.
Total 1

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Excused: None.
Total 0

HB 2 - Senator Lind moved **HB 2**, second reading copy, be amended as follows:

1. Page B-15, line 23.

Following: "to raise"

Strike: "physician medicaid reimbursement"

Insert: "rates paid for physician services performed by physicians, midlevel practitioners, podiatrists, independent diagnostic testing facilities, and public health clinics. Rate increases must be established using the resource-based relative value scale (RBRVS) methodology to raise medicaid reimbursement"

Amendment adopted with Senator Balyeat voting nay.

HB 2 - Senator Bales moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 7.

Strike: "43,552,430 44,037,504" [general fund FY06 and FY07]

Insert: "43,280,302 43,765,375" [general fund FY06 and FY07]

2. Page E-9, line 5.

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

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

3. Page E-9, line 8.

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

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

4. Page E-9, line 11.

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

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

5. Page E-9, line 14.

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

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

6. Page E-9, line 20.

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

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

7. Page E-15.

Following: line 2.

Insert: "Agriculture Experiment Station includes \$159,966 in general fund money for integrated weed management"

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and biotechnology (1.5 FTE), which must be matched with \$79,983 in nonstate funds identified by the board of regents; Extension Service includes \$196,800 in general fund money for an extension cropping specialist and livestock specialist (2 FTE), which must be matched with \$49,200 in nonstate funds identified by the board of regents; Forest and Conservation Experiment Station includes \$200,000 in general fund money for the forest management urban/wildland interface program, which must be matched with \$114,000 in nonstate funds identified by the board of regents; Bureau of Mines and Geology includes \$146,880 in general fund money for a coal/coalbed methane geologist (1 FTE), which must be matched with \$36,720 in nonstate funds identified by the board of regents; and Fire Services Training School includes \$153,035 in general fund money for one additional fire service trainer (1 FTE), which must be matched with \$38,259 in nonstate funds identified by the board of regents. Matched funds for these items may include federal funding revenue, private funding revenue, and other nonstate university funds. The funding match may include in-kind revenue only if that revenue is equipment, cost reductions offered for purchased equipment, or space to house equipment. The office of the commissioner of higher education shall certify to the office of budget and program planning that an allowable funding match has been committed from an eligible revenue source, as evidenced by a commitment letter from that funding source."

Explanation - **The total general fund increase in HB 2 for all five sections and all of the positions above would be \$411,083 in FY 06 and \$445,598 in FY 07, for a biennial total of \$856,681.**

These new positions at the Research/Public Service Agencies in the Montana University System would be funded with revenue reductions from:

1- The state special revenue savings generated from Senate Bill No. 320 (currently on Second Reading in the Second House), which overrides a court ordered EIS for concentrated animal feed operations and eliminates \$312,424 state special revenue fund in the 2007 biennium budget (from water quality fees fund 02278), and;

2- A general fund reduction of \$544,257 in the Department of Health and Human Services Disability Services Division [see Item 1 above].

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Curtiss, Essmann, Gallus, Gebhardt, Laible, Larson, Lewis, McGee, Perry, Roush, Shockley, Steinbeisser, Story, Tash, Tropila.

Total 18

Nays: Balyeat, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 32

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

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1. Page B-8.

Following: line 4

Insert: "f. Mental Health Crisis Intervention and Stabilization (Restricted/Biennial/OTO)
250,000 250,000" [general fund and federal funds FY06]

2. Page B-18.

Following: line 7

Insert: "Funds in Mental Health Crisis Intervention and Stabilization may be used only to fund two or more pilot projects to assist persons eligible for medicaid or state-funded mental health services who are homeless or at risk of becoming homeless and to prevent placement in the Montana state hospital. The department shall report to the legislative finance committee by September 1, 2005, on the process that will be used to select the pilot project sites, the outcomes that will be evaluated, how the outcomes will be measured, and the date on which the pilot projects will be fully operational and again by September 1, 2006, on the pilot project implementation and evaluation at that point in time."

Amendment **not** adopted as follows:

Yeas: Essmann, Gillan, Harrington, Kitzenberg, Larson, Lind, Mangan, Moss, Pease, Smith, Squires, Toole, Tropila, Williams.

Total 14

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gallus, Gebhardt, Grimes, Hansen, Hawks, Keenan, Laible, Laslovich, Lewis, McGee, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg, Wheat, Mr. President.

Total 36

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 2 - Senator Cobb moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3.

Strike: lines 1 and 2 in their entirety

2. Page B-6.

Following: line 14

Insert: "1. Prescription Drug Program -- SB 324 (Restricted)
6,000,000 8,750,000 [state special revenue FY06 and FY07]"

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m. Startup Funds for Prescription Drug Program (Biennial)
1,000,000" [state special revenue FY06]

3. Page B-11.

Strike: lines 13 through 17 in their entirety

4. Page B-14.

Following: line 24

Insert: "The state special revenue appropriations from the health and medicaid initiatives account for Health Resources Division, Physician Rate Increase, Raise Asset Limit for Medicaid Eligibility for Children, Children's Mental Health Rate Increase, Medicaid, Prescription Drug Program -- SB 324, 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."

5. Page B-16.

Following: line 15

Insert: "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."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Laible, 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, Black, Esp, Essmann, Gebhardt, Grimes, Keenan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: Gillan.

Total 1

Excused: None.

Total 0

Senator Ellingson moved the committee rise and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Tester in the chair. President Tester announced the Senate would be in recess.

Senate recessed 12:10 p.m.

Senate reconvened 1:30 p.m.

Senator Tropila reassumes the Chair.

HB 2 - Senator McGee moved **HB 2**, second reading copy, be amended as follows:

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1. Page B-3, line 12.

Strike: "43,149,520 43,143,957" [federal special revenue FY06 and FY07]

Insert: "41,101,590 41,096,281" [federal special revenue FY06 and FY07]

2. Page B-3.

Following: line 24

Insert: "e. Family Planning Services 2,047,930 2,047,676"[federal special revenue FY06 and FY07]

3. Page B-13.

Following: line 11

Insert: "Funds in Family Planning Services may not be used by the department or by the providers who receive the funds to purchase advertising."

Amendment **not** adopted 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, Tropila.
Total 24

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page B-15

Following: line 16

Insert: "Funding for the Health Resources Division includes appropriations to support 2 new FTE for administering the children's health insurance program (CHIP) enrollment expansion from 10,900 to 13,900 children annually. The level of funding allocated to support new FTE must be proportional to the increase in CHIP enrollment."

Amendment adopted as follows:

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

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Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Weinberg moved to close Section B. Motion carried, except Senator Stapleton.

Section C (Natural Resources and Commerce) - Senator Hansen

HB 2 - Senator Hansen moved **HB 2**, second reading copy, be amended as follows:

1. Page C-5.

Following: line 8

Insert: "The department shall present an annual written report by September 30 to the legislative fiscal division and the legislative finance committee regarding the implementation of the regional investigation positions and report on the level of restitution and fines collected."

Amendment adopted unanimously.

HB 2 - Senator Hansen moved **HB 2**, second reading copy, be amended as follows:

1. Page C-2, line 15.

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

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

Strike: "3,954,928 3,955,087"[federal special fund FY 06/07]

Insert: "3,834,388 3,834,585"[federal special fund FY 06/07]

2. Page C-3.

Following: line 3

Insert: "f. Mountain Lion Research (OTO) 40,000 120,540"
[state special fund FY06 and federal special fund FY06]

Amendment adopted unanimously.

HB 2 - Senator Bales moved **HB 2**, second reading copy, be amended as follows:

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1. Page C-8.

Following: line 13

Insert: "If Senate Bill No. 320 is passed and approved, Confined Animal Feeding Operations is void."

Amendment adopted unanimously.

HB 2 - Senator Bales moved **HB 2**, second reading copy, be amended as follows:

1. Page C-7, Line 15.

Strike: "10,824,800 10,898,943" [state special fund FY06 and FY07]

Insert: "10,868,600 10,956,843" [state special fund FY06 and FY07]

2. Page C-9.

Following: line 5

Insert: "If Senate Bill No. 320 is not passed and approved with an increase in application and renewal fees, Permitting and Compliance Division is reduced by \$43,800 in state special revenue in fiscal year 2006 and by \$57,900 in state special revenue in fiscal year 2007."

Amendment adopted with Senators Balyeat, Lind, and O'Neil voting nay.

HB 2 - Senator Wheat moved **HB 2**, second reading copy, be amended as follows:

1. Page C-6, line 11.

Strike: "150,000" [state special fund FY06]

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

2. Page C-8.

Strike: line 14 through line 15

Amendment adopted as follows:

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

Total 26

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Lewis moved **HB 2**, second reading copy, be amended as follows:

1. Page C-15, line 15.

Strike: "0" "0" [state special fund FY 06 and FY 07]

Insert: "125,000" "125,000" [state special fund FY 06 and FY 07]

Amendment adopted with Senators Balyeat, Barkus, O'Neil, and Stapleton voting nay.

HB 2 - Senator Bales moved **HB 2**, second reading copy, be amended as follows:

1. Page C-9, line 13.

Strike: "91,911" "91,911" [general fund FY 06 and FY 07]

Insert: "241,911" "241,911" [general fund FY 06 and FY 07]

Strike: "1,212,796" "1,222,277" [state special fund FY 06 and FY 07]

Insert: "1,062,796" "1,072,277" [state special fund FY 06 and FY 07]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Gallus, Hawks, Kitzenberg, Laible, Lewis, McGee, Perry, Ryan, Smith, Steinbeisser, Story, Tash.

Total 18

Nays: Balyeat, Cobb, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Keenan, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Schmidt, Shockley, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 32

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

HB 2 - Senator Barkus moved **HB 2**, second reading copy, be amended as follows:

1. Page A-5, line 9.

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

Insert: "236,917 226,866" [general fund FY06 and FY07]

2. Page C-3, line 7.

Strike: "0 0" [general fund FY06 and FY07]

Insert: "37,500 37,500" [general fund FY06 and FY07]

Amendment **not** adopted 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.

Total 22

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

Total 27

Absent or not voting: Gillan.

Total 1

Excused: None.

Total 0

HB 2 - Senator Barkus moved **HB 2**, second reading copy, be amended as follows:

1. Page A-4.

Strike: line 22 through line 24

2. Page C-12, line 12.

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

Insert: "8,077,587 8,095,741" [general fund FY06 and FY07]

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Amendment **not** adopted as follows:

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

Total 22

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

Total 27

Absent or not voting: Gillan.

Total 1

Excused: None.

Total 0

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page C-15, lines 14 and 15.

Strike: line 14 through line 15 in their entirety

2. Page C-16, line 17.

Strike: line 17 in its entirety

Amendment adopted unanimously.

HB 2 - Senator Barkus moved **HB 2**, second reading copy, be amended as follows:

1. Page C-6.

Strike: line 10 through line 11

2. Page C-8.

Strike: line 14 through line 15

3. Page C-11.

Following: line 10

Insert: "f. Conservation District Assistance (OTO) 150,000"
[state special fund FY06]

4. Page C-13.

Following: line 8

Insert: "At the beginning of fiscal year 2006, \$150,000 of the amount in excess of \$100 million is transferred from

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the resource indemnity tax trust to the state special revenue fund for the conservation districts."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Shockley, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Mr. President.

Total 35

Nays: Cooney, Cromley, Ellingson, Harrington, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Weinberg, Williams.

Total 14

Absent or not voting: Gillan.

Total 1

Excused: None.

Total 0

HB 2 - Senator Bales moved **HB 2**, second reading copy, be amended as follows:

1. Page C-8.

Following: line 4

Insert: "g. CAFO Project (Restricted/Biennial/OTO) 25,000 25,000"[state special fund FY06 and FY07]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Gallus, Grimes, Laible, Lewis, McGee, Perry, Steinbeisser, Story, Tash, Tropila.

Total 16

Nays: Balyeat, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 33

Absent or not voting: Gebhardt.

Total 1

Excused: None.

Total 0

HB 2 - Senator Cooney moved **HB 2**, second reading copy, be amended as follows:

1. Page C-1, line 25.

Strike: "6,776,654" [state special fund FY06]

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Insert: "6,661,452" [state special fund FY06]

Amendment adopted unanimously.

HB 2 - Senator Laible moved **HB 2**, second reading copy, be amended as follows:

1. Page C-12, line 12.

Strike: "~~7,777,587~~ ~~7,795,741~~" [general fund FY06 and FY07]

Insert: "8,087,587 8,085,741" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Grimes, Laible, Lewis, McGee, Perry, Steinbeisser, Story, Tash.

Total 15

Nays: Balyeat, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 32

Absent or not voting: Gebhardt, Harrington, Ryan.

Total 3

Excused: None.

Total 0

HB 2 - Senator Bales moved **HB 2**, second reading copy, be amended as follows:

1. Page C-10, line 25.

Strike: "2,554,128 2,555,133" [state special fund FY06 and FY07]

Insert: "2,593,128 2,594,133" [state special fund FY06 and FY07]

2. Page C-11, line 4.

Strike: "34,120 34,118" [state special fund FY 06 and FY07]

Insert: "47,168 48,263" [state special fund FY 06 and FY07]

3. Page C-13.

Following: line 8

Insert: "If House Bill No. 482 is not passed and approved, the Conservation and Resource Development Division is reduced by \$39,000 in state special revenue in both years of the biennium and CD Financial Assistance is

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reduced by \$13,048 in fiscal year 2006 and by \$14,145 in fiscal year 2007."

4. Page C-14, line 18.

Strike: "3,699,881 3,695,873" [state special fund FY06 and FY07]

Insert: "3,738,435 3,735,240" [state special fund FY06 and FY07]

5. Page C-14.

Following: line 23

Insert: "If House Bill No. 482 is not passed and approved, the Agriculture Development Division is reduced by \$38,554 in state special revenue in fiscal year 2006 and by \$39,367 in state special revenue in fiscal year 2007."

6. Page C-16, line 1.

Strike: "1,247,085" [state special fund FY06]

Insert: "1,387,344" [state special fund FY06]

7. Page C-16.

Following: line 17

Insert: "If House Bill No. #482 is not passed and approved, Coal Board Local Impact Grants is reduced by \$140,259 in fiscal year 2006."

8. Page E-5, line 9.

Strike: "1,048,747 1,048,748" [state special fund FY06 and FY07]

Insert: "1,081,518 1,082,210" [state special fund FY06 and FY07]

9. Page E-5.

Following: line 18

Insert: "If House Bill No. 482 is not passed and approved, Statewide Library Resources is reduced by \$32,771 in state special revenue in fiscal year 2006 and by \$33,462 in state special revenue in fiscal year 2007."

Amendment adopted unanimously.

Senator Hansen moved to close Section C. Motion carried.

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

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THIRD READING OF BILLS

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

HB 12 concurred in as follows:

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

Total 47

Nays: Balyeat, Esp, O'Neil.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 173 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 299 concurred in 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, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 49

Nays: Balyeat.

Total 1

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 406 concurred in as follows:

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

Total 42

Nays: Bales, Balyeat, Curtiss, Esp, Keenan, O'Neil, Stapleton, Tash.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 513 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 528 concurred in as follows:

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

Total 45

Nays: Cooney, Elliott, Esp, Mangan, Ryan.

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Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 540 concurred in as follows:

Yeas: Bales, 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, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 46

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

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 625 concurred in as follows:

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

Total 41

Nays: Bales, Balyeat, Cobb, Keenan, McGee, O'Neil, Roush, Shockley, Tash.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 643 concurred in as follows:

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

Total 40

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Nays: Balyeat, Cobb, Curtiss, Hansen, Lewis, O'Neil, Shockley, Smith, Steinbeisser, Story.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 772 concurred in as follows:

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

Nays: Esp, O'Neil, Steinbeisser.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 145 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, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 278 passed as follows:

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

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Total 40

Nays: Balyeat, Esp, Hansen, Laible, Mangan, McGee, O'Neil, Shockley, Steinbeisser, Story.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 385 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, Laslovich, Lewis, Lind, 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: Mangan.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 466 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, 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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Ellingson moved that the Senate adjourn until 8:00 a.m., Friday, April 8, 2005. Motion carried.

Senate adjourned at 3:44 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate