

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

Helena, Montana
April 8, 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, except Senators Brueggeman and Gallus, excused. Quorum present.

Yeas: Bales, Barkus, Black, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, 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 41

Nays: Balyeat, Essmann, Gebhardt, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: Brueggeman, Cobb, Gallus, Gillan.
Total 4

Senate recessed 8:04 a.m.
Senate reconvened 8:22 a.m.

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

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

Nays: Balyeat, Essmann, Gebhardt, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: Lind.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

4/8/2005

Correctly printed: **SJR 14, SJR 36, SJR 40, HB 6, HB 35, HB 85, HB 167, HB 211, HB 244, HB 379, HB 411, HB**

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530, HB 590.

Correctly engrossed: **HB 2, HB 5, HB 11, HB 99.**

Examined by the sponsor and found to be correct: **SJR 19, SJR 21, SJR 23.**

Signed by the Speaker at 10:00 a.m., April 8, 2005: **SJR 19, SJR 21, SJR 23.**

Signed by the Secretary of the Senate at 8:10 p.m., April 8, 2005: **SJR 19, SJR 21, SJR 23.**

Signed by the President at 4:15 p.m., April 8, 2005: **SJR 19, SJR 21, SJR 23.**

Delivered to the Secretary of State at 11:30 a.m., April 8, 2005: **SJR 19, SJR 21, SJR 23.**

FINANCE AND CLAIMS (Cooney, Chairman):

4/8/2005

HB 5, be amended as follows:

1. Page 2, line 13.

Strike: "\$400,000"

Insert: "\$398,000"

2. Page 2, line 15.

Strike: "3,091,700"

Insert: "3,076,242"

3. Page 2, line 16.

Strike: "500,000"

Insert: "497,500"

4. Page 2, line 17.

Strike: "1,275,000"

Insert: "1,268,625"

5. Page 2, line 19.

Strike: "765,000"

Insert: "761,175"

6. Page 2, line 20.

Strike: "500,000"

Insert: "497,500"

7. Page 2, line 21.

Strike: "1,262,300"

Insert: "1,255,989"

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8. Page 2, line 23.

Strike: "550,000"

Insert: "547,250"

9. Page 2, line 24.

Strike: "500,000"

Insert: "497,500"

10. Page 2, line 25.

Strike: "400,000"

Insert: "398,000"

11. Page 2, line 26.

Strike: "800,000"

Insert: "796,000"

12. Page 2, line 27.

Strike: "1,208,000"

Insert: "1,201,960"

13. Page 2, line 29.

Following: "Revenue"

Strike: ", "

14. Page 2, line 30.

Strike: line 30 in its entirety

15. Page 3, line 1.

Strike: "99,950"

Insert: "99,450"

16. Page 3, line 3.

Following: "Revenue"

Strike: ", "

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17. Page 3, lines 4 through 6.

Strike: line 4 through line 6 in their entirety

18. Page 3, line 9.

Strike: "20,000,000"

Insert: "30,000,000"

19. Page 3, line 13.

Strike: "125,000"

Insert: "124,375"

20. Page 3, line 15.

Strike: "117,300"

Insert: "116,714"

21. Page 3, line 16.

Strike: "1,400,000"

Insert: "1,393,000"

22. Page 4, line 2.

Strike: "1,400,000"

Insert: "1,393,000"

23. Page 4, line 4.

Strike: "5,935,000"

Insert: "5,905,325"

24. Page 4, line 6.

Strike: "524,000"

Insert: "521,380"

25. Page 4, line 8.

Strike: "245,000"

Insert: "243,775"

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26. Page 4, line 10.

Strike: "920,000"

Insert: "915,400"

27. Page 4, line 12.

Strike: "970,000"

Insert: "965,150"

28. Page 4, line 14.

Strike: "183,100"

Insert: "182,185"

29. Page 4, line 16.

Strike: "1,000,000"

Insert: "995,000"

30. Page 4, line 17.

Strike: "545,000"

Insert: "542,275"

31. Page 4, line 18.

Strike: "950,000"

Insert: "945,250"

32. Page 4, line 20.

Strike: "610,000"

Insert: "606,950"

33. Page 4, line 22.

Strike: the first "250,000"

Insert: "248,750"

34. Page 4, line 24.

Strike: the first "750,000"

Insert: "746,250"

35. Page 4, line 26.

Strike: "480,000"

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Insert: "477,600"

36. Page 4, line 27.

Strike: "650,000"

Insert: "646,750"

37. Page 4, line 28.

Strike: "640,000"

Insert: "636,800"

38. Page 5, line 5.

Strike: "New"

Following: "American"

Insert: "Study"

39. Page 6, line 26.

Strike: "595,500"

Insert: "592,523"

40. Page 6, line 28.

Strike: "219,140"

Insert: "218,044"

41. Page 6, line 30.

Strike: "1,750,000"

Insert: "1,741,250"

42. Page 7, line 2.

Strike: "180,000"

Insert: "179,100"

43. Page 7, lines 3 and 4.

Strike: lines 3 and 4 in their entirety

Insert: "Housing for High-Risk Behaviors 2,529,290" [LRBP]

44. Page 7, line 19.

Strike: "250,000"

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Insert: "248,750"

45. Page 8, line 13.

Strike: "\$9.9"

Insert: "\$9.7"

46. Page 8, line 22.

Strike: "\$2,375,000"

Insert: "\$1,696,974"

47. Page 9, line 30.

Following: "improvements"

Strike: "to statewide facilities:"

Insert: "as indicated:"

48. Page 10, line 4.

Insert: "U.S. Highway 93 Construction Projects, Evaro to Polson 133,772,453 State Special Revenue" [Other Funding Sources]

49. Page 24, lines 9 through line 11.

Strike: section 18 in its entirety

Renumber: subsequent sections

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

HB 6, be concurred in. Report adopted.

HB 11, be amended as follows:

1. Page 2, line 13.

Strike: "~~\$650,000~~"

Insert: "\$500,000"

2. Page 2, line 14.

Strike: "~~674,503~~"

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Insert: "524,503"

3. Page 2, line 15.

Strike: "650,000"

Insert: "500,000"

4. Page 2, line 16.

Strike: "650,000"

Insert: "500,000"

5. Page 3, line 17.

Strike: "360,000"

Insert: "500,000"

6. Page 3.

Following: line 21

Insert: "40. Bigfork County Water/Sewer District(wastewater) 460,000"

7. Page 3, line 22.

Strike: "40."

Insert: "41."

8. Page 3, line 23.

Strike: "41."

Insert: "42."

9. Page 3, line 24.

Strike: "42."

Insert: "43."

10. Page 3, line 30.

Strike: "39"

Insert: "40"

11. Page 4, line 3.

Strike: "39"

Insert: "40"

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12. Page 4, line 9.

Strike: "40"

Insert: "41"

Strike: "42"

Insert: "43"

13. Page 4, line 13.

Strike: "39"

Insert: "40"

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

HB 379, be concurred in. Report adopted.

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

4/8/2005

SJR 37, be adopted. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

4/9/2005

SJR 14, be adopted. Report adopted.

HB 85, be concurred in. Report adopted.

HB 167, be concurred in. Report adopted.

HB 211, be concurred in. Report adopted.

HB 244, be concurred in. Report adopted.

HB 411, be concurred in. Report adopted.

HB 530, be concurred in. Report adopted.

HB 590, be concurred in. Report adopted.

OTHER HOUSE

House joint resolution passed and transmitted to the Senate for concurrence:

4/8/2005

HJR 34, introduced by Cohenour

Senate amendments to House bills concurred in:

4/8/2005

HB 30, introduced by Wanzenried

HB 40, introduced by Harris

HB 49, introduced by Wilson

HB 53, introduced by Jacobson

HB 55, introduced by Wanzenried

HB 67, introduced by Jent

HB 68, introduced by Andersen

HB 70, introduced by Stahl

HB 71, introduced by Lake

HB 73, introduced by Buzzas

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HB 105, introduced by Parker
HB 119, introduced by Golie
HB 142, introduced by Ripley
HB 150, introduced by Galvin-Halcro
HB 156, introduced by Henry
HB 297, introduced by Wiseman

Senate bills concurred in and returned to the Senate:

4/8/2005

SB 18, introduced by Wheat
SB 70, introduced by Cocchiarella
SB 74, introduced by Story
SB 80, introduced by Perry
SB 92, introduced by Toole
SB 109, introduced by Cobb
SB 110, introduced by Cobb
SB 143, introduced by Laible
SB 207, introduced by Perry
SB 224, introduced by Laslovich
SB 288, introduced by Cooney
SB 491, introduced by Gallus

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

4/8/2005

SB 146, introduced by McGee
SB 302, introduced by Ellingson
SB 324, introduced by Tester

Senate bill not concurred in and returned to the Senate:

4/8/2005

SB 142, introduced by Tash

SB 81 - 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 **SB 81**:

4/8/2005

Representative D. Brown, Chair
Representative Hendrick
Representative Jacobson
Representative Jent

HB 115 - 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 115**:

4/8/2005

Representative McNutt, Chair
Representative Branae
Representative Groesbeck
Representative Warden

HB 135 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following

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Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 135:**
4/8/2005

Representative D. Brown, Chair
Representative Eaton
Representative Hamilton
Representative Ripley

HB 272 - 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 272:**
4/8/2005

Representative Lambert, Chair
Representative Cohenour
Representative Groesbeck
Representative A. Olson

HB 348 - 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 348:**
4/8/2005

Representative Himmelberger, Chair
Representative Buzzas
Representative Kaufmann
Representative McKenney

HB 493 - 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 493:**
4/8/2005

Representative McKenney, Chair
Representative Milburn
Representative Noonan
Representative Wilson

HB 517 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free**
Conference Committee to meet with a like committee from the Senate to confer on **HB 517:**
4/8/2005

Representative Himmelberger, Chair
Representative Galvin-Halcro
Representative McKenney
Representative Wiseman

MOTIONS

Senator Essmann moved to change his vote on **SB 2** from "nay" to "aye". Motion carried.

Senator Keenan moved to change his vote on **SB 2** from "nay" to "aye". Motion carried.

Senator Williams moved to change her vote on **SB 2** from "aye" to "nay". Motion carried.

Senator Lewis moved to change his vote on **SB 2** from "nay" to "aye". Motion carried.

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Senator O'Neil moved to blast **HB 342** from Senate Local Government. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Grimes, Keenan, Lewis, McGee, O'Neil, Perry, Shockley, Squires, Stapleton, Steinbeisser, Story, Williams.

Total 20

Nays: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SJR 40, introduced by Schmidt, referred to Judiciary.

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

HJR 34, introduced by Cohenour, Dickenson, Sesso, Musgrove, Campbell, Windy Boy, Villa, Groesbeck, Noonan, Bergren, Golie, Keane, Franklin, Callahan, Maedje, Galvin-Halcro, Parker, Heinert, referred to Natural Resources.

**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 Grimes in the chair.

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

Section D (Corrections) - Senator Schmidt

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

1. Page D-1

Following: line 21

Insert: "b. Water Court Claims (Biennial/OTO)49,000 49,000" [state special fund FY06 and FY07]

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2. Page D-4.

Following: line 21

Insert: "If House Bill No. 782 is not passed and approved, Water Court Claims is void in its entirety.

At the beginning of fiscal year 2006, \$98,000 of the amount in excess of the \$100 million base amount that cannot be used for other purposes is transferred from the resource indemnity tax trust to state special revenue for the attorney general's office."

Amendment adopted as follows:

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

Total 31

Nays: Balyeat, Barkus, Black, Brueggeman, Cooney, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Laible, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 18

Absent or not voting: None.

Total 0

Excused: Lind.

Total 1

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

1. Page D-3, line 4.

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

Insert: "573,623 764,562" [general fund FY06 and FY07]

2. Page D-4.

Following: line 23

Insert: "If House Bill No. 99 is not passed and approved, Prisoner Per Diem is reduced by \$573,623 in general fund money in fiscal year 2006 and by \$764,562 in general fund money in fiscal year 2007."

Amendment adopted as follows:

Yeas: Barkus, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Elliott, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Lewis, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Black, Cromley, Esp, Essmann, Gebhardt, Keenan, Laible, Laslovich, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 14

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Absent or not voting: Cocchiarella.

Total 1

Excused: Lind.

Total 1

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

1. Page D-3, line 6.

Strike: "1,507,969 1,485,697" [state special fund FY06 and FY 07]

Insert: "1,524,729 1,491,457" [state special fund FY06 and FY07]

2. Page D-5.

Following: line 12

Insert: "If Senate Bill No. 282 is not passed and approved, Division of Criminal Investigation is reduced by \$16,760 in state special revenue in fiscal year 2006 and by \$5,760 in state special revenue in fiscal year 2007."

Amendment adopted as follows:

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

Total 31

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

Total 17

Absent or not voting: Harrington.

Total 1

Excused: Lind.

Total 1

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

1. Page D-3, line 23.

Strike: "2,916,655 2,916,731" [general fund FY06 and FY07]

Insert: "2,937,349 2,934,449" [general fund FY06 and FY07]

2. Page D-6.

Following: line 1

Insert: "If Senate Bill No. 30 is not passed and approved, Information Technology Services Division is reduced by \$20,694 in general fund money in fiscal year 2006 and by \$17,718 in general fund money in fiscal year 2007."

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

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

1. Page D-3, line 23.

Strike: "2,916,655 2,916,731" [general fund FY06 and FY07]

Insert: "2,937,349 2,934,449" [general fund FY06 and FY07]

2. Page D-6.

Following: line 1

Insert: "If Senate Bill No. 30 is not passed and approved, Information Technology Services Division is reduced by \$20,694 in general fund money in fiscal year 2006 and by \$17,718 in general fund money in fiscal year 2007."

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

1. Page D-2.

Following: line 24

Insert: "h. Quadricycles Registration (OTO) 9,184 6,122"
[general fund FY06 and state special fund FY06]

2. Page D-6.

Following: line 1

Insert: "If Senate Bill No. 318 is not passed and approved, Quadricycles Registration is void in its entirety."

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

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

1. Page D-2.

Following: line 24

Insert: "h. Programming Costs -- Motor Vehicle Legislation (Restricted/OTO) 30,716 20,478"
[general fund FY06 and state special fund FY06]

2. Page D-6.

Following: line 1

Insert: "If House Bill No. 192 is not passed and approved, Programming Costs -- Motor Vehicle Legislation is reduced by \$8,496 in general fund money and by \$5,664 in state special revenue in fiscal year 2006.

If House Bill No. 541 is not passed and approved, Programming Costs -- Motor Vehicle Legislation is reduced by \$2,508 in general fund money and by \$1,672 in state special revenue in fiscal year 2006.

If House Bill No. 673 is not passed and approved, Programming Costs -- Motor Vehicle Legislation is reduced by \$6,696 in general fund money and by \$4,464 in state special revenue in fiscal year 2006.

If Senate Bill No. 423 is not passed and approved, Programming Costs -- Motor Vehicle Legislation is reduced by \$4,188 in general fund money and by \$2,792 in state special revenue in fiscal year 2006.

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If Senate Bill No. 518 is not passed and approved, Programming Costs -- Motor Vehicle Legislation is reduced by \$8,828 in general fund money and by \$5,886 in state special revenue in fiscal year 2006."

Amendment adopted as follows:

Yeas: Bales, Cocchiarella, Cooney, Cromley, Ellingson, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 24

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

Absent or not voting: None.
Total 0

Excused: Cobb, Elliott, Lind.
Total 3

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

1. Page D-7, line 15.

Strike: "JDIP"

Insert: "Juvenile Placement"

Amendment adopted unanimously.

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

1. Page D-7, line 17.

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

Insert: "6,163,191 6,163,191" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Yeas: Barkus, Brueggeman, Cocchiarella, Curtiss, Esp, Grimes, Larson, Mangan, McGee, Pease, Roush, Squires, Steinbeisser, Tash, Tropila.
Total 15

Nays: Bales, Balyeat, Black, Cooney, Cromley, Ellingson, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Moss, O'Neil, Perry, Ryan, Schmidt, Shockley, Smith, Stapleton, Story, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 32

Absent or not voting: None.
Total 0

Excused: Cobb, Elliott, Lind.
Total 3

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Senator Schmidt moved Section D be closed. Motion carried.

Section E (Education) - Senator Ryan

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

1. Page E-10.

Following: line 7

Insert: "o. Yellow Bay Biological Station (Restricted)

100,000 100,000" [general fund FY06/FY07]

2. Page E-15.

Following: line 6

Insert: "Yellow Bay Biological Station is restricted to laboratory work associated with Flathead basin water quality monitoring."

Explanation - This amendment adds \$200,000 general fund over the biennium to the Yellow Bay Research Station in the Montana University System. The appropriation is restricted to laboratory work on the Flathead Basin water quality monitoring project. Funds are from a reduction in HB 5, the capital projects bill, through a reduction in the contingency funds associated with general fund projects.

Amendment adopted as follows:

Yeas: Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Lewis, Lind, McGee, Moss, Pease, Perry, Roush, Ryan, Shockley, Smith, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Black, Cromley, Esp, Essmann, Gillan, Laible, Laslovich, Mangan, O'Neil, Schmidt, Squires, Stapleton, Wheat.

Total 15

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 E-10.

Following: "line 7"

Insert: "o. New Extension Agent for Meagher County (Restricted) 35,103 35,103" [general fund FY06 and FY07]

2. Page E-15.

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Following: line 6

Insert: "New Extension Agent for Meagher County funding is contingent upon approval of a mill levy vote in Meagher County to approve the county matching funds for the new extension agent."

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Hawks, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, Perry, Roush, Steinbeisser, Story, Tash.

Total 23

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

Total 27

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 E-8, line 12.

Strike: "0 0" [state special revenue FY06 and FY07]

Insert: "125,000 125,000" [state special revenue FY06 and FY07]

Amendment **not** adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Gallus, Grimes, Harrington, Kitzenberg, Laible, Larson, Lewis, Lind, Moss, Pease, Roush, Shockley, Smith, Toole, Tropila, Williams.

Total 23

Nays: Bales, Balyeat, Barkus, Cooney, Cromley, Esp, Essmann, Gebhardt, Hansen, Hawks, Keenan, Laslovich, Mangan, McGee, O'Neil, Perry, Ryan, Squires, Stapleton, Steinbeisser, Story, Tash, Weinberg, Wheat, Mr. President.

Total 25

Absent or not voting: Gillan, Schmidt.

Total 2

Excused: None.

Total 0

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

1. Page E-7, line 9.

Strike: "25,000" [state special revenue FY06]

Insert: "47,331" [state special revenue FY06]

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2. Page E-7, line 10.

Strike: "1,482,621" [general fund FY07]

Insert: "1,532,621" [general fund FY07]

3. Page E-7, line 11.

Strike: "1,469,876" [general fund FY06]

Insert: "1,497,545" [general fund FY06]

Amendment **not** adopted as follows:

Yeas: Barkus, Brueggeman, Cobb, Cocchiarella, Cromley, Gallus, Harrington, Hawks, Kitzenberg, Laible, Lewis, Pease, Perry, Shockley, Smith, Steinbeisser, Tropila, Williams.

Total 18

Nays: Bales, Balyeat, Black, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Keenan, Larson, Laslovich, Lind, Mangan, McGee, Moss, O'Neil, Roush, Ryan, Schmidt, Squires, Stapleton, Story, Tash, Toole, Weinberg, Wheat, Mr. President.

Total 32

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 E-7, line 22.

Strike: "500,000 1,000,000" [general fund FY06 and FY07]

Insert: "1,000,000 2,000,000" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Yeas: Barkus, Brueggeman, Cocchiarella, Harrington, Kitzenberg, Laible, Lind, Moss, Pease, Perry, Roush, Schmidt, Smith, Toole, Tropila, Williams.

Total 16

Nays: Bales, Balyeat, Black, Cobb, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Larson, Laslovich, Lewis, Mangan, McGee, O'Neil, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Weinberg, Wheat, Mr. President.

Total 34

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

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

1. 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]

2. Page E-15.

Following: line 2

Insert: "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. Matched funds 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 - This amendment adds the Wildland/Urban Interface Forest Management position (new proposal) associated with the Forest and Conservation Experiment Station at the University of Montana, Missoula, increasing general fund by \$100,000 in FY 06 and by \$100,000 in FY 07 for a biennial total of \$200,000.

This general fund appropriation would come from the increased general fund projections in HJR 2 (as of April 5th) which increases general fund revenue by \$9 million over the biennium (due primarily to higher oil and gas prices).

Amendment **not** adopted as follows:

Yeas: Bales, Cobb, Cocchiarella, Curtiss, Elliott, Gebhardt, Harrington, Kitzenberg, Laible, Lewis, Lind, Moss, Pease, Perry, Schmidt, Smith, Squires, Tash, Tropila, Williams.
Total 20

Nays: Balyeat, Barkus, Black, Cooney, Cromley, Ellingson, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Hawks, Keenan, Larson, Laslovich, Mangan, McGee, O'Neil, Roush, Ryan, Shockley, Stapleton, Steinbeisser, Story, Toole, Weinberg, Wheat, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Brueggeman.
Total 1

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

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1. Page E-9, line 5.

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

Insert: "10,391,148 10,356,762" [general fund FY06 and FY07]

2. 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]

3. Page E-15.

Following: line 2.

Insert: "Agriculture Experiment Station includes \$115,624 in general fund money for integrated weed management and biotechnology (1.5 FTE), which must be matched with \$79,983 in nonstate funds identified by the board of regents, and 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. 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 of the positions above would be \$145,583 in FY 06 and \$166,841 in FY 07, for a biennial total of \$312,424.

These new positions at the Agriculture Experiment Station and the Extension Service in the Montana University System would be funded with no net fiscal impact on HB 2 due to 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).

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Hawks, Kitzenberg, Laible, Larson, Lewis, McGee, Perry, Shockley, Steinbeisser, Story, Tash, Tropila.

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

1. Page E-6, line 14.

Strike: "40,819 41,170" [general fund FY06 and FY07]

Insert: "80,019 80,370" [general fund FY06 and FY07]

2. Page E-7, line 6.

Insert: "If House Bill No. 614 is not passed and approved, the Historic Preservation Program of the Montana historical society is reduced by \$39,200 in fiscal year 2006 and by \$39,200 in fiscal year 2007 in general fund money."

Amendment **not** adopted as follows:

Yeas: Gallus, Harrington, Hawks, Kitzenberg, Mangan, Moss, Pease, Smith, Tropila, Wheat, Williams.

Total 11

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Laible, Larson, Laslovich, Lewis, Lind, McGee, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Mr. President.

Total 37

Absent or not voting: None.

Total 0

Excused: Cromley, Keenan.

Total 2

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

1. Page E-7, line 22.

Strike: "500,000 1,000,000" [general fund FY06 and FY07]

Insert: "522,000 1,022,000" [general fund FY06 and FY07]

2. Page E-12.

Following: line 4

Insert: "Of the amount in Governor's Postsecondary Scholarship Program, \$22,000 in fiscal year 2006 and \$22,000 in fiscal year 2007 are restricted for administration costs of the scholarship program."

Amendment adopted as follows:

Yeas: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Schmidt, Squires, Toole, Tropila, Weinberg, Williams, Mr. President.

Total 26

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

Absent or not voting: Smith.
Total 1

Excused: None.
Total 0

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

1. Page E-12.

Following: line 4

Insert: "The commissioner of higher education must be allowed to use up to \$111,700 in general fund money from the Governor's Postsecondary Scholarship Program for the administration of the governor's scholarship advisory council and administration of the scholarship award program."

Amendment **not** adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cromley, Gallus, Kitzenberg, Tash, Tropila.
Total 8

Nays: Bales, Balyeat, Barkus, Black, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 41

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

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

1. Page E-1, line 5.

Following: "a."

Strike: "Indian Education for All"

Insert: "Education Recognizing the Distinct and Unique Cultural Heritage of the American Indians Pursuant to Article X, Section 1(2), of the Montana Constitution"

2. Page E-1, line 7.

Following: "b."

Strike: "Indian Education for All"

Insert: "Education Recognizing the Distinct and Unique Cultural Heritage of the American Indians Pursuant to Article

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X, Section 1(2), of the Montana Constitution"

3. Page E-2, line 21.

Following: "n."

Strike: "Indian Education for All Montanans"

Insert: "Education Recognizing the Distinct and Unique Cultural Heritage of the American Indians Pursuant to Article X, Section 1(2), of the Montana Constitution"

4. Page E-15, line 8.

Following: "part of"

Strike: "Indian education for all"

Insert: "education recognizing the distinct and unique cultural heritage of the American Indians pursuant to Article X, section 1(2), of the Montana Constitution"

Amendment **not** adopted as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Ryan moved Section E be closed. Motion carried.

Section R (Internal Services Activities) - Cooney

No Amendments

Senator Cooney moved Section R be closed. Motion carried.

Boilerplate - Cooney

No Amendments

Senator Cooney moved the section be closed. Motion carried.

Senator Cooney moved to open all sections for the purpose of a global amendment. Motion carried.

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

1. Page A-1, line 5.

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Strike: "4,438,074 4,842,848" [general fund FY06 and FY07]
Insert: "4,424,838 4,829,612" [general fund FY06 and FY17]

2. Page A-1.

Following: line 19

Insert: "Legislative Services includes an unspecified reduction in general fund money of \$13,236 in fiscal year 2004 and \$13,236 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

3. Page A-4, line 15.

Strike: "2,730,968 2,803,148" [general fund FY06 and FY07]
Insert: "2,597,952 2,670,132" [general fund FY06 and FY07]

4. Page A-6.

Following: line 4

Insert: "Executive Office Program includes an unspecified reduction in general fund money of \$133,016 in fiscal year 2004 and \$133,016 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

5. Page A-11, line 25.

Strike: "2,077,468 2,077,671" [general fund FY06 and FY07]
Insert: "1,136,959 1,137,162" [general fund FY06 and FY07]

6. Page A-13.

Following: line 14

Insert: "Director's Office includes an unspecified reduction in general fund money of \$940,509 in fiscal year 2004 and \$940,509 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

7. Page A-14, line 2.

Strike: "1,215,810 1,216,591" [general fund FY06 and FY07]
Insert: "1,001,652 1,002,433" [general fund FY06 and FY07]

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8. Page A-16.

Following: line 9

Insert: "Administrative Financial Services Division includes an unspecified reduction in general fund money of \$214,158 in fiscal year 2004 and \$214,158 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

9. Page B-4, line 5.

Strike: "8,870,818 8,879,626" [general fund FY06 and FY07]

Insert: "4,002,992 4,011,800" [general fund FY06 and FY07]

10. Page B-13.

Following: line 20

Insert: "Operations and Technology Division includes an unspecified reduction in general fund money of \$4,867,826 in fiscal year 2004 and \$4,867,826 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

11. Page C-5, line 24.

Strike: "299,089 298,819" [general fund FY06 and FY07]

Insert: "185,874 185,604" [general fund FY06 and FY07]

12. Page C-8.

Following: line 13

Insert: "Central Management Program includes an unspecified reduction in general fund money of \$113,215 in fiscal year 2004 and \$113,215 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

13. Page C-9, line 13.

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

Insert: "85,239 85,239" [general fund FY06 and FY07]

14. Page C-10.

Following: line 6

Insert: "Diagnostic Laboratory Program includes an unspecified reduction in general fund money of \$6,672 in fiscal year 2004 and \$6,672 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

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15. Page C-10, line 11.

Strike: "1,835,431 1,843,628" [general fund FY06 and FY07]

Insert: "1,647,646 1,655,843" [general fund FY06 and FY07]

16. Page C-13.

Following: line 3

Insert: "Centralized Services includes an unspecified reduction in general fund money of \$187,785 in fiscal year 2004 and \$187,785 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

17. Page C-14, line 8.

Strike: "101,341 101,341" [general fund FY06 and FY07]

Insert: "86,290 86,290" [general fund FY06 and FY07]

18. Page C-14.

Following: line 23

Insert: "Agricultural Sciences Division includes an unspecified reduction in general fund money of \$15,051 in fiscal year 2004 and \$15,051 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

19. Page C-15, line 9.

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

Insert: "1,152,445 1,152,445" [general fund FY06 and FY07]

20. Page C-16.

Following: line 16

Insert: "Worker Training includes an unspecified reduction in general fund money of \$247,555 in fiscal year 2004 and \$247,555 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

21. Page D-1, line 19.

Strike: "3,571,073 3,570,279" [general fund FY06 and FY07]

Insert: "3,340,840 3,340,046" [general fund FY06 and FY07]

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22. Page D-4.

Following: line 21

Insert: "Legal Services Division includes an unspecified reduction in general fund money of \$230,233 in fiscal year 2004 and \$230,233 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

23. Page D-6, line 22.

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

Insert: "8,492,767 8,443,784" [general fund FY06 and FY04]

24. Page D-8.

Following: line 1

Insert: "Administration and Support Services includes an unspecified reduction in general fund money of \$1,455,304 in fiscal year 2004 and \$1,455,304 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

25. Page D-8, line 23.

Strike: "856,859 857,056" [general fund FY06 and FY07]

Insert: "812,092 812,289" [general fund FY06 and FY07]

26. Page D-9.

Following: line 16

Insert: "Employment Relations Division includes an unspecified reduction in general fund money of \$44,767 in fiscal year 2004 and \$44,767 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

27. Page D-10, line 7.

Strike: "250,000 250,000" [general fund FY06 and FY07]

Insert: "199,652 199,652" [general fund FY06 and FY07]

28. Page D-11.

Following: line 6

Insert: "Scholarship Program includes an unspecified reduction in general fund money of \$50,348 in fiscal year 2004 and \$50,348 in fiscal year 2005. The agency may allocate this reduction in funding among programs when

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developing 2007 biennium operating plans."

29. Page E-1, line 22.

Strike: "38,506,122 39,348,289" [general fund FY06 and FY07]

Insert: "34,285,297 35,127,464" [general fund FY06 and FY07]

30. Page E-3.

Following: line 8

Insert: "Special Education includes an unspecified reduction in general fund money of \$4,220,825 in fiscal year 2004 and \$4,220,825 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

31. Page E-4, line 13.

Strike: "2,349,253 2,344,367" [general fund FY06 and FY07]

Insert: "2,259,429 2,254,543" [general fund FY06 and FY07]

32. Page E-4.

Following: line 16

Insert: "Education includes an unspecified reduction in general fund money of \$89,824 in fiscal year 2004 and \$89,824 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

33. Page E-5, line 9.

Strike: "1,759,342 1,560,479" [general fund FY06 and FY07]

Insert: "1,749,685 1,550,822" [general fund FY06 and FY07]

34. Page E-5.

Following: line 18

Insert: "Statewide Library Resources includes an unspecified reduction in general fund money of \$9,657 in fiscal year 2004 and \$9,657 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

35. Page E-5, line 21.

Strike: "929,586 938,819" [general fund FY06 and FY07]

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Insert: "903,025 912,258" [general fund FY06 and FY07]

36. Page E-6.

Following: line 19

Insert: "Administration Program includes an unspecified reduction in general fund money of \$26,561 in fiscal year 2004 and \$26,561 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

37. Page E-7, line 18.

Strike: "3,804,554 3,804,554" [general fund FY06 and FY07]

Insert: "2,660,229 2,660,229" [general fund FY06 and FY06]

38. Page E-11.

Following: line 25

Insert: "OCHE -- Student Assistance includes an unspecified reduction in general fund money of \$1,144,325 in fiscal year 2004 and \$1,144,325 in fiscal year 2005. The agency may allocate this reduction in funding among programs when developing 2007 biennium operating plans."

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 21

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Ellingson moved the Senate recess. Motion carried.

Senate recessed 12:25 p.m.
Senate reconvened 1:36 p.m.

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HB 2 - Senator Cooney moved **HB 2**, as amended, be concurred in. Motion carried as follows:

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

Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Laible.

Total 1

SB 88 - House Amendments - Senator Squires moved House amendments to **SB 88** be concurred in. Motion carried unanimously.

SB 91 - House Amendments - Senator Smith moved House amendments to **SB 91** be concurred in. Motion carried unanimously.

SB 107 - House Amendments - Senator Smith moved House amendments to **SB 107** be **not** concurred in. Motion carried unanimously.

SB 116 - House Amendments - Senator Laible moved House amendments to **SB 116** be concurred in. Motion carried unanimously.

SB 118 - House Amendments - Senator Wheat moved House amendments to **SB 118** be concurred in. Motion carried unanimously.

SB 119 - House Amendments - Senator Schmidt moved House amendments to **SB 119** be concurred in. Motion carried unanimously.

SB 122 - House Amendments - Senator Wheat moved House amendments to **SB 122** be concurred in. Motion carried unanimously.

SB 123 - House Amendments - Senator Black moved House amendments to **SB 123** be concurred in. Motion carried unanimously.

SB 139 - House Amendments - Senator Esp moved House amendments to **SB 139** be **not** concurred in. Motion carried unanimously.

SB 154 - House Amendments - Senator Cobb moved House amendments to **SB 154** be **not** concurred in. Motion carried unanimously.

SB 164 - House Amendments - Senator Gillan moved House amendments to **SB 164** be concurred in. Motion carried unanimously.

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SB 175 - House Amendments - Senator Cromley moved House amendments to **SB 175** be **not** concurred in. Motion carried unanimously.

SB 191 - House Amendments - Senator Cooney moved House amendments to **SB 191** be concurred in. Motion carried unanimously.

SB 196 - House Amendments - Senator Wheat moved House amendments to **SB 196** be concurred in. Motion carried unanimously.

SB 217 - House Amendments - Senator Larson moved House amendments to **SB 217** be **not** concurred in. Motion carried as follows:

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

Total 29

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

Total 17

Absent or not voting: None.

Total 0

Excused: Brueggeman, Cobb, Elliott, Gallus.

Total 4

SB 231 - House Amendments - Senator Laslovich moved House amendments to **SB 231** be concurred in. Motion carried unanimously.

SB 248 - House Amendments - Senator Joe Balyeat moved House amendments to **SB 248** be concurred in. Motion carried unanimously.

SB 259 - House Amendments - Senator Lewis moved House amendments to **SB 259** be concurred in. Motion carried unanimously.

SB 279 - House Amendments - Senator Moss moved House amendments to **SB 279** be concurred in. Motion carried unanimously.

SB 290 - House Amendments - Senator Mangan moved House amendments to **SB 290** be concurred in. Motion carried unanimously.

SB 314 - House Amendments - Senator Larson moved House amendments to **SB 314** be concurred in. Motion carried unanimously.

SB 328 - House Amendments - Senator Squires moved House amendments to **SB 328** be concurred in. Motion carried unanimously.

SB 342 - House Amendments - Senator Laslovich moved House amendments to **SB 342** be concurred in. Motion

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carried unanimously.

SB 396 - House Amendments - Senator Joe Balyeat moved House amendments to **SB 396** be concurred in. Motion carried unanimously.

SB 435 - House Amendments - Senator Wheat moved House amendments to **SB 435** be concurred in. Motion carried unanimously.

SB 458 - House Amendments - Senator Gillan moved House amendments to **SB 458** be concurred in. Motion carried as follows:

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

Total 31

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, Gebhardt, Grimes, Lewis, McGee, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: Brueggeman, Cobb, Keenan.

Total 3

SB 461 - House Amendments - Senator Steinbeisser moved House amendments to **SB 461** be **not** concurred in. Motion carried with Senator Esp voting nay.

SB 481 - House Amendments - Senator Cocchiarella moved House amendments to **SB 481** be concurred in. Motion carried with Senator Grimes voting nay.

SB 487 - House Amendments - Senator Pease moved House amendments to **SB 487** be concurred in. Motion carried with Senators Balyeat, Esp, and McGee voting nay.

HB 99 - Senator Mangan moved **HB 99** be concurred in.

HB 99 - Senator Laslovich moved **HB 99**, second reading copy, be amended as follows:

1. Page 1, line 28 through line 29.

Following: "~~\$10,000~~" on line 28

Strike: remainder of line 28 through "OF"

Insert: "not to exceed 6 months or a fine not to exceed"

Amendment adopted unanimously.

HB 99 - Senator Mangan moved **HB 99**, as amended, be concurred in. Motion carried with Senators Gebhardt and Grimes voting nay.

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Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Grimes 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:

SB 2 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Mr. President.
Total 40

Nays: Cromley, Ellingson, Elliott, Lind, Mangan, Smith, Toole, Weinberg, Wheat, Williams.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 passed as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Bales, Curtiss, McGee, Tash.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 183 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,

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Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 186 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Cobb, Elliott, Esp, Laible.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, 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 48

Nays: Cromley, Esp.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 388 passed as follows:

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

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 434 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

SB 472 passed as follows:

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

Total 47

Nays: Ellingson, Gillan, Squires.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

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Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 8:00 a.m., Saturday, April 9, 2005. Motion carried.

Senate adjourned at 3:13 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate