

**SENATE JOURNAL
59TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 16, 2005

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brueggeman, Cromley, Gallus, and Grimes, excused. Quorum present.

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, 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 42

Nays: Balyeat, McGee, O'Neil, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: Brueggeman, Cromley, Gallus, Grimes.

Total 4

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

4/16/2005

Correctly printed: **SB 526, SJR 33, HB 28, HB 45, HB 249, HB 700, HB 713, HB 758, HB 761.**

Correctly enrolled: **SB 81, SB 133, SB 274, SB 278, SB 423, SJR 28, SJR 29, SR 15.**

Examined by the sponsor and found to be correct: **SB 288, SB 333, SB 342, SB 385, SB 434, SB 435, SB 458, SB 472, SB 487.**

Signed by the Speaker at 4:00 p.m., April 16, 2005: **SB 288, SB 333, SB 342, SB 385, SB 434, SB 435, SB 458, SB 472, SB 487.**

Signed by the Secretary of the Senate at 3:00 p.m., April 16, 2005: **SB 288, SB 333, SB 342, SB 385, SB 434, SB 435, SB 458, SB 472, SB 487.**

Signed by the President at 4:00 p.m., April 16, 2005: **SB 288, SB 333, SB 342, SB 385, SB 434, SB 435, SB 458, SB 472, SB 487.**

Delivered to the Governor for approval at 8:16 a.m., April 16, 2005: **SB 288, SB 333, SB 342, SB 385, SB 434, SB 435, SB 458, SB 472, SB 487.**

Examined by the sponsor and found to be correct: **SB 30, SB 82, SB 245, SB 255, SB 275, SB 308, SB 433.**

Signed by the Speaker at 4:15 p.m., April 16, 2005: **SB 30, SB 82, SB 245, SB 255, SB 275, SB 308, SB 433.**

Signed by the Secretary of the Senate at 4:00 p.m., April 16, 2005: **SB 30, SB 82, SB 245, SB 255, SB 275, SB 308, SB 433.**

Signed by the President at 4:00 p.m., April 16, 2005: **SB 30, SB 82, SB 245, SB 255, SB 275, SB 308, SB 433.**

Delivered to the Governor for approval at 8:00 a.m., April 16, 2005: **SB 30, SB 82, SB 245, SB 255, SB 275, SB 308,**

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

SB 433.

Examined by the sponsor and found to be correct: **SB 88, SB 91, SB 92, SB 109, SB 118, SB 121, SB 137, SB 277, SB 289, SB 314, SB 324, SB 358, SB 481, SB 491, SB 503, SB 302.**

Signed by the Speaker at 4:10 p.m., April 16, 2005: **SB 88, SB 91, SB 92, SB 109, SB 118, SB 121, SB 137, SB 277, SB 289, SB 314, SB 324, SB 358, SB 481, SB 491, SB 503, SB 302.**

Signed by the Secretary of the Senate at 3:10 p.m., April 16, 2005: **SB 88, SB 91, SB 92, SB 109, SB 118, SB 121, SB 137, SB 277, SB 289, SB 314, SB 324, SB 358, SB 481, SB 491, SB 503, SB 302.**

Signed by the President at 2:50 p.m., April 16, 2005: **SB 88, SB 91, SB 92, SB 109, SB 118, SB 121, SB 137, SB 277, SB 289, SB 314, SB 324, SB 358, SB 481, SB 491, SB 503, SB 302.**

Delivered to the Governor for approval at 8:00 a.m., April 16, 2005: **SB 88, SB 91, SB 92, SB 109, SB 118, SB 121, SB 137, SB 277, SB 289, SB 314, SB 324, SB 358, SB 481, SB 491, SB 503, SB 302.**

Examined by the sponsor and found to be correct: **SB 426, SB 480, SB 504.**

Signed by the Speaker at 4:10 p.m., April 16, 2005: **SB 426, SB 480, SB 504.**

Signed by the Secretary of the Senate at 4:00 p.m., April 16, 2005: **SB 426, SB 480, SB 504.**

Signed by the President at 3:50 p.m., April 16, 2005: **SB 426, SB 480, SB 504.**

Delivered to the Governor for approval at 8:00 a.m., April 16, 2005: **SB 426, SB 480, SB 504.**

Examined by the sponsor and found to be correct: **SB 58, SB 93, SB 104, SB 120, SB 197, SB 320, SB 328, SB 406, SB 412, SB 452, SB 498.**

Signed by the Speaker at 4:00 p.m., April 16, 2005: **SB 58, SB 93, SB 104, SB 120, SB 197, SB 320, SB 328, SB 406, SB 412, SB 452, SB 498.**

Signed by the Secretary of the Senate at 4:00 p.m., April 16, 2005: **SB 58, SB 93, SB 104, SB 120, SB 197, SB 320, SB 328, SB 406, SB 412, SB 452, SB 498.**

Signed by the President at 3:00 p.m., April 16, 2005: **SB 58, SB 93, SB 104, SB 120, SB 197, SB 320, SB 328, SB 406, SB 412, SB 452, SB 498.**

Delivered to the Governor for approval at 8:00 a.m., April 16, 2005: **SB 58, SB 93, SB 104, SB 120, SB 197, SB 320, SB 328, SB 406, SB 412, SB 452, SB 498.**

Examined by the sponsor and found to be correct: **SB 2, SB 18, SB 70, SB 74, SB 119, SB 123, SB 131, SB 138, SB 164.**

Signed by the Speaker at 4:10 p.m., April 16, 2005: **SB 2, SB 18, SB 70, SB 74, SB 119, SB 123, SB 131, SB 138, SB 164.**

Signed by the Secretary of the Senate at 4:00 p.m., April 16, 2005: **SB 2, SB 18, SB 70, SB 74, SB 119, SB 123, SB 131, SB 138, SB 164.**

Signed by the President at 4:00 p.m., April 16, 2005: **SB 2, SB 18, SB 70, SB 74, SB 119, SB 123, SB 131, SB 138, SB 164.**

Delivered to the Governor for approval at 8:00 a.m., April 16, 2005: **SB 2, SB 18, SB 70, SB 74, SB 119, SB 123, SB 131, SB 138, SB 164.**

Examined by the sponsor and found to be correct: **SB 231, SB 248, SB 259, SB 279, SB 290, SB 294, SB 388, SB 466, SB 183, SB 186, SB 196.**

Signed by the Speaker at 4:15 p.m., April 16, 2005: **SB 231, SB 248, SB 259, SB 279, SB 290, SB 294, SB 388, SB 466, SB 183, SB 186, SB 196.**

Signed by the Secretary of the Senate at 4:00 p.m., April 16, 2005: **SB 231, SB 248, SB 259, SB 279, SB 290, SB 294, SB 388, SB 466, SB 183, SB 186, SB 196.**

Signed by the President at 3:00 p.m., April 16, 2005: **SB 231, SB 248, SB 259, SB 279, SB 290, SB 294, SB 388, SB 466, SB 183, SB 186, SB 196.**

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Delivered to the Governor for approval at 8:00 a.m., April 16, 2005: **SB 231, SB 248, SB 259, SB 279, SB 290, SB 294, SB 388, SB 466, SB 183, SB 186, SB 196.**

MESSAGES FROM THE OTHER HOUSE

House joint resolutions passed and transmitted to the Senate for concurrence: 4/16/2005

HJR 26, introduced by Harris
HJR 32, introduced by Sesso
HJR 33, introduced by A. Olson
HJR 36, introduced by Ripley
HJR 39, introduced by Gallik
HJR 40, introduced by Harris
HJR 41, introduced by Campbell
HJR 42, introduced by Jent

Senate amendments to House bills concurred in: 4/16/2005

HB 35, introduced by Jent
HB 83, introduced by Campbell
HB 102, introduced by Lenhart
HB 186, introduced by Bergren
HB 235, introduced by Lange
HB 704, introduced by Windy Boy
HB 707, introduced by Groesbeck
HB 782, introduced by McNutt

Senate bill concurred in and returned to the Senate: 4/16/2005

SB 133, introduced by Mangan

Senate joint resolutions concurred in and returned to the Senate: 4/16/2005

SJR 28, introduced by Squires
SJR 29, introduced by Laslovich

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/16/2005

SB 222, introduced by Barkus
SB 293, introduced by Black
SB 319, introduced by Ellingson

Senate joint resolutions concurred in as amended and returned to the Senate for concurrence in House amendments: 4/16/2005

SJR 6, introduced by Wheat
SJR 11, introduced by Laible

Senate bill not concurred in and returned to the Senate: 4/16/2005

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

SB 30, introduced by Laslovich

Conference Committee Report No.1 adopted:

4/16/2005

SB 81, introduced by Stapleton

SB 278, introduced by Black

SB 423, introduced by Laslovich

MOTIONS

Majority Leader Ellingson moved a **free** conference committee on **SB 489** be appointed. President Tester appointed Senators Lind (Ch), Wheat, and Gebhardt.

Senator Weinberg moved to suspend the rules to place **SJR 33** on 3rd reading this legislative day. Motion failed as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved to blast **HB 695** from Senate Finance and Claims to 2nd reading. Motion carried as follows:

Yeas: Balyeat, Brueggeman, Cocchiarella, Ellingson, Elliott, Gallus, Gebhardt, Grimes, Harrington, Keenan, Kitzenberg, Lewis, Lind, Mangan, Moss, Perry, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.

Total 25

Nays: Bales, Barkus, Black, Cobb, Cooney, Cromley, Curtiss, Esp, Essmann, Gillan, Hansen, Hawks, Laible, Larson, Laslovich, McGee, O'Neil, Pease, Roush, Ryan, Stapleton, Steinbeisser, Story, Tash, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Roush moved **SJR 42** be taken from Senate State Administration to Senate Natural Resources. Carried.

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Senator Cocchiarella moved action be reconsidered on **HB 410**. Motion failed as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Shockley moved to change his vote on **SR 15** from "aye" to "nay". Motion carried.

Senator Keenan moved to blast **HB 611** from Senate Judiciary to 2nd reading. Motion failed.

Senator Wheat moved that action on **HB 46** be reconsidered and the bill be placed back in conference committee for a hearing. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 26, introduced by Harris, McGillvray, Wiseman, Hiner, referred to Taxation.

HJR 32, introduced by Sesso, Gillan, Sinrud, Groesbeck, Branae, , Gallus, Hamilton, Hiner, Mendenhall, Furey, Jopek, Keane, Villa, Noonan, Lindeen, Gallik, Driscoll, Golie, Wilson, Roberts, Larson, referred to Public Health, Welfare and Safety.

HJR 33, introduced by A. Olson, Gebhardt, Maedje, referred to Natural Resources.

HJR 36, introduced by Ripley, Musgrove, Buzzas, McNutt, Wells, Hansen, Barkus, Hawks, referred to Natural Resources.

HJR 39, introduced by Gallik, referred to State Administration.

HJR 40, introduced by Harris, Clark, Sinrud, Roberts, Wells, Windham, Wiseman, Becker, D. Brown, R. Brown, Buzzas, Clark, Driscoll, Facey, Gallik, Gutsche, Hamilton, Keane, Lenhart, Maedje, Sesso, Ward, Warden, Windy Boy, Koopman, Noonan, referred to Taxation.

HJR 41, introduced by Campbell, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Clark, Cohenour, Dowell, Driscoll, Eaton, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Hendrick, Jacobson, Jayne, Jopek, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Noonan, Parker, Raser, Rice, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wells, Wilson, Windy Boy, Wiseman, Witt, Wagman, Callahan, referred to State Administration.

HJR 42, introduced by Jent, referred to State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

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

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

HB 700 - Senator Harrington moved **HB 700** be concurred in. Motion carried unanimously.

SJR 33 - Senator Weinberg moved **SJR 33** be adopted. Motion carried as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Ryan, Schmidt, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 26

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

Absent or not voting: Smith.
Total 1

Excused: None.
Total 0

HJR 28 - Senator Brueggeman moved **HJR 28** be concurred in. Motion carried unanimously.

HJR 45 - Senator Shockley moved **HJR 45** be concurred in. Motion carried with Senator McGee voting nay.

HB 249 - Senator Tester moved **HB 249** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Roush, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 26

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Pease, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 713 - Senator Schmidt moved **HB 713** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Gallus, Gebhardt, Gillan, Hansen,

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Harrington, Hawks, Kitzenberg, Laible, Larson, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Williams, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Cobb, Elliott, Esp, Essmann, Grimes, Keenan, Laslovich, McGee, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash, Weinberg, Wheat.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 761 - Senator Gallus moved **HB 761** be concurred in. Motion carried with Senators Balyeat, Barkus, O'Neil, and Stapleton voting nay.

SB 526 - Senator Cobb moved **SB 526** do pass.

SB 526 - Senator Laible moved **SB 526**, second reading copy, be amended as follows:

1. Title, page 1, line 7 through line 8.
Following: "EXCLUDING"
Strike: remainder of line 7 through the first "AND" on line 8

2. Page 2, line 2.
Following: "resale;"
Insert: "and"

3. Page 2, line 3.
Strike: line 3 in its entirety
Renumber: subsequent subsection

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 28

Absent or not voting: None.

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Total 0

Excused: None.

Total 0

SB 526 - Senator Keenan moved **SB 526**, second reading copy, be amended as follows:

1. Title, line 9.

Following: "CALCULATIONS;"

Insert: "PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;"

2. Page 2, line 7.

Strike: "[This act]"

Insert: "This act"

Strike: "on passage and"

Insert: "upon"

Following: "approval"

Insert: "by the electorate"

3. Page 2, line 8.

Insert: "NEW SECTION. **Section 3. Submission to electorate.** This act shall be submitted to the qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the full title of this act and the following:

- FOR excluding money dedicated to a specific purpose by ballot issue and utilization fees and taxes from the state expenditure limit.
- AGAINST excluding money dedicated to a specific purpose by ballot issue and utilization fees and taxes from the state expenditure limit."

Amendment **not** adopted as follows:

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

Total 21

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

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

SB 526 - Senator Cobb moved **SB 526** do pass. Motion carried as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 99 - Free Conference Committee Report No. 1 - Senator Mangan moved the Free Conference Committee report to **HB 99** be adopted. Motion **failed** with Senators Balyeat and Gebhardt voting nay.

HB 227 - Conference Committee Report No. 1 - Senator Harrington moved the Conference Committee report to **HB 227** be adopted. Motion carried unanimously.

HB 540 - Conference Committee Report No. 1 - Senator Tester moved the Conference Committee report to **HB 540** be adopted. Motion carried with Senator McGee voting nay.

HB 606 - Free Conference Committee Report No. 1 - Senator Wheat moved the Free Conference Committee report to **HB 606** be adopted. Motion carried unanimously.

HB 625 - Conference Committee Report No. 1 - Senator Toole moved the Conference Committee report to **HB 625** be adopted. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Cobb, Cromley, Ellingson, Gallus, Hansen, Harrington, Keenan, Laslovich, O'Neil, Pease, Perry, Shockley, Smith, Stapleton, Steinbeisser, Tash, Wheat, Williams, Mr. President.

Total 22

Nays: Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hawks, Kitzenberg, Laible, Larson, Lewis, Lind, Mangan, McGee, Moss, Roush, Ryan, Schmidt, Squires, Story, Toole, Tropila, Weinberg.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 40 - Conference Committee Report No. 1 - Senator McGee moved the Conference Committee report to **SB 40** be adopted. Motion carried unanimously.

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

SB 175 - Conference Committee Report No. 1 - Senator Cromley moved the Conference Committee report to **SB 175** be adopted. Motion carried unanimously.

SB 212 - Governor's Amendments - Senator Esp moved Governor's amendments to **SB 212** be concurred in. Motion carried unanimously.

SB 222 - House Amendments - Senator Barkus moved House amendments to **SB 222** be concurred in. Motion carried unanimously.

SB 260 - House Amendments - Senator Perry moved House amendments to **SB 260** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hawks, Keenan, Laible, Laslovich, Lewis, Lind, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Wheat.
Total 28

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Kitzenberg, Larson, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Williams, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 - House Amendments - Senator Black moved House amendments to **SB 293** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Roush, Schmidt, Smith, Squires, Steinbeisser, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 34

Nays: Bales, Balyeat, Barkus, Elliott, Esp, Gebhardt, Grimes, Keenan, Laible, Mangan, O'Neil, Ryan, Shockley, Stapleton, Story, Tropila.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 401 - Governor's Amendments - Senator Laslovich moved Governor's amendments to **SB 401** be concurred in. Motion carried unanimously.

SB 499 - House Amendments - Senator Keenan moved House amendments to **SB 499** be concurred in. Motion carried

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Esp, Essmann, Gallus, Grimes, Keenan, Laible, Laslovich, Lewis, McGee, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 28

Nays: Cromley, Ellingson, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Lind, Mangan, Moss, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 6 - Senator Wheat moved **SJR 6** be adopted. Motion carried unanimously.

SJR 11 - House Amendments - Senator Laible moved House amendments to **SJR 11** be concurred in. Motion carried with Senator McGee voting nay.

HB 758 - Senator Gebhardt moved **HB 758** be concurred in. Motion carried unanimously.

HB 177 - Free Conference Committee Report No. 1 - Senator Essmann moved the Free Conference Committee report to **HB 177** be adopted. Motion carried unanimously.

HB 348 - Conference Committee Report No. 1 - Senator Grimes moved the Conference Committee report to **HB 348** be adopted. Motion carried with Senators Cocchiarella and Ryan voting nay.

SB 107 - Free Conference Committee Report No. 1 - Senator Smith moved the Free Conference Committee report to **SB 107** be adopted. Motion carried with Senator Gebhardt voting nay.

SB 319 - House Amendments - Senator Ellingson moved House amendments to **SB 319** be **not** concurred in. Motion carried with Senators Bales, Balyeat, Barkus, and Steinbeisser voting nay.

SB 139 - Conference Committee Report No. 1 - Senator Esp moved the Conference Committee report to **SB 139** be adopted. Motion carried unanimously.

SB 461 - Conference Committee Report No. 1 - Senator Steinbeisser moved the Conference Committee report to **SB 461** be adopted. Motion carried with Senator Esp voting nay.

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

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

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 46, as amended by the Governor, concurred in as follows:

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

Nays: Bales, Stapleton, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 115, Conference Committee Report No. 1, adopted 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

HB 146, Conference Committee Report No. 1, adopted as follows:

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

Nays: Esp, Gallus, McGee, Stapleton.
Total 4

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 266, as amended by the Governor, 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 361, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Kitzenberg, Laible, Laslovich, Lewis, Lind, Mangan, Moss, Perry, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 38

Nays: Bales, Balyeat, Black, Hansen, Keenan, Larson, McGee, O'Neil, Pease, Smith, Steinbeisser, Tropila.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 367, Conference Committee Report No. 1, adopted as follows:

Yeas: Barkus, Black, Brueggeman, Cocchiarella, Cooney, 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 44

Nays: Bales, Balyeat, Cobb, Cromley, O'Neil, Shockley.
Total 6

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 438 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 493, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 32

Nays: Bales, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Keenan, Laible, McGee, O'Neil, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 517, Conference Committee Report No. 1, adopted as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Perry, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 35

Nays: Bales, Barkus, Cocchiarella, Curtiss, Esp, Gillan, Grimes, Keenan, McGee, Pease, Roush, Ryan, Shockley, Story, Tropila.

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 535 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, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 47

Nays: Moss, Shockley, Toole.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 550 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, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 46

Nays: Cobb, Esp, O'Neil, Ryan.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 584 concurred in as follows:

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

Total 34

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Keenan, Mangan, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 592 concurred in as follows:

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

Total 44

Nays: Barkus, Esp, Pease, Perry, Story, Tropila.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 667 concurred in as follows:

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

Total 39

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

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 671 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser,

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Hansen, McGee, Roush.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 678 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, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: McGee, Smith.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 689 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 756 concurred in as follows:

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

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

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: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 776 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 802 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Williams, Mr. President.

Total 37

Nays: Cooney, Cromley, Ellingson, Esp, Hansen, Hawks, Laslovich, Lind, Moss, Schmidt, Toole, Weinberg, Wheat.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 34 concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Gallus, Gebhardt, Gillan,

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 40

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, Keenan, McGee, Shockley, Steinbeisser.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 41 passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 68 passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 85 passed as follows:

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 87 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 146 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

SB 217 passed as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 32

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Grimes, Hansen, Keenan, Laible, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 296 passed as follows:

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

Nays: Curtiss.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 407 passed 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.

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Total 0

SB 432 passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 443 passed as follows:

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

SB 477 passed as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Excused: None.
Total 0

SB 486 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 17 (Governor's appointments) - Senator Squires
Governor's appointment confirmed unanimously.

SR 18 (Governor's appointments) - Senator Squires
Governor's appointment confirmed unanimously.

Senator Curtiss was declared the winner of the Ugly Tie Contest for the week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:00 p.m., Monday, April 18, 2005. Motion carried.

Senate adjourned at 1:55 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate