

**SENATE JOURNAL
59TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana
April 14, 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 Senator Ellingson, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, 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 46

Nays: Balyeat, O'Neil, Shockley.

Total 3

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, and thirty-fourth legislative days, find the same to be correct.

Senate recessed 12:36 p.m.

Senate reconvened 12:57 p.m.

Roll Call. All members present. Quorum present.

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

REPORTS OF STANDING COMMITTEES

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BILLS AND JOURNAL: 4/14/2005
Correctly printed: **SB 526, SJR 36, SJR 39, SR 15, HB 214, HB 410, HB 512, HB 529, HB 531, HB 742, HB 757, HB 790, HJR 34.**
Correctly engrossed: **SJR 41, SR 19, HB 423, HB 584, HB 769.**
Correctly enrolled: **SB 58, SB 61, SB 93, SB 108, SB 120, SB 197, SB 261, SB 292, SB 301, SB 323, SB 340, SB 428, SB 498.**
Examined by the sponsor and found to be correct: **SB 80, SB 110, SB 116, SB 122, SB 143, SB 145, SB 185, SB 207, SB 208, SB 224, SB 282.**
Signed by the Speaker at 5:15 p.m., April 14, 2005: **SB 80, SB 110, SB 116, SB 122, SB 143, SB 145, SB 185, SB 207, SB 208, SB 224, SB 282.**
Signed by the President at 2:50 p.m., April 14, 2005: **SB 80, SB 110, SB 116, SB 122, SB 143, SB 145, SB 185, SB 207, SB 208, SB 224, SB 282.**
Signed by the Secretary of the Senate at 3:10 a.m., April 14, 2005: **SB 80, SB 110, SB 116, SB 122, SB 143, SB 145, SB 185, SB 207, SB 208, SB 224, SB 282.**
Delivered to the Governor for approval at 5:15 p.m., April 14, 2005: **SB 80, SB 110, SB 116, SB 122, SB 143, SB 145, SB 185, SB 207, SB 208, SB 224, SB 282.**

NATURAL RESOURCES (Roush, Chairman): 4/14/2005
HJR 34, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Cromley, Chairman): 4/14/2005
SJR 41, introduced joint resolution, be amended as follows:

1. Page 2.

Following: line 4

Insert: "BE IT FURTHER RESOLVED, that the committee include in its study of community mental health crisis services the following subjects:

- (1) where the responsibility lies or should lie for providing mental health crisis services at the community level;
- (2) planning and development of community mental health crisis services;
- (3) what mental health crisis services should be provided at the community level;
- (4) how mental health crisis services should be provided at the community level;
- (5) what populations should be served by community mental health crisis services;
- (6) ways to encourage cooperation between and within communities in the planning, development, and provision of community mental health crisis services;
- (7) whether the provision of community mental health crisis services should be prioritized in any way;
- (8) funding and cost consideration in the provision of community mental health crisis services; and
- (9) any other subjects considered by the committee to be necessary or helpful in the provision of community mental health crisis services."

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 4/14/2005

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SR 15, be adopted. Report adopted.

SR 19, introduced resolution, be amended as follows:

1. Page 2, line 10.

Strike: "2007"

Insert: "2008"

2. Page 2, line 23.

Strike: "2006"

Insert: "2007"

3. Page 2, line 24.

Strike: "2006"

Insert: "2007"

4. Page 2, line 25.

Strike: "2006"

Insert: "2007"

And, as amended, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 139**
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 139** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 139** (reference copy -- salmon) be amended as follows:

1. Page 19, line 24.

Strike: "PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED"

Insert: "by mail or personal service in accordance with Rule 5 of the Montana Rules of Civil Procedure"

2. Page 19, line 25.

Strike: "SIGNING OF THE RETURN RECEIPT"

Insert: "mailing to the last-known address of the parties and counsel of record"

For the Senate:

Laslovich, Chairman

For the House:

Stoker, Chairman

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Cromley
Esp

Caferro
Facey
Morgan

FREE CONFERENCE COMMITTEE
on **Senate Bill 217**
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 217** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

BE ADOPTED WITH NO RECOMMENDATION
And, recommend that **Senate Bill 217** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Following: "MCA;"

Strike: "AND"

2. Title, line 8.

Following: "ARM 24.21.414"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 1, line 26.

Following: "EMPLOYER'S"

Insert: "lowest"

4. Page 6, line 21.

Strike: "ONLY FOR CONSTRUCTION SERVICES, AS DEFINED IN 18-2-401"

5. Page 6, line 22 through line 24.

Strike: subsection (H) in its entirety

Renumber: subsequent subsections

6. Page 8, following line 7.

Insert: "NEW SECTION. Section 7. Effective date. [This act] is effective October 1, 2006."

For the Senate:

Cocchiarella, Chairman
Kitzenberg
Larson

For the House:

Mendenhall, Chairman
Bergren
L. Jones

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Keane

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 461**
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 461** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 461** (reference copy -- salmon) be rejected by the Senate.

For the Senate:

Roush, Chairman
Steinbeisser
Tash

For the House:

Rice, Chairman
Clark
Golie
Malcolm

FREE CONFERENCE COMMITTEE
on **House Bill 115**
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 115** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 115** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.

Insert: "LIMITING THE ACREAGE OF PROPERTY THAT IS TAX-EXEMPT FOR CHURCHES AND PARSONAGES;"

Following: "CLERGY";"

Insert: "LIMITING THE ACREAGE EXEMPTION FOR EDUCATIONAL PROPERTY AND REQUIRING AN ATTENDANCE POLICY, CURRICULUM, AND INSTRUCTION; PROVIDING THAT UP TO 15 ACRES OF PROPERTY PURCHASED FOR CHARITABLE USE IS EXEMPT AT THE TIME OF PURCHASE; PROVIDING THAT IF EXEMPT PROPERTY IS NOT USED FOR A CHARITABLE PURPOSE WITHIN 8 YEARS OR IS SOLD, THEN LOST TAX REVENUE MUST BE REPAYED; PROVIDING THAT THE REPAYMENT AMOUNT IS A LIEN UPON THE PROPERTY;"

2. Title, page 1, line 18.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

3. Page 5, line 30.

Following: "clergy;"

Insert: " not to exceed one residence for each member of the clergy,"

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4. Page 6, line 3 through line 4.

Insert: "but may not exceed 15 acres for a church or 1 acre for a clergy residence after subtracting any area required by zoning, building codes, or subdivision requirements"

5. Page 6, line 7.

Following: "~~acres~~,"

Insert: "not to exceed 80 acres,"

6. Page 6, line 10.

Following: "~~which~~,"

Insert: "which:"

7. Page 6, line 11.

Following: "~~(i)~~"

Insert: "(i)"

Strike: "THAT"

8. Page 6.

Following: line 13

Insert: "(ii) has an attendance policy; and
(iii) has a definable curriculum with systematic instruction;"

9. Page 11.

Following: line 8

Insert: "(iii) up to 15 acres of property owned by a purely public charity is exempt at the time of its purchase even if the property must be improved before it can directly be used for its intended charitable purpose. If the property is not directly used for the charitable purpose within 8 years of receiving an exemption under this section or if the property is sold or transferred before it entered direct charitable use, the exemption is revoked and the property is taxable. In addition to taxes due for the first year that the property becomes taxable, the owner of the property shall pay an amount equal to the amount of the tax due that year times the number of years that the property was tax-exempt under this section. The amount due is a lien upon the property and when collected must be distributed by the treasurer to funds and accounts in the same ratio as property tax collected on the property is distributed. At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice must indicate that an exemption pursuant to this section has been granted. The notice must describe the penalty for default under this section and must specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department."

10. Page 21, line 24.

Insert: "NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval."

Renumber: subsequent section

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11. Page 21, line 25.

Strike: "Applicability"

Insert: "Retroactive applicability"

Strike: "to tax years beginning"

Insert: "retroactively, within the meaning of 1-2-109, to property tax exemption applications made"

12. Page 21, line 26.

Strike: "2005"

Insert: "2004"

For the House:

Branae, Chairman
Groesbeck
McNutt
Warden

For the Senate:

Toole, Chairman
Essmann
Gillan

FREE CONFERENCE COMMITTEE
on **House Bill 146**
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 146** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 146** (reference copy -- salmon) be amended as follows:

1. Page 2, line 22.

Following: "entity"

Insert: "or its contractors"

2. Page 3, line 11.

Following: "citizen"

Strike: "or governmental entity"

3. Page 3, line 13.

Following: "employee"

Strike: "related to the officer's or employee's service"

Insert: "within the scope of the officer's or employee's duties"

4. Page 5, line 21.

Following: the first "citizen"

Insert: "either as plaintiff or as coplaintiff"

5. Page 5, line 22.

Following: "between"

Strike: "25%"

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Insert: "15%"

For the House:

Gallik, Chairman
Everett
Harris
Koopman

For the Senate:

Cromley, Chairman
Laslovich
Shockley

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 218**
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 218** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 218** (reference copy -- salmon) be amended as follows:

1. Title, line 10 through line 11.

Strike: "REDUCING" through "DISTRICT;"

2. Title, line 13.

Strike: "7-22-2441,"

3. Page 3, line 17 through line 23.

Strike: section 4 in its entirety

Renumber: subsequent sections

For the House:

B. Olson, Chairman
Arntzen
Harris
McAlpin

For the Senate:

Hawks, Chairman
Kitzenberg
Moss

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 272**
Report No. 1, April 13, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 272** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 272** (reference copy -- salmon) be amended as follows:

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1. Title, line 4.

Strike: "25"

Insert: "50"

2. Page 1, line 20 through line 21.

Strike: ", except as provided in subsection (3)"

3. Page 1, line 23.

Strike: "25" in two places

Insert: "50" in two places

4. Page 1, line 24.

Strike: "25" in three places

Insert: "50" in three places

5. Page 3, line 21.

Strike: "TWENTY-FIVE"

Insert: "Fifty"

For the House:

Lambert, Chairman
Cohenour
Goesbeck
A. Olson

For the Senate:

Tropila, Chairman
Bales
Gallus

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 348**
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 348** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 348** (reference copy -- salmon) be amended as follows:

1. Page 1.

Following: line 28

Insert: "(4) A retailer that accepts the return of a keg that does not have an identification tag attached shall obtain the information required in [section 2] on the original purchaser, to the extent possible, and obtain the same information on the person returning the keg. This information must be kept on file with the retailer for not less than 45 days from the date of return."

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Renumber: subsequent subsections

2. Page 2.

Following: line 18

Insert: "(b) the date of purchase;

(c) the name of the clerk making the sale;

(d) the keg identification number required under [section 1]; and"

Renumber: subsequent subsection

3. Page 2, line 20.

Strike: "5"

Insert: "not less than 45"

4. Page 2, line 21.

Strike: "OR UNTIL" through "LATER"

5. Page 2, lines 25 through 26.

Strike: "IF A" on line 25

Insert: "A"

Strike: "RECOVERS A KEG" on line 25 through "TAG" on line 26

Insert: "may not request information on file about the original purchaser of a keg unless"

Following: "16-6-305" on line 26

Insert: ", 45-5-623,"

Following: "45-5-624(4)"

Strike: "THE"

Insert: ". The"

6. Page 2, line 27.

Strike: the first "THE"

Insert: "any recovered"

Strike: "REQUEST"

Insert: "verify"

7. Page 2, lines 29 through 30.

Following: "PURCHASER" on line 29

Strike: "WITH HALF" on line 29 through "DIVISION" on line 30

For the House:

Himmelberger, Chairman

Buzzas

Kaufmann

For the Senate:

Williams, Chairman

Cocchiarella

Grimes

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McKenney

FREE CONFERENCE COMMITTEE
on **House Bill 361**
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 361** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 361** (reference copy -- salmon) be amended as follows:

1. Page 4, line 13.

Strike: "Except" on line 13 through "the"

Insert: "The"

2. Page 4, line 14.

Strike: "fees or"

3. Page 5, line 7.

Strike: "AND"

4. Page 5, line 8.

Following: "(F)"

Insert: "except as provided in subsection (1)(g),"

5. Page 5.

Following: line 15

(g) beginning January 1, 2011, assess an annual fee on the federal government or its agencies, the state of Montana, counties, cities, or towns if they are the operators of a permitted open-cut mining operation. The annual fee must be paid on all permitted acreage. The annual fee is:

(i) \$75 if the permitted acreage is less than or equal to 25 acres;

(ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;

(iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and

(iv) \$600 if the permitted acreage is greater than 100 acres."

6. Page 9, line 23.

Following: "2006"

Insert: ", to be deposited in the state special revenue fund and used to pay the costs of administering this part"

7. Page 19, line 16.

Strike: "[THIS ACT]"

Insert: "Section 82-4-432(2)(b)"

Strike: "June 30"

Insert: "December 31"

For the House:

For the Senate:

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Gallik, Chairman
Hamilton
Maedje
Peterson

Harrington, Chairman
Gebhardt
Toole

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 367**
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 367** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 367** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 10.

Following: "RECORD;" on line 7

Strike: "PROVIDING THAT AN APPEAL FROM A JUSTICE'S COURT OF RECORD TO THE DISTRICT COURT IS ON THE RECORD AND NOT DE NOVO ONLY IF ALL THE PARTIES WERE REPRESENTED BY AN ATTORNEY IN THE JUSTICE'S COURT OF RECORD;"

2. Page 5, line 19 through line 20.

Following: "3-10-115" on line 19

Strike: "IF ALL PARTIES WERE REPRESENTED BY AN ATTORNEY IN THE JUSTICE'S COURT OF RECORD"

For the House:

Driscoll, Chairman
Lange
Parker
Rice

For the Senate:

Mangan, Chairman
Cromley
Perry

FREE CONFERENCE COMMITTEE
on **House Bill 493**
Report No. 1, April 13, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 493** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 493** (reference copy -- salmon) be amended as follows:

1. Page 1, lines 17 through 18.

Following: "projects" on line 17

Strike: "INCLUDING" through "AUTHORITY," on line 17

2. Page 1, line 23.

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Following: the second "department"
Insert: "of commerce"

3. Page 1, line 25.

Following: "located,"

Insert: "to contract with an airport authority, as defined in 67-1-101, a local port authority, as described in 7-14-1101, or a regional port authority, as described in 7-14-1102,"

4. Page 2, line 4.

Following: "COMMERCE"

Insert: "after consultation with the architecture and engineering division of the department of administration"

5. Page 3, lines 6 through 7.

Following: "~~project~~" on line 6

Strike: "a report" on line 6 through "firm" on line 7

Insert: "a certificate signed by the director of the office of budget and program planning"

6. Page 3, line 9.

Following: "preparing the"

Insert: "analysis for the"

For the House:

Noonan, Chairman
McKenney
Milburn
Wilson

For the Senate:

Gallus, Chairman
Lewis
Williams

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in:

4/14/2005

HB 377, introduced by Keane
HB 385, introduced by Wells
HB 395, introduced by Becker
HB 396, introduced by Becker
HB 406, introduced by Bergren
HB 418, introduced by Keane
HB 425, introduced by Parker
HB 428, introduced by Gutsche
HB 429, introduced by Gutsche
HB 431, introduced by Raser
HB 457, introduced by Noennig

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HB 473, introduced by Parker
HB 474, introduced by Buzzas
HB 536, introduced by Callahan
HB 537, introduced by Wanzenried
HB 574, introduced by Branae
HB 615, introduced by Harris
HB 645, introduced by Clark

HB 540 - 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 540**:

4/14/2005

Representative Dickenson, Chair
Representative Juneau
Representative Sales
Representative Wells

HB 361 - 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 361**:

4/14/2005

Representative Peterson, Chair
Representative Gallik
Representative Hamilton
Representative Maedje

HB 2 - 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 2**:

4/14/2005

Representative Sinrud, Chair
Representative Buzzas
Representative Franklin
Representative Wells

Conference Committee Report No.1 adopted:

4/14/2005

HB 63, introduced by Villa

Governor's amendments to House bill not concurred in and returned to the Senate:

4/14/2005

HB 46, introduced by Parker

Senate bills not concurred in and returned to the Senate:

4/14/2005

SB 58, introduced by Barkus
SB 93, introduced by Cobb
SB 108, introduced by Lewis
SB 120, introduced by Keenan
SB 197, introduced by Gebhardt
SB 261, introduced by Perry
SB 292, introduced by Barkus

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SB 301, introduced by Story
SB 318, introduced by Laible
SB 323, introduced by Black
SB 340, introduced by Essmann
SB 428, introduced by Stapleton
SB 498, introduced by Black

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

4/14/2005

SB 41, introduced by Keenan
SB 68, introduced by Joe Balyeat
SB 85, introduced by Squires
SB 87, introduced by Elliott
SB 296, introduced by Black
SB 407, introduced by Grimes
SB 432, introduced by Brueggeman
SB 477, introduced by Elliott
SB 486, introduced by Cocchiarella
SB 489, introduced by Lind

Governor's amendments to Senate bill concurred in and returned to the Senate:

4/14/2005

SB 61, introduced by Cocchiarella

MOTIONS

Majority Leader Ellingson moved to suspend the rules to place **HB's 423, 512, 757, 769, 531, 742, 790** on 3rd reading this same legislative day. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 38

Nays: Balyeat, Barkus, Curtiss, Essmann, Grimes, Keenan, Laible, McGee, O'Neil, Shockley, Stapleton, Story.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Tash moved to blast **HB 399** from Senate Natural Resources to 2nd reading. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Tash.
Total 24

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Smith moved to blast **HB 611** from Senate Judiciary to 2nd reading. Motion failed as follows:

Yeas: Cocchiarella, Cromley, Ellingson, Gallus, Gebhardt, Grimes, Hansen, Kitzenberg, Larson, Pease, Roush, Smith, Squires, Steinbeisser, Tropila, Weinberg, Williams.
Total 17

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Elliott, Esp, Essmann, Gillan, Harrington, Hawks, Keenan, Laible, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Perry, Schmidt, Shockley, Stapleton, Story, Tash, Toole, Wheat, Mr. President.
Total 32

Absent or not voting: Ryan.
Total 1

Excused: None.
Total 0

Senator Laible moved to change his vote on **HB 584** from "nay" to "aye". Motion carried.

Majority Leader Ellingson moved a **free** conference committee on **HB 2** be appointed. President Tester appointed Senators Cooney (Ch), Tester, and Cobb.

Majority Leader Ellingson moved the conference committee on **SB 287** be dissolved and a **free** conference committee on **SB 287** be appointed. President Tester appointed Senators Schmidt (Ch), Gillan, and Laible.

Majority Leader Ellingson moved a conference committee on **HB 540** be appointed. President Tester appointed Senators Gallus (Ch), Tropila, and Kitzenberg.

Majority Leader Ellingson moved a conference committee on **HB 625** be appointed. President Tester appointed Senators Toole (Ch), Harrington, and Barkus.

FIRST READING AND COMMITMENT OF BILLS

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

SB 526, introduced by Cobb, referred to Finance and Claims.

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

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

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

HB 423 - Senator Kitzenberg moved consideration of **HB 423** be placed below HB 757 on the second reading board. Motion carried.

HB 512 - Senator Black moved **HB 512** be concurred in. Motion carried with Senators Balyeat, Esp, and O'Neil voting nay.

HB 757 - Senator Black moved consideration of **HB 757** be placed below HB 776 on the second reading board. Motion carried.

HB 423 - Senator Kitzenberg moved **HB 423** be concurred in.

HB 423 - Senator Kitzenberg moved **HB 423**, second reading copy, be amended as follows:

1. Title, line 5.

Strike: "PROCEEDS OF GENERAL OBLIGATION BONDS"

Insert: "STATE GENERAL FUND"

2. Page 1, line 28 through line 29.

Following: "PARKS" on line 28

Strike: remainder of line 28 through "540" on line 29

Insert: "state general fund"

Amendment adopted as follows:

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

Total 42

Nays: Bales, Barkus, Curtiss, Esp, McGee, Stapleton.

Total 6

Absent or not voting: None.

Total 0

Excused: Keenan, O'Neil.

Total 2

HB 423 - Senator Kitzenberg moved **HB 423**, as amended, be concurred in. Motion carried as follows:

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

Total 36

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

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 769 - Senator Schmidt moved **HB 769** be concurred in.

HB 769 - Senator Schmidt moved **HB 769**, second reading copy, be amended as follows:

1. Page 3, line 2.

Strike: "RECEIVED" through "PROGRAM"

Amendment adopted unanimously.

HB 769 - Senator Schmidt moved **HB 769**, as amended, be concurred in. Motion carried with Senators Esp, O'Neil, and Shockley voting nay.

HB 531 - Senator Tester moved **HB 531** be concurred in. Motion carried as follows:

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

Total 33

Nays: Bales, Balyeat, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lind, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash, Weinberg.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 742 - Senator Williams moved **HB 742** be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Smith, Squires, Toole, Tropila,

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Weinberg, Wheat, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Lewis, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 17

Absent or not voting: Gallus.
Total 1

Excused: McGee, Perry, Schmidt.
Total 3

HB 790 - Senator Roush moved **HB 790** be concurred in. Motion carried with Senator Lind voting nay.

HB 214 - Senator Joe Balyeat moved **HB 214** be concurred in. Motion carried unanimously.

HB 410 - Senator Harrington moved **HB 410** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 27

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 36 - Senator Toole moved consideration of **SJR 36** be placed at the top of the second reading board. Motion carried.

SJR 39 - Senator Toole moved consideration of **SJR 39** be placed at the top of the second reading board. Motion carried.

HB 757 - Senator Ellingson moved consideration of **HB 757** be placed at the top of the second reading board. Motion carried.

HB 757 - Senator Black moved **HB 757** be concurred in. Motion carried with Senator O'Neil voting nay.

SJR 36 - Senator Toole moved **SJR 36** be adopted. Motion carried with Senator Esp voting nay.

SJR 39 - Senator Toole moved **SJR 39** be adopted. Motion carried with Senator Esp voting nay.

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HB 529 - Senator Gillan moved **HB 529** be concurred in. Motion carried unanimously.

HB 584 - Senator Hawks moved **HB 584** be concurred in.

HB 584 - Senator Hawks moved **HB 584**, second reading copy, be amended as follows:

1. Title, line 12.

Following: "~~TAX~~"

Insert: "TAX"

2. Title, line 13.

Following: "~~TAX~~"

Insert: "TAX"

3. Title, line 14.

Following: "~~TAX~~"

Insert: "TAX"

4. Title, line 17.

Following: "~~TAX~~"

Insert: "TAX"

5. Title, line 18.

Following: "~~TAX~~"

Insert: "TAX"

6. Title, line 19.

Following: "~~TAX~~" in two places

Insert: "TAX" in two places

7. Title, line 21.

Following: "~~TAX~~"

Insert: "TAX"

8. Page 2, line 9.

Following: "~~tax~~"

Insert: "tax"

9. Page 3, line 2.

Following: "~~tax~~"

Insert: "tax"

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10. Page 3, line 10.

Strike: "PAYMENT OF"

Insert: "tax"

Following: "~~tax~~"

Insert: "tax"

11. Page 3, line 12.

Strike: "PAYMENT OF"

Following: "the ~~tax~~"

Insert: "tax"

12. Page 4, line 10.

Strike: "AND" through "CLAIMED"

13. Page 4, line 24 through line 25.

Strike: "--DETERMINATION" on line 24 through "APPROPRIATION" on line 25

Strike: "(1)"

14. Page 4, line 27 through page 5, line 19.

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

15. Page 5, line 21.

Following: "~~tax~~" in two places

Insert: "tax" in two places

16. Page 5, line 22 through line 23.

Strike: "FOR" on line 22 through "COSTS" on line 23

17. Page 5, line 24 through line 25.

Strike: "WITHIN" on page 24 through "PHOTOGRAPHY" on line 25

Insert: "at the time the production company files its tax return"

18. Page 6, line 1.

Strike: "PAYMENT OF THE"

Following: "~~tax~~"

Insert: "tax"

19. Page 6, line 7.

Following: "~~tax~~"

Insert: "tax"

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20. Page 6, line 8.

Strike: "SECTIONS 5 AND"

Insert: "section"

Strike: "PAYMENT OF"

Following: "tax"

Insert: "tax"

21. Page 6, line 9.

Strike: "WILL BE PAID THE"

Insert: "is allowed a tax"

22. Page 6, line 10.

Strike: "PROVIDED IN THIS SECTION"

Insert: "against the taxes imposed by chapter 30 or 31"

23. Page 6, line 12.

Following: "year:"

Insert: "Except as provided in subsection (4)(b), the credit is equal to credit carryovers and the credit for the tax year."

24. Page 6, line 16.

Strike: "OR THE AMOUNT APPROVED BY THE DEPARTMENT AS PROVIDED IN [SECTION 5]"

25. Page 6, line 17.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

26. Page 6, line 19.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

27. Page 7, line 2.

Following: line 1

Insert: "(4) If the credit exceeds the taxpayer's tax liability, the taxpayer shall make a one-time election to claim the credit for each state-certified production allowed under this section as follows:

(a) the credit may be refunded; or

(b) the credit may be carried forward against the taxes imposed by chapter 30 or 31 for the 4 succeeding tax years. However, the credit may not be carried forward to the extent that the credit in the tax year that the credit is received exceeds the limitation under [section 9].

(5) A C. corporation, an individual, an S. corporation, or a partnership qualifies for the credit under this section. If the credit is claimed by an S. corporation or a partnership, the credit must be attributed to the shareholders, partners, or members in the same proportion used to report income or loss for state tax purposes."

Renumber: subsequent subsections

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28. Page 7, line 2.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

29. Page 7, line 3.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

30. Page 7, line 4 through line 6.

Strike: "A PRODUCTION" on line 4 through "COMPUTED." on line 6

31. Page 7, line 9.

Insert: "(7) If any application of this section is held invalid, this section applies to other situations or persons in a manner that is not included in the invalid application."

32. Page 7, line 10.

Strike: "CREDIT"

Insert: "Tax credit"

33. Page 7, line 11.

Strike: "SECTIONS 5 AND"

Insert: "section"

34. Page 7, line 12 through line 13.

Strike: "WILL BE PAID THE" on line 12

Insert: "is allowed a tax"

Strike: "AS" on line 12 through "SECTION," on line 13

Insert: "against the taxes imposed by chapter 30 or 31"

35. Page 7, line 15 through line 16.

Strike: "OR" on line 15 through "5]" on line 16

36. Page 7, line 17.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

37. Page 7, line 18 through line 19.

Strike: "PRODUCTION" on line 18 through "COMPANY" on line 19

Insert: "taxpayer"

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Strike: "PRODUCTION COMPANY" on line 19

Insert: "taxpayer"

38. Page 7, line 29.

Following: line 28

Insert: "(3) The credit allowed under this section must be refunded if a taxpayer has tax liability less than the amount of the credit.

(4) A C. corporation, an individual, an S. corporation, or a partnership qualifies for the credit under this section. If the credit is claimed by an S. corporation or a partnership, the credit must be attributed to the shareholders, partners, or members in the same proportion used to report income or loss for state tax purposes."

Renumber: subsequent subsections

39. Page 7, line 29.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

40. Page 7, line 30.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

41. Page 8, line 1 through line 3.

Strike: "A PRODUCTION" on line 1 through "COMPUTED." on line 3

42. Page 8, line 6 and line 7.

Strike: "PAID" on line 6

Insert: "allowed"

Strike: "THE" on line 6 through "5]." on line 7

43. Page 8, line 9.

Strike: "PAYMENT OF"

Strike: "REFUND -- INTEREST"

Insert: "recapture"

44. Page 8, line 10.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

45. Page 8, line 11.

Strike: "PAYMENT FOR"

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46. Page 8, line 12.

Strike: "BEEN PAID"

Insert: "taken"

47. Page 8, line 13.

Strike: "WITHIN 60 DAYS"

48. Page 8, line 14 through line 17.

Strike: "IF" on line 14 through "REFUND." on line 17

Insert: "The taxpayer is subject to the penalty and interest provisions of this chapter."

49. Page 8, line 22.

Strike: "PRODUCTION COMPANY"

Insert: "taxpayer"

50. Page 9, line 8.

Strike: "SECTIONS 5 AND"

Insert: "section"

51. Page 9, line 30.

Following: "~~chapter 31,~~"

Insert: "chapter 31,"

Following: "~~chapter 31,~~"

Insert: ", chapter 31,"

52. Page 10, line 14.

Following: "~~carryforward~~"

Insert: "-- carryforward"

53. Page 10, line 15.

Strike: "UNPAID"

Insert: "unused"

Strike: "6 OR"

Strike: "CLAIMED WITH"

Insert: "carried forward for use on"

54. Page 10, line 16.

Strike: "ENDING"

Insert: "beginning"

Strike: "2010"

Insert: "2014"

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55. Page 10, line 17.

Following: "~~carryforward,~~"

Insert: "carryforward,"

Strike: "REFUND"

Insert: "recapture"

Amendment adopted unanimously.

HB 584 - Senator O'Neil moved **HB 584**, second reading copy, be amended as follows:

1. Page 2, line 21.

Following: "45-8-201(2)"

Insert: "or that receives a motion picture association of America rating of either R:"restricted, under 17 requires accompanying parent or adult guardian" or NC-17:"no one 17 and under admitted""

2. Page 3, line 30.

Following: "production"

Insert: ": (i)"

3. Page 4, line 1.

Following: "45-8-201(2)"

Insert: "; or (ii) is not intended to have a motion picture association of America rating of either R:"restricted, under 17 requires accompanying parent or adult guardian" or NC-17:"no one 17 and under admitted""

Amendment **not** adopted as follows:

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

Total 17

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

Total 30

Absent or not voting: None.

Total 0

Excused: Elliott, Squires, Mr. President.

Total 3

HB 584 - Senator Esp moved **HB 584**, second reading copy, be amended as follows:

1. Page 2, line 17.

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Following: "advertising"

Insert: ", other than advertising for tobacco products"

Amendment adopted as follows:

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

Total 17

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

Total 30

Absent or not voting: None.

Total 0

Excused: Elliott, Squires, Mr. President.

Total 3

HB 584 - Senator Esp moved **HB 584**, second reading copy, be amended as follows:

1. Page 2, line 20.

Following: "that"

Insert: ": (i)"

2. Page 2, line 21.

Following: "45-8-201(2)"

Insert: "; or (ii) is produced in whole or in part with money received for tobacco product placement, advertisement, or other tobacco use in the production"

3. Page 3, line 30.

Following: "production"

Insert: ": (i)"

4. Page 4, line 1.

Following: "45-8-201(2)"

Insert: "; or (ii) will not receive any money for tobacco product placement, advertisement, or other tobacco use in the production"

Amendment adopted as follows:

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

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Total 21

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

Total 27

Absent or not voting: None.

Total 0

Excused: Black, Ellingson.

Total 2

HB 584 - Senator Essmann moved **HB 584**, second reading copy, be amended as follows:

1. Title, line 12.

Strike: " PRINT"

Insert: "MAGAZINE"

2. Page 2, line 4.

Strike: "print"

Insert: "magazine"

3. Page 2, line 17.

Strike: "print"

Insert: "magazine"

4. Page 2, line 20.

Strike: "print,"

Insert: "magazine"

5. Page 3, line 7.

Strike: "print"

Insert: "magazine"

Amendment adopted unanimously.

HB 584 - Senator Balyeat moved **HB 584**, second reading copy, be amended as follows:

1. Title, line 13.

Following: "MONTANA"

Insert: "ABOUT MONTANA"

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2. Page 2, line 18.

Following: "part,"

Insert: "about Montana"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Curtiss, Esp, Essmann, Gebhardt, Keenan, McGee, O'Neil, Perry, Stapleton, Steinbeisser.

Total 13

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

Total 37

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 584 - Senator Hawks moved **HB 584**, as amended, be concurred in. Motion carried as follows:

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

Total 31

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

Total 19

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 Mangan 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:

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HB 423 concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 38

Nays: Balyeat, Barkus, Curtiss, Esp, Essmann, Keenan, Laible, McGee, O'Neil, Shockley, Steinbeisser, Tash.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 512 concurred in as follows:

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

Nays: Balyeat, Keenan, McGee, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 757 concurred in as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 769 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, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 45

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

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 531 concurred in as follows:

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

Total 35

Nays: Bales, Balyeat, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 742 concurred in as follows:

Yeas: Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cromley, Curtiss, Esp, Gebhardt, Grimes, Lewis, McGee, O'Neil, Stapleton, Steinbeisser, Story, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

HB 790 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 327 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, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 47

Nays: Laible, McGee, Story.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 374 concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 43

Nays: Bales, Cobb, Esp, Gallus, Gebhardt, Stapleton, Steinbeisser.

Total 7

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 414 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, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Barkus, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 63, Conference Committee Report No. 1, adopted as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Keenan, Laible, Laslovich, Lewis, Lind, Moss, Pease, Perry, Roush, Schmidt, Smith, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 34

Nays: Balyeat, Barkus, Brueggeman, Grimes, Harrington, Kitzenberg, Larson, Mangan, McGee, O'Neil, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Tropila.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 386 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.

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Total 0

Excused: None.

Total 0

HB 484 concurred in as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 577 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 48

Nays: Esp, Shockley.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 745 concurred in as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Keenan, Laible, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 15

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 passed as follows:

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

Nays: Laible, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 507 passed as follows:

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

Nays: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 38 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Esp, O'Neil.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 40 adopted as follows:

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

Total 47

Nays: Esp, Keenan, O'Neil.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Friday, April 15, 2005. Motion carried.

Senate adjourned at 4:47 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate