

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

Helena, Montana
April 12, 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, except Senators Cobb, Gillan, and Lind, excused. Quorum present.

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

Total 44

Nays: Balyeat, Essmann, Shockley.

Total 3

Absent or not voting: None.

Total 0

Excused: Cobb, Gillan, Lind.

Total 3

Senate recessed 12:37 p.m.

Senate reconvened 1:02 p.m.

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

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

Total 40

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

Total 7

Absent or not voting: None.

Total 0

Excused: Gillan, Schmidt, Smith.

Total 3

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

4/12/2005

Correctly printed: **SB 524, SB 525, SJR 38, SJR 41, SR 17, SR 18, SR 19, HB 4, HB 11, HB 288, HB 376, HB 421,**

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HB 476, HB 552, HB 745, HB 748, HJR 2.

Correctly engrossed: **SJR 40, HB 386, HB 435, HB 484, HB 577, HB 720.**

Correctly enrolled: **SB 426, SB 480, SB 504, SR 16.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman):
HB 484, be amended as follows:

4/12/2005

1. Title, line 8.

Following: "APPROPRIATION;"

Strike: "AND"

2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 7, line 6.

Insert: "NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2005."

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

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):
SJR 38, be adopted. Report adopted.

4/12/2005

FINANCE AND CLAIMS (Cooney, Chairman):

4/12/2005

HB 476, be concurred in. Report adopted.

HB 577, be amended as follows:

1. Page 2, line 2.

Following: "shall"

Insert: ", as long as funds are available from an appropriation made for this purpose,"

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

HB 745, be concurred in. Report adopted.

JUDICIARY (Wheat, Chairman):

4/12/2005

SJR 40, introduced joint resolution, be amended as follows:

1. Title, line 6.

Following: "SERVICES"

Insert: "AND COUNTY CIVIL LEGAL SERVICES BY COUNTY ATTORNEYS"

2. Page 1, line 11.

Following: "level"

Insert: "and county civil legal services"

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3. Page 1, line 27.

Following: "career"

Strike: "prosecutors"

Insert: "County Attorneys"

Following: "services"

Insert: "and county civil legal services"

4. Page 2, line 2.

Following: "services"

Insert: "and county civil legal services by County Attorneys"

5. Page 2, line 5.

Following: "services"

Insert: "and county civil legal services"

Following: "provided"

Insert: "by County Attorneys"

6. Page 2, line 7.

Following: "services"

Insert: "and county civil legal services by County Attorneys"

7. Page 2, line 8.

Following: "services"

Insert: "and county civil legal services by County Attorneys"

8. Page 2, line 10.

Following: "needs"

Insert: "and county civil legal services needs"

9. Page 2, line 12.

Following: "system"

Insert: "and civil legal advice to elected county officials"

10. Page 2, line 13.

Following: "services"

Insert: "and county civil legal services by County Attorneys"

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

4/12/2005

SR 17, be adopted. Report adopted.

SR 18, be adopted. Report adopted.

HB 376, be concurred in. Report adopted.

HB 386, be amended as follows:

1. Title, page 1, line 9.

Strike: "CHANGING"

Insert: "ELIMINATING"

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2. Title, page 1, line 10.

Strike: "MAY NOT BE"

Insert: "WAS RESTRICTED FROM BECOMING"

3. Title, page 1, line 10 through line 13.

Strike: "FROM" on line 10 through "COMMISSIONER" on line 13

4. Title, page 1, line 16.

Following: "RECUSED;"

Insert: "AND"

5. Title, page 1, line 17.

Following: "MCA"

Strike: ";" through "DATE"

6. Page 1, line 23.

Following: ";"

Insert: "and"

7. Page 1, line 24 through line 27.

Following: "Montana" on line 24

Strike: ";" on line 24 through "5-7-102" on line 27

8. Page 1, line 29.

Strike: "(1)"

9. Page 2, line 1.

Strike: "(a)"

Insert: "(1)"

10. Page 2, line 4.

Strike: "(b)"

Insert: "(2)"

11. Page 2, line 5.

Strike: "(c)"

Insert: "(3)"

12. Page 2, line 7.

Strike: "(d)"

Insert: "(4)"

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13. Page 2, line 9.

Strike: "(e)"

Insert: "(5)"

14. Page 2, line 10.

Strike: "(i)"

Insert: "(a)"

15. Page 2, line 12.

Strike: "(ii)"

Insert: "(b)"

16. Page 2, line 13 through line 14.

Strike: subsection (2) in its entirety

17. Page 3, line 2 through line 4.

Strike: subsection (2) and (3) in their entirety

Renumber: subsequent subsections

18. Page 3, line 23.

Following: "of office"

Strike: "--" through "lobbying"

Strike: "(1)"

19. Page 3, line 27 through line 29.

Strike: subsection (2) in its entirety

20. Page 5, line 9.

Strike: section 9 in its entirety

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

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 423**
Report No. 1, April 11, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 423** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9.

Strike: "A CONDITION"

Insert: "CERTAIN CONDITIONS"

2. Page 4, line 3 through line 4.

Strike: "IF" on line 3 through "GREATER" on line 4

For the Senate:

Laslovich, Chairman
Mangan
Shockley

For the House:

Noonan, Chairman
Everett
Harris
Sonju

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 63**
Report No. 1, April 12, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 63** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 63** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 through line 10.

Strike: "EXTENDING" on line 9 through "MAXIMUM;" on line 10

2. Title, page 1, line 15 through line 18.

Strike: "REVISING" on line 15 through "GRANT;" on line 18

3. Title, page 1, line 20.

Strike: "UNIFIED AND JOINT BOARD"

Following: "AGREEMENTS"

Insert: "FOR FUND TRANSFERS BY FEBRUARY 1 OF THE CURRENT FISCAL YEAR"

4. Title, page 1, line 21 through line 24.

Strike: "AUTHORIZING" on line 21 through "2007;" on line 24

5. Title, page 1, line 24.

Strike: "2-9-212,"

6. Title, page 1, line 26.

Following: "AND"

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Insert: "AND"

Strike: "20-9-501, AND 20-9-630,"

7. Page 2, line 2 through line 25.

Strike: section 1 in its entirety

Renumber: subsequent sections

8. Page 11, line 11.

Strike: "6"

Insert: "5"

9. Page 11, line 12.

Strike: "6-year"

Insert: "5-year"

10. Page 14, line 29 through line 30.

Strike: subsection (c) in its entirety

11. Page 23, line 9 through page 27, line 3.

Strike: sections 21 and 22 in their entirety

Renumber: subsequent sections

12. Page 27, line 13.

Strike: "UNIFIED AND JOINT BOARD INTERDISTRICT"

Insert: "Interdistrict"

Following: "AGREEMENTS"

Insert: "-- fund transfers"

13. Page 27, line 14.

Following: "20-6-312"

Strike: "OR"

Insert: ", any two school districts"

14. Page 27, line 15.

Following: "20-3-361"

Insert: ", or a high school district and any elementary school district associated with that high school district"

15. Page 27, line 18.

Following: "DISTRICTS"

Insert: "by February 1 of the current fiscal year"

16. Page 27, line 23.

Following: "FUND"

Insert: "and must be completed by February 1 of the current fiscal year"

17. Page 27, line 28 through line 30.

Strike: section 25 in its entirety

Renumber: subsequent sections

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18. Page 28, line 7.

Strike: "(1)"

Strike: "24"

Insert: "21"

19. Page 28, line 9.

Strike: "24"

Insert: "21"

20. Page 28, line 10 through line 11.

Strike: subsection (2) in its entirety

21. Page 28, lines 13 and 14.

Following: "15" on line 13

Strike: "1" through "2" on line 14

Strike: "13 THROUGH 16"

Insert: "12 through 15"

22. Page 28, line 16.

Following: "SECTIONS"

Strike: "3"

Insert: "2"

23. Page 28.

Following: line 16

Strike: "4" through "29"

Insert: "3, 5 through 9, and 17 through 25"

24. Page 28, line 18.

Strike: "5"

Insert: "4"

25. Page 28, line 19.

Strike: "SECTIONS 11 AND 21 ARE"

Insert: "[Section 10] is"

26. Page 28, line 20.

Strike: "APPLY"

Insert: "applies"

27. Page 28, line 21.

Strike: "12"

Insert: "11"

28. Page 28, line 23.

Strike: "17"

Insert: "16"

29. Page 28, line 26.

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Strike: "11"
Insert: "10"

30. Page 28, line 27.

Strike: "2" through "17"
Insert: "3 and 11 through 16"

For the House:

Glaser, Chairman
Raser
Villa
Wagman

For the Senate:

Tester, Chairman
Ryan
Story

MESSAGES FROM THE GOVERNOR

April 7, 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 152** sponsored by Senator D. Ryan and **Senate Bill 178** sponsored by Senator Barkus et al. on April 7, 2005.

Sincerely,

BRIAN SCHWEITZER
Governor

April 8, 2005

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

Dear Senator Tester:

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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 162** sponsored by Senator Mangan, **Senate Bill 165** sponsored by Senator Mangan, **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 8, 2005.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/12/2005

SB 426, introduced by Stapleton
SB 480, introduced by Cromley
SB 504, introduced by Laible

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/12/2005

SB 104, introduced by Gillan
SB 114, introduced by Tester
SB 285, introduced by Story
SB 380, introduced by Tester
SB 406, introduced by Shockley
SB 412, introduced by Cocchiarella
SB 452, introduced by Perry

HB 218 - The House failed to concur in Senate amendments to **HB 218**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 218**:

4/12/2005

HB 227 - The House failed to concur in Senate amendments to **HB 227**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 227**:

4/12/2005

SB 217 - 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 **SB 217**:

4/12/2005

Representative Mendenhall, Chair
Representative Bergren

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Representative L. Jones
Representative Keane

SB 146 - 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 **SB 146:**

4/12/2005

Representative Rice, Chair
Representative Gutsche
Representative Lange
Representative Parker

SB 461 - 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 461:**

4/12/2005

Representative Rice, Chair
Representative Clark
Representative Golie
Representative Malcolm

SB 175 - 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 175:**

4/12/2005

Representative Noennig, Chair
Representative Jopek
Representative Maedje
Representative McAlpin

SB 154 - 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 154:**

4/12/2005

Representative Roberts, Chair
Representative Caferro
Representative Kaufmann
Representative Milburn

SB 139 - 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 139:**

4/12/2005

Representative Stoker, Chair
Representative Caferro
Representative Facey
Representative Morgan

SB 107 - 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 107:**

4/12/2005

Representative Peterson, Chair
Representative Gutsche
Representative Jopek

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Representative Waitschies

SB 40 - 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 40**:
4/12/2005

Representative Barrett, Chair
Representative Eaton
Representative Henry
Representative Stahl

HB 146 - 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 146**:
4/12/2005

Representative Everett, Chair
Representative Gallik
Representative Harris
Representative Koopman

SB 407 - The Senate acceded to the request of the House and herewith transmits **SB 407** for reconsideration:
4/12/2005

MOTIONS

Majority Leader Ellingson moved to dissolve the Conference Committee on **HB 115** and a **Free** Conference Committee be appointed on **HB 115**. President Tester appointed Senators Toole (Ch), Gillan, and Esp.

Majority Leader Ellingson moved to appoint a Free Conference Committee on **HB 146**. President Tester appointed Senators Cromley (Ch), Laslovich, and Shockley.

Majority Leader Ellingson moved to dissolve the Conference Committee on **HB 361** and a **Free** Conference Committee be appointed on **HB 361**. President Tester appointed Senators Harrington (Ch), Toole, and Gebhardt.

Majority Leader Ellingson moved to appoint a **Free** Conference Committee on **HB 493**. President Tester appointed Senators Gallus (Ch), Williams, and Lewis.

Majority Leader Ellingson moved to appoint a Conference Committee on **HB 606**. President Tester appointed Senators Wheat (Ch), Toole, and Shockley.

Senator Ellingson moved **SB 525** be moved to the top of the 2nd reading calendar. Motion carried.

Senator Grimes moved all applicable rules be suspended to accept **HB 45** into the Senate for consideration. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, 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 45

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Nays: Esp, Essmann, Hansen, McGee.
Total 4

Absent or not voting: Harrington.
Total 1

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 41, introduced by Weinberg, referred to Public Health, Welfare and Safety.

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

SR 19, introduced by Squires, referred to State Administration.

**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 Gallus in the chair.

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

SB 525 - Senator Tester moved **SB 525** do pass. Motion carried with Senators Keenan, McGee, O'Neil, and Stapleton voting nay.

HB 11 - Senator Cooney moved **HB 11** be concurred in. Motion carried with Senator O'Neil voting nay.

HB 435 - Senator Laslovich moved **HB 435** be concurred in.

HB 435 - Senator Esp moved **HB 435**, second reading copy, be amended as follows:

1. Page 3, line 22.

Following: "GRADUATION."

Insert: "As used in this subsection, "first-time student" means a student who is attending a postsecondary institution to receive a first certificate or associate or baccalaureate degree."

2. Page 10, line 4.

Following: "[ACT]."

Insert: "after meeting the obligation to provide continuing scholarships for returning sophomore, junior, and senior students,"

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Following: "SCHOLARSHIPS"

Insert: "awarded in each category under [section 6(2)]"

Amendment adopted unanimously.

HB 435 - Senator Laslovich moved **HB 435**, as amended, be concurred in. Motion carried as follows:

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

Total 42

Nays: Bales, Balyeat, Keenan, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 552 - Senator Cobb moved **HB 552** be concurred in. Motion carried as follows:

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

Total 40

Nays: Bales, Balyeat, Barkus, Esp, McGee, O'Neil, Shockley, Stapleton, Story, Tash.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 2 - Senator Elliott moved **HJR 2** be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, 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 31

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

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Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

HB 67 - Governor's Amendments - Senator Cooney moved Governor's amendments to **HB 67** be concurred in. Motion carried unanimously.

SB 287 - House Amendments - Senator Schmidt moved House amendments to **SB 287** be **not** concurred in. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 34

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Essmann, Gebhardt, Keenan, McGee, O'Neil, Stapleton, Steinbeisser, Story.
Total 13

Absent or not voting: None.
Total 0

Excused: Brueggeman, Grimes, Ryan.
Total 3

SB 320 - House Amendments - Senator Bales moved House amendments to **SB 320** be concurred in. Motion carried unanimously.

SB 326 - Governor's Amendments - Senator Laslovich moved Governor's amendments to **SB 326** 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 339 - House Amendments - Senator Balyeat moved House amendments to **SB 339** be **not** concurred in. Motion carried unanimously.

SB 445 - House Amendments - Senator McGee moved House amendments to **SB 445** be **not** concurred in. Motion carried unanimously.

SB 81 - Conference Committee Report No. 1 - Senator Stapleton moved the Conference Committee report to **SB 81** be adopted. Motion carried unanimously.

HB 4 - Senator Cooney moved **HB 4** be concurred in. Motion carried unanimously.

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HB 288 - Senator Stapleton moved **HB 288** be concurred in. Motion carried with Senator Keenan voting nay.

HB 748 - Senator Cobb moved **HB 748** be concurred in. Motion carried unanimously.

HB 421 - Senator Ellingson moved consideration of **HB 421** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 524 - Senator Cooney moved **SB 524** do pass. Motion carried unanimously.

SB 104 - House Amendments - Senator Gillan moved House amendments to **SB 104** be concurred in. Motion carried with Senators Esp and Stapleton voting nay.

SB 114 - House Amendments - Senator Tester moved House amendments to **SB 114** be **not** concurred in. Motion carried unanimously.

SB 285 - House Amendments - Senator Story moved House amendments to **SB 285** be concurred in. Motion carried unanimously.

SB 380 - House Amendments - Senator Tester moved House amendments to **SB 380** be concurred in. Motion carried unanimously.

SB 406 - House Amendments - Senator Shockley moved House amendments to **SB 406** be concurred in. Motion carried unanimously.

SB 412 - House Amendments - Senator Cocchiarella moved House amendments to **SB 412** be concurred in. Motion carried unanimously.

SB 452 - House Amendments - Senator Perry moved House amendments to **SB 452** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Brueggeman, Cromley, Curtiss, Ellingson, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Schmidt, Stapleton, Steinbeisser, Story, Tash, Toole, Mr. President.
Total 26

Nays: Balyeat, Black, Cobb, Cocchiarella, Cooney, Elliott, Gallus, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Roush, Ryan, Shockley, Smith, Squires, Tropila, Weinberg, Wheat, Williams.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 720 - Senator Tester assumed the chair.

HB 720 - Senator Laible moved **HB 720** be concurred in. Motion carried as follows:

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

Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted with Senator McGee voting nay.

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 18 concurred in as follows:

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

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Total 41

Nays: Bales, Barkus, Esp, Keenan, Laible, McGee, Perry, Shockley, Stapleton.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 83 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 5 concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, 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 34

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

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 379 concurred in as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt,

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Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Esp, Gebhardt, Grimes, Lewis, McGee, O'Neil, Steinbeisser, Story, Tash.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 411 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 530 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

Excused: None.
Total 0

HB 541 concurred in as follows:

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

Total 45

Nays: Cooney, Laslovich, Mangan, Ryan, Schmidt.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 590 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, 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

HB 707 concurred in as follows:

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

Total 46

Nays: Barkus, Keenan, McGee, O'Neil.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 747 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Harrington, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, Moss, Perry, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg.
Total 35

Nays: Ellingson, Gallus, Hansen, Hawks, Laslovich, Lind, O'Neil, Pease, Roush, Ryan, Squires, Toole, Wheat, Williams, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 749 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, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Esp, Stapleton.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 782 concurred in 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.

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Total 0

SJR 37 adopted 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 Smith read a resolution honoring Scott McGowan for achievements in high school running.

Senator Cooney introduced **SR 16** (governor's appointments to be confirmed). Appointment confirmed as follows:

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

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

President Tester announced the death of Tribal Leader George Kicking Woman.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Wednesday, April 13, 2005. Motion carried.

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Senate adjourned at 3:26 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate