

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

Helena, Montana
April 9, 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, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, 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 43

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

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

4/9/2005

Correctly printed: **SJR 14, SJR 34, SJR 35, SJR 37, HB 6, HB 22, HB 85, HB 89, HB 167, HB 186, HB 211, HB 235, HB 244, HB 698, HB 728.**

Correctly engrossed: **HB 35, HB 102, HB 704.**

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 81**
Report No. 1, April 8, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 81** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 81** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14.

Strike: "20"

Insert: "14"

For the Senate:

Tropila, Chairman
Roush
Stapleton

For the House:

D. Brown, Chairman
Hendrick
Jacobson
Jent

MESSAGES FROM THE GOVERNOR

April 9, 2005

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

Dear Senator Tester:

Please be informed that I have signed **Senate Bill 42** sponsored by Senator Keenan, **Senate Bill 103** sponsored by Senator Cromley, **Senate Bill 105** sponsored by Senator Cobb, **Senate Bill 129** sponsored by Senator Wheat, **Senate Bill 130** sponsored by Senator Ryan, **Senate Bill 134** sponsored by Senator Wheat, **Senate Bill 135** sponsored by Senator Squires, **Senate Bill 136** sponsored by Senator Steinbeisser, **Senate Bill 152** sponsored by Senator D. Ryan, **Senate Bill 162** sponsored by Senator Mangan, **Senate Bill 165** sponsored by Senator Mangan, **Senate Bill 178** sponsored by Senator Barkus et al., **Senate Bill 254** sponsored by Senator Gebhardt et al., **Senate Bill 316** sponsored by Senator Lind et al., **Senate Bill 317** sponsored by Senator Lind et al., and **Senate Bill 359** sponsored by Senator Story on April 9, 2005.

Sincerely,

BRIAN SCHWEITZER
Governor

April 9, 2005

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

The Honorable Gary Matthews
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 326, **"AN ACT REVISING THE LAW ON EXCAVATION NEAR UNDERGROUND FACILITIES; PROVIDING FOR SPECIFIC DAMAGE FEES; SETTING A DEADLINE FOR PAYMENT OF FEES; ALLOWING FOR JUDICIAL REVIEW OF FEES LEVIED; DESIGNATING THE**

USE OF FEES COLLECTED; PROVIDING FOR THE MAINTENANCE OF DAMAGE INCIDENT HISTORIES; AND AMENDING SECTIONS 69-4-501 AND 69-4-505, MCA" for the following reasons.

Senate Bill No. 326 imposes damage fees against excavators who have failed to obtain information as to the location of an underground facility for a one-call notification center and have damaged an underground facility. The damage fees imposed under Senate Bill No. 326 are in addition to the excavator's liability to the owner of the underground facility for the full cost of the repair of the facility, pursuant to existing law.

My amendment reduces the damages fees that may be assessed against the excavator for a maximum of \$250 to \$125 for the first incident; from a maximum of \$1,000 to \$250 for the second incident; and from \$2,500 to \$500 for the third and subsequent incidents. I have proposed this amendment because I am concerned that the level of fees contained in the bill in its current form are excessive in relation to the egregiousness of the conduct giving rise to the fees and may be onerous to excavators operating small businesses. My amendment does not alter current law that fully compensates the owners of underground facilities for the cost of the repairs.

I have discussed my proposed amendment with the sponsor of the bill, Senator Jesse Lalsovich.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills not concurred in and returned to the Senate:

4/9/2005

SB 43, introduced by Cooney
SB 318, introduced by Laible
SB 344, introduced by Wheat
SB 428, introduced by Stapleton

SB 423 - 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 423**:
4/9/2005

Representative Noonan, Chair
Representative Everett
Representative Harris
Representative Sonju

SB 443 - 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 443**:
4/9/2005

Representative Furey, Chair
Representative Arntzen
Representative Klock
Representative Windy Boy

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/9/2005

HB 67, introduced by Jent

MOTIONS

Senator Squires moved **SB 328** be taken from 3rd reading and placed back on 2nd reading for the purpose of amendment. Motion carried.

Majority Leader Ellingson moved a conference committee be appointed on **SB 107**. Motion carried; the President appointed Senator Smith (Ch), Senator Larson, and Senator Black.

Majority Leader Ellingson moved a conference committee be appointed on **SB 139**. Motion carried; the President appointed Senator Laslovich (Ch), Senator Cromley, and Senator Esp.

Majority Leader Ellingson moved a free conference committee be appointed on **SB 146**. Motion carried; the President appointed Senator Wheat (Ch), Senator Ellingson, and Senator McGee.

Majority Leader Ellingson moved a conference committee be appointed on **SB 154**. Motion carried; the President appointed Senator Cobb (Ch), Senator Williams, and Senator Lind.

Majority Leader Ellingson moved a conference committee be appointed on **SB 175**. Motion carried; the President appointed Senator Cromley (Ch), Senator Moss, and Senator Esp.

Majority Leader Ellingson moved a free conference committee be appointed on **SB 217**. Motion carried; the President appointed Senator Cocchiarella (Ch), Senator Larson, and Senator Kitzenberg.

Majority Leader Ellingson moved a conference committee be appointed on **SB 461**. Motion carried; the President appointed Senator Roush (Ch), Senator Tash, and Senator Steinbeisser.

Majority Leader Ellingson moved a conference committee be appointed on **HB 115**. Motion carried; the President appointed Senator Toole (Ch), Senator Gillan, and Senator Essmann.

Majority Leader Ellingson moved a conference committee be appointed on **HB 135**. Motion carried; the President appointed Senator Weinberg (Ch), Senator Pease, and Senator Steinbeisser.

Majority Leader Ellingson moved a conference committee be appointed on **HB 272**. Motion carried; the President appointed Senator Tropila (Ch), Senator Gallus, and Senator Bales.

Majority Leader Ellingson moved a conference committee be appointed on **HB 348**. Motion carried; the President appointed Senator Williams (Ch), Senator Cocchiarella, and Senator Grimes.

Majority Leader Ellingson moved a conference committee be appointed on **HB 361**. Motion carried; the President appointed Senator Harrington (Ch), Senator Toole, and Senator Gebhardt.

Majority Leader Ellingson moved a conference committee be appointed on **HB 367**. Motion carried; the President appointed Senator Mangan (Ch), Senator Cromley, and Senator Perry.

Majority Leader Ellingson moved a conference committee be appointed on **HB 493**. Motion carried; the President appointed Senator Gallus (Ch), Senator Williams, and Senator Lewis.

Majority Leader Ellingson moved a conference committee be appointed on **HB 517**. Motion carried; the President appointed Senator Smith (Ch), Senator Tester, and Senator Laible.

Senator Grimes moves to change his vote on **SB 196** "aye" to "nay". Motion carried.

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

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

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

HB 102 - Senator Tropila moved **HB 102** be concurred in.

HB 102 - Senator Story moved **HB 102**, second reading copy, be amended as follows:

1. Page 1, line 18.

Following: "19-6-709."

Insert: "The amount must be calculated based upon the number of individuals eligible as provided in 19-6-709(1) through (3) and based upon the amount of benefit for the eligible individuals as provided in 19-6-709(4)(a) through (4)(c)."

Amendment adopted unanimously.

HB 102 - Senator Tropila moved **HB 102**, as amended, be concurred in. Motion carried with Senator O'Neil voting nay.

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

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Harrington, Hawks, Larson, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Squires, Toole, Tropila, Wheat, Williams.

Total 23

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

Total 25

Absent or not voting: None.

Total 0

Excused: Laslovich, Stapleton.

Total 2

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

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Grimes, Hansen, Harrington, Keenan, Kitzenberg, Laible, Lewis, Lind, McGee, O'Neil, Perry, Roush, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Wheat, Mr. President.

Total 30

Nays: Cromley, Ellingson, Gebhardt, Gillan, Hawks, Larson, Laslovich, Mangan, Moss, Pease, Ryan, Schmidt, Squires, Toole, Tropila, Weinberg, Williams.

Total 17

Absent or not voting: None.

Total 0

Excused: Brueggeman, Cooney, Gallus.

Total 3

HB 698 - Senator Barkus moved **HB 698** be concurred in. Motion carried unanimously.

HB 704 - Senator Grimes moved **HB 704** be concurred in.

HB 704 - Senator Grimes moved **HB 704**, second reading copy, be amended as follows:

1. Page 2, line 3.

Strike: "45"

Insert: "60"

Amendment adopted unanimously.

HB 704 - Senator Grimes moved **HB 704**, as amended, be concurred in. Motion carried with Senator Cromley voting nay.

HB 707 - Senator Larson moved **HB 707** be concurred in. Motion carried unanimously.

HB 728 - Senator Essmann moved **HB 728** be concurred in. Motion carried unanimously.

SB 146 - Senator Harrington assumed the chair.

SB 146 - House Amendments - Senator McGee moved House amendments to **SB 146** be **not** concurred in. Motion carried unanimously.

SB 302 - House Amendments - Senator Ellingson moved House amendments to **SB 302** be concurred in. Motion carried unanimously.

SB 324 - House Amendments - Senator Tester moved House amendments to **SB 324** be concurred in. Motion carried unanimously.

SJR 14 - Senator Tropila moved **SJR 14** be adopted. Motion carried unanimously.

SJR 34 - Senator Schmidt moved **SJR 34** be adopted. Motion carried as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Keenan, Laible, McGee, Shockley, Stapleton, Steinbeisser, Story.

Total 13

Absent or not voting: Gallus, Mangan.

Total 2

Excused: None.

Total 0

SJR 35 - Senator Cocchiarella moved **SJR 35** be adopted. Motion carried with Senator McGee voting nay.

HB 6 - Senator Brueggeman moved **HB 6** be concurred in. Motion carried unanimously.

HB 22 - Senator Wheat moved **HB 22** be concurred in.

HB 22 - Senator Toole moved **HB 22**, second reading copy, be amended as follows:

1. Page 5, line 14.

Following: "(f)"

Strike: "For"

Insert: "(i) For the bill that is due January 31, 2006, for a power generation water right, both consumptive and nonconsumptive, with a claimed or calculated volume that is:

(A) 0 acre feet to 100,000 acre feet, the fee is \$20;

(B) greater than 100,000 acre feet and less than or equal to 1 million acre feet the fee is \$1,000;

(C) greater than 1 million acre feet and has a flow rate less than 49,000 cubic feet per second the fee is \$2,000; and

(D) greater than 1 million acre feet and has a flow rate greater than or equal to 49,000 cubic feet per second the fee is \$2,264,650.

(ii) For the bill that is due January 31, 2008, and subsequent billings, for"

2. Page 5, line 16.

Strike: "(i)"

Insert: "(A)"

Renumber: subsequent subsections

3. Page 5, line 30.

Following: "(7)"

Strike: "The"

Insert: "(a) For the bill due January 31, 2006, the fee for all water rights that are not subject to subsections (4) through (6) is \$0.

(b) For the bill due January 31, 2008, and subsequent billings, the"

Amendment **not** adopted as follows:

Yeas: Cobb, Cooney, Ellingson, Gillan, Harrington, Kitzenberg, Lind, Mangan, Moss, Pease, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Williams, Mr. President.

Total 18

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Hawks, Keenan, Laible, Larson, Laslovich, Lewis, McGee, O'Neil, Perry, Roush, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Wheat.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 22 - Senator Wheat moved **HB 22** be concurred in. Motion carried with Senators Balyeat, Barkus, Cobb, Curtiss, Grimes, and Shockley voting nay.

HB 35 - Senator Schmidt reassumed the chair.

HB 35 - Senator Tropila moved **HB 35** be concurred in.

HB 35 - Senator Tropila moved **HB 35**, second reading copy, be amended as follows:

1. Page 23.

Following: line 16

Insert: "COORDINATION SECTION. Section 9. Coordination instruction. If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (12) of 61-3-321 in [this act] must read as follows:

"(12) For each vehicle subject to a registration fee under subsection (1), except snowmobiles, watercraft, and pole trailers, an additional fee of \$5 must be collected and forwarded to the department of revenue. The department of revenue shall deposit the \$5 in the account established in [section 4]."

Renumber: subsequent section

Amendment adopted unanimously.

HB 35 - Senator Tropila moved **HB 35**, as amended, be concurred in. Motion carried with Senators Balyeat and O'Neil voting nay.

HB 85 - Senator Cocchiarella moved **HB 85** be concurred in. Motion carried unanimously.

HB 89 - Senator Story moved **HB 89** be concurred in. Motion carried unanimously.

HB 167 - Senator Shockley moved **HB 167** be concurred in. Motion carried unanimously.

HB 186 - Senator Essmann moved **HB 186** be concurred in. Motion carried with Senator Esp voting nay.

HB 211 - Senator Ellingson moved **HB 211** be concurred in. Motion carried unanimously.

HB 235 - Senator Barkus moved **HB 235** be concurred in. Motion carried with Senators McGee and Story voting nay.

HB 244 - Senator Bales moved **HB 244** be concurred in. Motion carried with Senator Esp voting nay.

HB 707 - Senator Mangan made a **substitute motion** that **HB 707** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

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

THIRD READING OF BILLS

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

HB 2 concurred in 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, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 99 concurred in as follows:

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

Total 42

Nays: Bales, Balyeat, Esp, Gebhardt, McGee, O'Neil, Story, Tash.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 88 passed as follows:

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

Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Gebhardt, Keenan, Laible, McGee, O'Neil, Perry, Stapleton,

Steinbeisser, Story, Tash.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 91 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 116 passed as follows:

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

Nays: Balyeat, Curtiss, Gebhardt, Grimes, Keenan, McGee, O'Neil.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 118 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 119 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, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 47

Nays: Bales, Curtiss, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 122 passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 123 passed as follows:

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

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 164 passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Barkus, Esp.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 191 passed as follows:

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

Nays: Keenan, Laslovich, Schmidt.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 196 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, 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: Grimes.
Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 231 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, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 48

Nays: McGee, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 248 passed as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 259 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 279 passed as follows:

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

Nays: Bales, Esp, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Curtiss, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314 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 342 passed as follows:

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

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 396 passed as follows:

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

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, 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

SB 435 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, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Stapleton.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 458 passed as follows:

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

Total 41

Nays: Bales, Barkus, Cromley, Esp, Gebhardt, Keenan, McGee, Perry, Steinbeisser.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 481 passed as follows:

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

Total 47

Nays: Bales, Esp, Story.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 487 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

SPECIAL ORDERS OF THE DAY

Senator Squires thanked the pages for their service.

Senator Hawks was declared the winner of the weekly Ugly Tie Contest.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Monday, April 11, 2005. Motion carried.

Senate adjourned at 11:14 a.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate