

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

Helena, Montana
April 11, 2005

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

**Senate recessed 12:37 p.m.
Senate reconvened 12:58 p.m.**

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gallus, 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 44

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

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

4/11/2005

Correctly printed: **SJR 37, SR 16, HB 18, HB 83, HB 379, HB 411, HB 530, HB 541, HB 590, HB 747, HB 748, HB 749.**

Correctly engrossed: **SB 524, SB 525, HB 4, HB 5, HB 288, HB 707, HB 782.**

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Correctly enrolled: **SB 2, SB 18, SB 70, SB 74, SB 80, SB 88, SB 91, SB 92, SB 109, SB 110, SB 116, SB 118, SB 119, SB 121, SB 122, SB 123, SB 131, SB 137, SB 138, SB 143, SB 145, SB 164, SB 183, SB 185, SB 186, SB 191, SB 196, SB 207, SB 208, SB 224, SB 231, SB 248, SB 259, SB 277, SB 279, SB 282, SB 288, SB 289, SB 290, SB 294, SB 302, SB 314, SB 324, SB 333, SB 342, SB 359, SB 385, SB 388, SB 434, SB 435, SB 458, SB 466, SB 472, SB 481, SB 487, SB 491, SB 503.**

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

Signed by the President at 2:50 p.m., April 11, 2005: **SJR 7, SJR 9, SJR 12, SJR 13, SJR 22, SJR 26, SJR 27.**

Signed by the Secretary of the Senate at 2:30 p.m., April 11, 2005: **SJR 7, SJR 9, SJR 12, SJR 13, SJR 22, SJR 26, SJR 27.**

Delivered to the Secretary of State at 3:30 p.m., April 11, 2005: **SJR 7, SJR 9, SJR 12, SJR 13, SJR 22, SJR 26, SJR 27.**

Signed by the Speaker at 9:00 a.m., April 11, 2005: **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.**

Signed by the President at 2:50 p.m., April 11, 2005: **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.**

Signed by the Secretary of the Senate at 2:30 p.m., April 11, 2005: **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.**

Delivered to the Governor for approval at 9:30 a.m., April 11, 2005: **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.**

FINANCE AND CLAIMS (Cooney, Chairman):
SB 524, introduced bill, be amended as follows:

4/11/2005

1. Page 1, line 22.

Strike: "2010"

Insert: "2009"

And, as amended, do pass. Report adopted.

SB 525, introduced bill, be amended as follows:

1. Page 2, line 22.

Following: "legislature"

Insert: ", through one or more of the following"

2. Page 2, line 23.

Strike: "through"

Strike: the second "or"

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3. Page 2, line 24.
Strike: "based upon"

And, as amended, do pass. Report adopted.

HB 4, be amended as follows:

1. Page 2.
Following: line 6
Insert: "Electronic records project 2005 \$30,005 federal"

2. Page 3.
Following: line 27
Insert: "National resources conservation service 2005 \$5,000 federal"

3. Page 3.
Following: line 30
Insert: "All remaining fiscal year 2005 federal budget amendment authority for the national resources conservation service grant is authorized to continue into state fiscal year 2006."

4. Page 5, line 7.
Following: "for"
Insert: "sagebrush/shrub steppe ecosystem;"

5. Page 5, line 30.
Strike: "IMPROVEMENTS TO THE DARBY FISHING ACCESS SITE;"

6. Page 6.
Following: line 5
Insert: "Montana department of natural resources and conservation forested trust land habitat conservation planning 2005 \$589,500 federal"

7. Page 6.
Following: line 16
Insert: "Libby asbestos/Troy superfund grant 2005 \$20,000 federal"

8. Page 6.
Following: line 18
Insert: "Department of Livestock
Milk and Egg Program
National conference of interstate milk shippers 2005 \$2,500 federal"

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9. Page 7.

Following: line 16

Insert: "Reconstruct dispatch records 2005 \$3,000 federal"

10. Page 7, line 18.

Following: "GRANT"

Insert: "and for reconstruct dispatch records"

11. Page 8.

Following: line 4

Insert: "Emergency notification system 2005 \$1,987,000 federal

All remaining fiscal year 2005 federal budget amendment authority for the emergency notification system is authorized to continue into federal fiscal year 2005."

12. Page 8.

Following: line 8

Insert: "Pesticide data program 2005 \$61,740 federal

All remaining fiscal year 2005 federal budget amendment authority for the pesticide data program is authorized to continue into state fiscal year 2006."

13. Page 8.

Following: line 11

Insert: "Nonfat dry milk action 2005 \$760,000 federal

Pesticide data program 2005 \$248,260 federal

Organic certification 2005 \$35,000 federal"

14. Page 8.

Following: line 13

Insert: "All remaining fiscal year 2005 federal budget amendment authority for the pesticide data program is authorized to continue into state fiscal year 2006.

All remaining fiscal year 2005 federal budget amendment authority for the organic certification grant is authorized to continue into federal fiscal year 2007."

15. Page 8, line 28.

Strike: "2005"

Insert: "2006"

16. Page 9.

Following: line 13

Insert: "Homeland security grant-05 2005 \$13,693,406 federal

All remaining fiscal year 2005 federal budget amendment authority for homeland security grant-05 is authorized to continue into state fiscal year 2007."

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17. Page 10.

Following: line 3

Insert: "Disability Services Division

Disability services donation 2005 \$1,000 state special revenue

IDEA enhancement 2005 \$350,000 federal

All remaining fiscal year 2005 federal budget amendment authority for IDEA enhancement is authorized to continue into federal fiscal year 2005."

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

HB 18, be concurred in. Report adopted.

HB 83, be concurred in. Report adopted.

HB 288, be amended as follows:

1. Page 3.

Following: line 12

Insert: "COORDINATION SECTION. Section 3. Coordination instruction. If Senate Bill No. 207 and [this act] are both passed and approved, then [section 8] of Senate Bill No. 207 is amended as follows:

"NEW SECTION. Section 8. Effective date dates. (1) ~~[This act]~~ Except as provided in subsection (2), [this act] is effective July 1, 2005.

(2) [Section 6] is effective October 1, 2005."

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

HB 748, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

4/11/2005

SR 16, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

April 8, 2005

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

Dear President Tester:

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

Alternative Health Care Board 2-15-1730

The board is designated as a quasi-judicial board (although an attorney-member is not required) and consists of six members. Statute requires appointment of two persons from each of the health care professions regulated by the board who have been actively engaged in the practice of their respective professions for at least 3 years preceding

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appointment to the board; one public member who is not a member of a profession regulated by the board; and one member who is a Montana physician whose practice includes obstetrics. The members must have been residents of this state for at least 3 years before appointment to the board. One of the midwife positions has become vacant.

Molly Danison, 541 Rollins, Missoula MT 59801
Work phone: 406-721-0265; Home phone: 406-721-0265
Appointment date: 4/8/2005; Term ends: September 1, 2005
Qualification: midwife

Danison is a certified midwife in private practice. Her certification is from the Maternity Center, El Paso, Texas. She is a member of Midwives Alliance of North America and the Secretary of the Montana Midwifery Association. She participates in a grade school Playground Enhancement Project and has been a PTA member.

Board of Athletics 2-15-1772

The board consists of three members with staggered 3-year terms. A member may not serve more than four consecutive terms. The position due for appointment in April 2005 is currently vacant.

Book St. Goddard, PO Box 136, Browning MT 59417
Work phone: 406-338-5606
Appointment date: 4/25/2005; Term ends: April 25, 2008
Qualification: public representative

St. Goddard is the Activities Director for the Browning Public Schools. His BS degree is from Eastern Montana College, Billings. Active in sports, he was named an All Conference Basketball Player. He is a member of the Montana Coaches Association, the Montana Activity Administrators Association and serves on the Sportsmanship Committee.

Board of Barbers and Cosmetologists 2-15-1025

The board consists of nine members who serve five-year terms. Three licensed cosmetologists, one licensed electrologist, esthetician, or manicurist, three licensed barbers and two public members (not engaged in the practice of barbering, cosmetology, electrology, esthetics, or manicuring) are required. The professional members must have been a resident of this state for at least 5 years and been actively engaged in the profession for at least 5 years immediately prior to appointment. Not more than two members of the board may be members of or affiliated with a school. If qualified applicants aren't found for the barber or cosmetologist positions, licensed cosmetologists, electrologists, estheticians, manicurists and barbers may be appointed to fill the position. The public member is vacant due to a resignation.

Jamie Crisafulli, 409 Linden Ave, Glendive MT 59330
Work phone: 406-377-3303; Home phone: 406-377-9630
Appointment date: 4/8/2005; Term ends: October 1, 2008
Qualification: public representative

A Terry native, Jamie has worked for the Yellowstone Newspapers group for 12 years, with the past 5 years as editor of the Glendive Ranger Review. She attended Montana State University, Bozeman. She is a member of the Eastern Montana CASA board, the Yoke Parish Committee of the Presbyterian Community Church and serves on the Healthy Communities Coalition.

Board of Chiropractors 2-15-1737

The board consists of four members serving 3-year terms. Three members must be practicing chiropractors who have practiced chiropractic continuously in this state for at least 1 year. No two members may be graduates of the same school or college of chiropractic. One member must be a representative of the public who is not engaged in the practice of chiropractic. No member may be appointed for more than two consecutive terms. Two chiropractors and one member of the public are holdover members. The holdover chiropractors graduated from Northwestern College of

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Chiropractic and Western States Chiropractic College.

Dr. Daniel Prideaux, 1001 SW Higgins Ste 102, Missoula MT 59801

Work phone: 406-721-4425

Appointment date: 4/8/2005; Term ends: January 1, 2008 [Reappointment]

Qualification: practicing chiropractor with at least one year experience, and graduate of Los Angeles College of Chiropractic

Prideaux is the owner of the Foothills Chiropractic Center since 1982. He is a certified chiropractic sports physician, and a certified impairment evaluator. Prideaux earned a BS in Biology from the University of South Dakota and his Doctor of Chiropractic from the Los Angeles College of Chiropractic. Prideaux is a member of the American and Montana Chiropractic Associations.

County Printing Board 2-15-1026

The board consists of five members who serve 2-year terms. The members are: two members of the printing industry; two county commissioners and one member of the general public. All positions are open every two years.

Marianne Roose, 512 California Ave, Libby MT 59923

Work phone: 406-293-7781

Appointment date: 4/8/2005; Term ends: April 1, 2007 [Reappointment]

Qualification: County Commissioner

Roose is a Lincoln County Commissioner. Prior to her election as Commissioner, she worked as a court clerk and as county annex office manager. She has served as a director for the local electrical cooperative and serves on the Northwest Public Power Association Board

Gary MacDonald, PO Box 576, Wolf Point MT 59201

Work phone: 406-653-6246; Home phone: 406-653-1575

Appointment date: 4/8/2005; Term ends: April 1, 2007

Qualification: County Commissioner

MacDonald is an accountant. He has an associate degree from Billings Business College and attended Eastern Montana College in Billings, where he studied business administration and accounting. MacDonald has served as a Roosevelt County Commissioner since 1999 and serves on the Economic Development Committee for the Montana Association of Counties. Born and raised in Poplar, MacDonald is an enrolled Tribal member of the Chippewa from the Turtle Mountain Reservation in North Dakota.

Milt Wester, 1540 W 9th St, Laurel MT 59044

Work phone: 406-628-6711; Home phone: 406-628-7049

Appointment date: 4/8/2005; Term ends: April 1, 2007

Qualification: printing industry representative

Wester is the publisher and editor of the Laurel Outlook. He and his wife, Gloria, are 20-year owners of the newspaper. He is the past president of the Montana Newspaper Association and currently serves as the president of the Montana Newspaper Advertising Service Board.

Dan Killoy, PO Box 1216, Miles City MT 59301

Work phone: 406-234-0450

Appointment date: 4/8/2005; Term ends: April 1, 2007

Qualification: printing industry representative

Killoy is the publisher of the Miles City Star. A veteran newspaper man, he grew up in Butte and is a former publisher of the Montana Standard. He is now associated with the Yellowstone News Group, based in Livingston.

Calvin J. Oraw, 637 11th St SE, Sidney MT 59270

Home phone: 406-482-1322

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Appointment date: 4/8/2005; Term ends: April 1, 2007

Qualification: public representative

Oraw is the owner and certified insurance counselor for Cal Oraw Insurance and Annuities. Oraw also worked with the Cooperative Extension Service. He grew up on a family farm-ranch northwest of Chester, and holds a BS in Agricultural Business from Montana State University.

Board of Dentistry 2-15-1732

The board consists of 10 members: Five dentists, one denturist, two dental hygienists, and two public members, one of whom must be a senior citizen. Each professional member must be licensed in the profession and have actively practiced in this state for at least 5 continuous years immediately before the appointment, and must be actively engaged in practice while serving on the board. Each member must be a resident of this state. Each member shall serve for a term of 5 years. Four holdover members are dentists, two are dental hygienists, one is a denturist and one is a senior citizen. One public member has resigned, and one dentist position is up for appointment.

Dr. Paul Sims, 775 W Gold, Butte MT 59701

Work phone: 406-723-8204

Appointment date: 4/8/2005; Term ends: March 29, 2010 [Reappointment]

Qualification: licensed dentist with at least 5 years experience

Sims is a dentist and an oral and maxillofacial surgeon. He is currently on the American Dental Association Council on dental education and licensure, and president-elect of the Western Regional Dental Board. He has a BS degree and a DDS degree from the University of Missouri, Kansas City. He is a member of a number of professional societies, and serves on the staff of St. James Community Hospital.

Helen Waller, 615 Weldon Rd, Circle MT 59215

Home phone: 406-485-3490

Appointment date: 4/8/2005; Term ends: March 29, 2007

Qualification: public representative

Waller is a farmer and the Chair of the National Family Farm Coalition. She attended airlines communications trade school. She serves as the Chair of the Northern Plains Resource Council and is the Eastern Montana Representative to the Montana Democratic Central Committee.

Electrical Board 2-15-1764

The board consists of five members: Two members represent the public; two members are licensed electricians and one member is a master licensed electrical contractor. Members serve 5-year terms; with one term expiring on July 1 of each year. Holdover members are: Two members of the public and two licensed electricians.

Jack Fisher, 3211 Hannibal, Butte MT 59701

Work phone: 406-494-7623; Home phone: 406-494-5854

Appointment date: 4/8/2005; Term ends: July 1, 2008

Qualification: licensed electrician

Fisher is the assistant business manager of Electricians Local 233. He has 35 years of experience and is a licensed electrician in five states. He completed a 5-year International Brotherhood of Electrical Workers Joint Apprenticeship and Training Council apprenticeship and became certified as a journeyman electrician. Fisher is active in building trades organizations and other labor councils. Fisher is a volunteer firefighter and a member of the Knights of Columbus.

Fred Talarico, 11805 Green Acre Rd, Missoula MT 59804

Work phone: 406-721-5242; Home phone: 406-721-7360

Appointment date: 7/1/2005; Term ends: July 1, 2010

Qualification: master electrician

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Talarico is a master electrician and the owner of Talco Electrical Construction, Inc. He is governor of the National Electrical Contractors Association and a member of the apprentice administrative rules advisory committee. He served on the board of directors for the MTN Joint Apprenticeship and Training Council electrical apprenticeship program.

Board of Investments 2-15-1808

The board is designated as a quasi-judicial board and consists of nine members. The members are: one member from the public employees' retirement board, one member from the teachers' retirement board and seven members who will provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representative of: the financial community; small business; agriculture; and labor. Holdover members include representatives from labor, agriculture, the financial community, and business, and one is also an attorney. Several appointments to the Board of Investments were sent to the Senate on March 17, 2005.

John Paull, 1139 Caledonia St, Butte MT 59701

Work phone: 406-782-9509; Home phone: 406-723-7588

Appointment date: 4/8/2005; Term ends: January 1, 2009

Qualification: PERS Representative

Paull is the Battalion Chief for the Butte-Silver Bow Fire Department. He serves on the Montana State Firemen's Association's Advisory Board of the Firefighters Retirement System to the Public Employees Retirement Board. A member of International Association of Firefighters Local 96, he has held various positions with the union. He serves as an Athletic Club Board member for the Knights of Columbus Council 668.

Library Commission 22-1-101

The governor appoints five members of the Library Commission who serve staggered terms of 3 years. One of three holdover positions is vacant due to resignation. An appointment to fill a vacancy was sent to the Senate on April 1, 2005.

Cindy Carrywater, PO Box 604, Hays MT 59527

Home phone: 406-673-3991

Appointment date: 5/22/2005; Term ends: May 22, 2008

Qualification: public representative

Carrywater, from the Gros Ventre tribe at Fort Belknap, is a certified school librarian at Hayes-Lodgepole. Currently a K-12 Librarian for the Hays-Lodgepole School District in Hays, Montana, she received her M.Ed in Library Science from Western Montana College in Dillon. In addition to her current position, she has also served as a lead teacher, as well as teaching special education and history. Her community activities include serving on the Veterans Pow Wow Committee and Community Clean Up Day, as well as an advisor to the Upward Bound and Close-Up programs.

Nora Smith, 1217 S Bozeman Ave, Bozeman MT 59715

Home phone: 406-581-8960

Appointment date: 5/22/2005; Term ends: May 22, 2008

Qualification: public representative

Smith is an Adjunct Instructor in the Department of English and the Assistant Coordinator and Student Advisor, University Studies at Montana State University. Her educational background includes a PhD in American Indian Education and Policy Analysis, from the University of Wisconsin, an MA in Theological Studies from Harvard University and a BA in History from MSU-Bozeman. She has worked with the Blackfeet Nation Headstart program and the Ho-Chunk Nation of Wisconsin's Adult Language Learners program. Smith also has a background in journalism, including print and broadcast media. She has developed her own weekly radio programs, served as a broadcast staff member for KGLT, Bozeman, and worked as a newspaper reporter and columnist.

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Occupational Therapy Practice 2-15-1749

The board consists of five members who serve staggered 4-year terms. (A member who has served two successive complete terms is not eligible for reappointment until after 1 year.) Members are: Three occupational therapists licensed under Title 37, chapter 24, who are actively engaged in the practice or teaching of occupational therapy; and two members of the general public with an interest in the rights of the consumers of health services. One occupational therapist has resigned, creating a vacancy.

Lynn Yocom, 523 Hickory, Anaconda MT 59711

Work phone: 406-563-8608; Home phone: 406-563-4285

Appointment date: 4/8/2005; Term ends: December 31, 2007

Qualification: licensed occupational therapist

Yocom is an occupational therapist at Anaconda Community Hospital. She holds a BS degree in Occupational Therapy from the University of Texas. She is a member of the American Occupational Therapy Association and the Montana Occupational Therapy Association.

Board of Optometry 2-15-1736

The board consists of four members who serve staggered, 4-year terms. Three members must be registered optometrists of this state and actually engaged in the exclusive practice of optometry in this state during their terms of office. One member must be a representative of the public who is not engaged in the practice of optometry. Two optometrists are holdover members, as is a member of the public.

Rock Svenningsen, 841 Hill Ave, Shelby MT 59474

Work phone: 406-434-5414

Appointment date: 4/8/2005; Term ends: April 3, 2009

Qualification: registered optometrist

Svenningsen is in the private practice of optometry in Shelby and Chester. He has a BA in Biology from the University of Montana and received his Doctorate of Optometry from the Southern California College of Optometry. He is a member and has served on the board of directors for the State Optometric Association and is a member of the American Optometric Association. He served on the local school board for 8 years and is on the board of trustees for the Marias River Electric Cooperative.

Board of Plumbers 2-15-1765

The board consists of nine members who serve 4-year terms. The members are: Two master plumbers and two journeyman plumbers who are 18 years of age or older, who have been residents of this state for more than 1 year, and who have been duly licensed master or journeyman plumbers at least 5 out of the last 8 years immediately preceding their appointment; one registered professional engineer qualified in mechanical engineering; three representatives of the public who are not engaged in the business of installing or selling plumbing equipment; and one representative of the department of environmental quality, who must have experience in the regulation of drinking water systems. One public member resigned, creating a vacancy.

David Lindeen, 1626 Heath St, Huntley MT 59037

Home phone: 406-348-2000

Appointment date: 4/8/2005; Term ends: May 4, 2007

Qualification: public representative

Lindeen is a retired member of International Brotherhood of Electrical Workers. He grew up in Pompey's Pillar and graduated from Huntley Project High School in 1967. Lindeen worked in the telephone industry until 1973, when he went to work for the Yellowstone Valley Electric Co-op. Lindeen has also attended continuing education at the Lincoln Center in Billings. He is a member of the Rocky Mountain Elk Foundation.

Social Work Examiners and Professional Counselors 2-15-1744

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The board is designated as a quasi-judicial board and consists of seven members. Three members must be licensed social workers, and three must be licensed professional counselors. (A person may be appointed to the board without being licensed as a professional counselor if she or he is issued a license within 30 days after appointment.) One member must be appointed from and represent the general public and may not be engaged in social work. Two counselors are holdover members, as is an attorney/public member.

Treasa Glinnwater, 3199 Canal, Ronan MT 59864

Work phone: 406-676-5886

Appointment date: 4/8/2005; Term ends: January 1, 2009

Qualification: licensed social worker

Glinnwater is a licensed clinical social worker in private practice. Her MSW in clinical social work is from Smith College. She is the treasurer of the International Gestalt Association and the clinical committee chair of the National Association of Social Workers.

Henry Pretty On Top, PO Box 9, Crow Agency MT 59022

Work phone: 406-638-3491

Appointment date: 4/8/2005; Term ends: January 1, 2009

Qualification: licensed social worker

Pretty On Top is a licensed clinical social worker in the Behavioral Health Department of the Crow Agency Hospital, Indian Health Service. A member of the Crow Tribe, he attended Rocky Mountain College and has a BA in Sociology from Pepperdine College, Los Angeles and an MSW from the University of Utah. He serves as a board member for various community organizations.

Linda Crummett, 304 Grand Ave, Billings MT 59101

Work phone: 406-259-1667

Appointment date: 4/8/2005; Term ends: January 1, 2009

Qualification: licensed social worker

Crummett is a licensed clinical social worker in private practice who also serves as a Mental Health Counselor for Montana State University, Billings. Her BA in Sociology is from the State University of New York at Albany and her MSW is from the University of Minnesota. She has also worked in the South Central Regional Mental Health Center, the Department of Family Services and served as a VISTA volunteer on the Crow Indian Reservation.

John Lynn, 9750 O'Brien Creek Rd, Missoula MT 59804

Home phone: 406-549-4747

Appointment date: 4/8/2005; Term ends: January 1, 2009

Qualification: licensed counselor

Lynn is the Deputy Director of the Western Montana Mental Health Center. A licensed clinical professional counselor, he holds a BS in Psychology and Foreign Languages from Washington State University, Pullman and an MS in Applied Psychology from Eastern Washington University, Cheney, Washington. He serves on the Mental Health Oversight and Advisory Council and was a member and Chair of the Target Range School Board.

Speech-Language Pathologists and Audiologists 2-15-1739

The board consists of five members who serve 3-year terms. Terms are limited to 2 consecutive terms. Members must be state residents for at least one year. Requirements are: Two members are speech-language pathologists; two members are audiologists; and one member is a public member/consumer of speech-language pathology or audiology services not licensed by any board in the department. All board members, except the public member, shall at all times be validly licensed in speech-language pathology or audiology, and have been engaged in rendering services to the public, teaching, or performing research in the field of speech-language pathology or audiology for at least 5 years immediately preceding their appointment. One holdover member is a speech-language pathologist, and one is an audiologist.

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Sharon Dinstel, PO Box 2484, Colstrip MT 59323

Home phone: 406-748-3502

Appointment date: 4/8/2005; Term ends: December 31, 2006

Qualification: speech-language pathologist

Dinstel is a Speech/Language Pathologist for the Northern Cheyenne Tribe Chief Dull Knife College. Her MA degree in Speech Pathology is from Northeast Missouri State University. She is a member of the American Speech Language and Hearing Association and the Montana Speech Hearing Association. She serves on the Montana Democratic State Central Committee.

Darrell Micken, 515 Lexington Dr, Bozeman MT 59715

Home phone: 406-587-8517

Appointment date: 4/8/2005; Term ends: December 31, 2006 [Reappointment]

Qualification: audiologist

Micken is in the private practice of Audiology with Micken Hearing Services. He has a BS in English/Speech from Montana State University, Bozeman, and an MA in Audiology from the University of Montana. He has served in leadership positions for a number of professional organizations, including the American and Montana Speech and Hearing Associations and the Montana Association for the Deaf.

James L. Sias, 2118 Terrace Lake Rd, Ronan MT 59864

Home phone: 406-676-0133

Appointment date: 4/8/2005; Term ends: December 31, 2006

Qualification: consumer representative

Sias is a member of the Confederated Salish & Kootenai tribe. He serves as a Committeeman on the Tribal Credit Committee and is a veteran.

State Compensation Mutual Insurance Fund Board 2-15-1019

The board consists of seven members who serve 4-year terms. Terms are limited to two 4-year terms. At least four of the seven members must represent state fund policyholders and may be employees of state fund policyholders. At least four members of the board shall represent private, for-profit enterprises. One of the seven members may be a licensed insurance producer. A member of the board may not: except for the licensed insurance producer member, represent or be an employee of an insurance company that is licensed to transact workers' compensation insurance under compensation plan No. 2; or be an employee of a self-insured employer under compensation plan No. 1. Two holdover members represent private, for-profit enterprises and are also policyholders. One holdover member represents private, for-profit enterprise and is not a policyholder.

James Swanson, 1301 N Kendrick, Glendive MT 59330

Work phone: 406-377-5384

Appointment date: 4/28/2005; Term ends: April 28, 2009

Qualification: insurance producer/policy holder

Swanson is an insurance agent with Montana Farmers Union Insurance Agency. Active in civic affairs, he is a past chair and member of the Glendive Medical Center Board of Directors and past president of the Friends of Makoshika. He has also served as Lt. Governor of Division 5 of the Kiwanis and is a Past Master of the Masons.

Ken Johnson, 7389 Peregrine Ct, Missoula MT 59808

Work phone: 406-543-4450

Appointment date: 4/28/2005; Term ends: April 28, 2009

Qualification: private enterprise

Johnson is the Vice President and Owner of CM Manufacturing. CM Manufacturing is part of the aerospace industry, and provides quality aircraft parts to the US Department of Defense. His BS degree from the University of Montana

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is in Business/Finance.

Lawrence Zanto, 1414 N. Montana Ave, Helena MT 59601
Work phone: 406-442-9470
Appointment date: 4/28/2005; Term ends: April 28, 2009
Qualification: private enterprise

Zanto is the Vice President of Mergenthaler Transfer and Storage. He has a BA degree in Finance and Economics from the University of Montana. A member of the Montana Motor Carriers Association, he serves as Vice President of the Safety Council. He is on the Operation Lifesaver Board and a former board member for the National Safety Council.

Jane DeBruycker, 1690 6th Ln NE, Dutton MT 59433
Home phone: 406-476-3427
Appointment date: 4/28/2005; Term ends: April 28, 2009
Qualification: policy holder

DeBruycker has an agricultural business with her husband, Lloyd DeBruycker Company. She also provides management services to the Sunshine Trail Lodges, a retirement home. She serves as Vice President of the Bethany Lutheran Church Board and Treasurer of the Teton County Democratic Central Committee.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate: 4/11/2005

SB 407, introduced by Grimes

House joint resolution passed and transmitted to the Senate for concurrence: 4/11/2005

HJR 38, introduced by Butcher

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/11/2005

SB 287, introduced by Schmidt

SB 320, introduced by Bales

SB 339, introduced by Balyeat

SB 445, introduced by McGee

HB 606 - 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 606**: 4/11/2005

Representative Gutsche, Chair
Representative Jopek
Representative Peterson
Representative Ross

MOTIONS

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

Senator Perry moved to change vote on **HB 2** from "aye" to "nay". Motion carried.

Senator Gallus moved to reconsider action on **HB 421**. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Laible moved to reconsider action on **HB 720**. Motion carried as follows:

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

Total 27

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

Total 22

Absent or not voting: None.

Total 0

Excused: Curtiss.

Total 1

Senator Balyeat moved to reconsider action on **SB 396**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, 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, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 25

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Absent or not voting: None.

Total 0

Excused: Curtiss.

Total 1

Senator Gallus moved to dissolve the conference committee on **HB 493**. 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 Esp in the chair.

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

HB 707 - Senator Larson moved **HB 707** be concurred in.

HB 707 - Senator Mangan moved **HB 707**, second reading copy, be amended as follows:

1. Page 1, line 19.

Following: "card."

Insert: "A financial institution or credit card company may not prohibit collection of the convenience fee provided for in this subsection."

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

HB 707 - Senator Larson moved **HB 707**, as amended, be concurred in. Motion carried as follows:

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

Total 40

Nays: Bales, Barkus, Keenan, Laible, McGee, O'Neil, Shockley, Stapleton.

Total 8

Absent or not voting: Harrington, Laslovich.

Total 2

Excused: None.

Total 0

HB 379 - Senator Hansen moved **HB 379** be concurred in. Motion carried as follows:

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

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O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 42

Nays: Balyeat, Curtiss, Gebhardt, Grimes, Lewis, McGee, Steinbeisser, Tash.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 411 - Senator Lewis moved **HB 411** be concurred in. Motion carried unanimously.

HB 530 - Senator Bales moved **HB 530** be concurred in. Motion carried unanimously.

HB 541 - Senator Gebhardt moved **HB 541** be concurred in. Motion carried with Senator Cooney voting nay.

HB 590 - Senator Cocchiarella moved **HB 590** be concurred in. Motion carried unanimously.

HB 720 - Senator Laible moved **HB 720** be concurred in.

HB 720 - Senator Laible moved **HB 720**, second reading copy, be amended as follows:

1. Page 1, line 23.

Following: "property"

Insert: "and that recognizes the corresponding responsibilities"

2. Page 1, line 26.

Following: "government"

Insert: "while recognizing the public health, safety, and general welfare purposes of development review"

3. Page 3, line 1.

Following: "76-2-306"

Strike: "AND"

Insert: "or"

4. Page 3, line 5.

Following: "APPLICATION."

Insert: "Nothing in this subsection affects the ability of a local government to develop and impose conditions on a site-specific development plan as otherwise provided by law or by locally adopted ordinances or regulations."

Amendment adopted with Senators McGee and O'Neil voting nay.

HB 720 - Senator Laible moved **HB 720**, as amended, be concurred in. Motion **failed** as follows:

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Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Ellingson, Essmann, Gebhardt, Grimes, Laible, Lewis, Lind, McGee, O'Neil, Roush, Shockley, Squires, Tropila, Williams.

Total 20

Nays: Bales, Cooney, Cromley, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Perry, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Wheat, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 720 - Senator Cooney moved **HB 720** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 31

Nays: Balyeat, Barkus, Black, Brueggeman, Cobb, Ellingson, Esp, Essmann, Gallus, Keenan, Laible, Lewis, Lind, Mangan, McGee, O'Neil, Perry, Shockley, Tropila.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 747 - Senator Mangan moved **HB 747** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, Moss, Perry, Schmidt, Shockley, Smith, Steinbeisser, Story, Tash, Tropila, Weinberg, Williams, Mr. President.

Total 33

Nays: Cooney, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Laslovich, Lind, O'Neil, Pease, Roush, Ryan, Squires, Stapleton, Toole, Wheat.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 749 - Senator Cobb moved **HB 749** be concurred in. Motion carried with Senator Balyeat voting nay.

HB 782 - Senator Wheat moved **HB 782** be concurred in.

HB 782 - Senator Wheat moved **HB 782**, second reading copy, be amended as follows:

1. Title, line 13 through line 15.

Strike: "TRANSFERRING" on line 13 through "ADJUDICATION;" on line 15

2. Page 10, line 1 through line 10.

Strike: section 9 in its entirety

Renumber: subsequent sections

Amendment adopted unanimously.

HB 782 - Senator Wheat moved **HB 782**, as amended, be concurred in. Motion carried with Senator Curtiss voting nay.

SJR 37 - Senator Williams moved **SJR 37** be adopted. Motion carried with Senator Esp voting nay.

HB 5 - Senator Tester moved **HB 5** be concurred in.

HB 5 - Senator Cocchiarella moved **HB 5**, second reading copy, be amended as follows:

1. Page 7.

Following: line 4

Insert: "Law Building ADA Improvements/Renovation/Expansion, UM-Missoula 500,000[LRBP]
This state money augments \$5,000,000 of existing authority for this project.
School of Journalism Building, UM-Missoula 500,000[LRBP]
This state money augments \$12,000,000 of existing authority for this project."

2. Page 9, line 22.

Strike: "\$9.7"

Insert: "\$10.7"

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Ellingson, Gallus, Gillan, Hansen, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Cooney, Cromley, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Harrington, Hawks, Keenan, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash, Mr. President.

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Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 5 - Senator Grimes moved **HB 5**, second reading copy, be further amended as follows:

1. Page 3.

Following: line 20

Insert: "Capitol Annex or Alternatives Feasibility Study 500,000 Capitol Land Grant Funds"[Other Funding Sources]

2. Page 12, line 5.

Insert: "NEW SECTION. Section 8. Capitol land grant revenue. The appropriation of up to \$500,000 in capitol land grant revenue to the department of administration for the capitol annex or alternatives feasibility study is the last priority for use of these funds during the 2007 biennium and is dependent upon the availability of revenue. To the extent that capitol land grant revenue is not sufficient to fund this project, the balance of the appropriation may come from reversions in the long-range building program account made during the 2006-2007 biennium. If necessary, this project may be phased in as these funds become available."

Renumber: subsequent sections

3. Page 1, line 27 and line 30

Strike: "12"

Insert: "13"

4. Page 2, line 6

Strike: "8(2)"

Insert: "9(2)"

5. Page 9, line 26

Strike: "17"

Insert: "18"

6. Page 11, line 17

Strike: "17"

Insert: "18"

Amendment adopted unanimously.

HB 5 - Senator Tester moved **HB 5**, as amended, be concurred in. Motion carried as follows:

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

Total 32

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Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, Gebhardt, Keenan, Laible, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 17

Absent or not voting: Curtiss.
Total 1

Excused: None.
Total 0

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Esp 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 6 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, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 22 concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, 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, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Balyeat, Cobb, Curtiss, Grimes, Shockley, Stapleton.
Total 6

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

HB 35 concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, 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, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 46

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

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 85 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 89 concurred in as follows:

Yeas: Bales, 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 48

Nays: Balyeat, Grimes.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 102 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 49

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 167 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 186 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, 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

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Excused: None.

Total 0

HB 211 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, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 47

Nays: McGee, Stapleton, Steinbeisser.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 235 concurred in as follows:

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

Total 44

Nays: Cobb, Esp, Laible, McGee, Smith, Story.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 244 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, 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: Esp, Laible.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 698 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 704 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, 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: Cromley.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 728 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

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Excused: None.

Total 0

SB 302 passed as follows:

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

Total 42

Nays: Bales, Curtiss, Grimes, Keenan, McGee, Steinbeisser, Story, Tash.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 324 passed as follows:

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

Total 40

Nays: Bales, Balyeat, Curtiss, Esp, Gebhardt, Keenan, McGee, O'Neil, Shockley, Story.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 14 adopted as follows:

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

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SJR 34 adopted as follows:

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

Total 40

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

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 35 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, 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 46

Nays: Black, Curtiss, Esp, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Schmidt introduced the pages for the week:

"Dawn Silvan: Dawn is a senior at Big Sandy High School, and is sponsored by Senator Tester. She is active in student government, and various forms of the performing arts. She is in choir, band, speech and drama, and acts in various school plays."

"Meredith Davison: Meredith is a senior at Anaconda High School and is sponsored by Senator Laslovich. She is a member of National Honors Society, was a Girls State participant, and is a varsity Cheerleader. She serves on the board for the Discovery House, and volunteers for her church day care."

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"Ryan Giesy: Ryan is a senior at Whitefish High School, and is sponsored by Senator McGee. He is the vice president for career in his Jobs for Montana Graduates class. He has also lettered in twice basketball."

"Jeff Goldberg: Jeff is a senior at Anaconda High School and is sponsored by Senator Laslovich. He is the Student Body Vice-President, and National Honors Society President. He also runs track and cross-country."

"Katherine Kaercher: Katherine is a junior at Havre High School, and is sponsored by Senator Pease. She is involved with Leadership High School, and sings in HiLiters, and an acapella choir."

"Daniel Kettman: Daniel is a senior at Helena High School, and is sponsored by Senator Grimes. He is a member of Key Club, Science Club, Helena Karate Club, and the vocational education club."

"Carlie Wogamon: Carlie is sponsored by Senator McGee, and is a junior at Joliet High School. She is a member of FFA, and Band. She also plays basketball and runs cross-country."

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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

Senate adjourned at 3:41 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate