

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

Helena, Montana
April 18, 2005

Senate Chambers
State Capitol

Senate convened at 12:00 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Smith, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

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

Absent or not voting: None.
Total 0

Excused: Smith.
Total 1

Senate recessed 12:15 p.m.
Senate reconvened 12:55 p.m.

Roll Call. All members present. Quorum present.

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:
Correctly printed: **SJR 42, HJR 33, HJR 36.**
Correctly engrossed: **SR 19.**

4/18/2005

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Correctly enrolled: **SB 41, SB 48, SB 68, SB 75, SB 85, SB 87, SB 146, SB 217, SB 222, SB 271, SB 276, SB 293, SB 296, SB 326, SB 407, SB 432, SB 442, SB 443, SB 462, SB 477, SB 486, SB 499, SB 524, SJR 6, SJR 11, SJR 14, SJR 31, SR 17, SR 18.**

Examined by the sponsor and found to be correct: **SB 191, SJR 30.**

Signed by the Speaker at 4:10 p.m., April 18, 2005: **SB 191, SJR 30.**

Signed by the President at 3:50 p.m., April 18, 2005: **SB 191, SJR 30.**

Signed by the Secretary of the Senate at 4:00 p.m., April 18, 2005: **SB 191, SJR 30.**

Examined by the sponsor and found to be correct: **SB 61, SB 108, SB 261, SB 292, SB 301, SB 323, SB 340, SB 380, SB 428, SB 507.**

Signed by the Speaker at 10:00 a.m., April 18, 2005: **SB 61, SB 108, SB 261, SB 292, SB 301, SB 323, SB 340, SB 380, SB 428, SB 507.**

Signed by the President at 10:20 a.m., April 18, 2005: **SB 61, SB 108, SB 261, SB 292, SB 301, SB 323, SB 340, SB 380, SB 428, SB 507.**

Signed by the Secretary of the Senate at 10:00 a.m., April 18, 2005: **SB 61, SB 108, SB 261, SB 292, SB 301, SB 323, SB 340, SB 380, SB 428, SB 507.**

Delivered to the Governor for approval at 11:20 a.m., April 18, 2005: **SB 61, SB 108, SB 261, SB 292, SB 301, SB 323, SB 340, SB 380, SB 428, SB 507.**

NATURAL RESOURCES (Roush, Chairman):

4/18/2005

SJR 2, be adopted. Report adopted.

HJR 33, be concurred in. Report adopted.

HJR 36, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

4/18/2005

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

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FREE CONFERENCE COMMITTEE
on **Senate Bill 287**
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 287** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 287** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Schmidt, Chairman
Gillan
Laible

For the House:

Parker, Chairman
A. Olson
Wilson
Witt

FREE CONFERENCE COMMITTEE
on **Senate Bill 339**
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 339** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 339** (reference copy -- salmon) be amended as follows:

1. Page 4, line 30.

Following: "87-2-202(3)(c)."

Strike: "unless"

Insert: "or if"

2. Page 5, line 1.

Following: "license"

Strike: "FOR \$25"

Following: "87-2-803(11)"

Insert: ", upon payment of \$29, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c)"

3. Page 5, line 15.

Following: "\$54."

Strike: "unless"

Insert: "or if"

4. Page 5, line 16.

Following: "license"

Strike: "FOR \$25"

Following: "87-2-803(11)"

Insert: ", upon payment of \$29, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c)"

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5. Page 7, line 26.

Following: "license"

Strike: "FOR \$25"

Following: "LICENSE."

Insert: "for \$29, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c),"

6. Page 8, line 8.

Following: "to any"

Strike: "licensing agent"

Insert: "regional department office or to the department headquarters in Helena, by mail or in person,"

7. Page 8, lines 9 and 10.

Following: "duty." on line 9

Strike: "The" on line 9 through "indicate" on line 10

Insert: "The applicant is responsible for providing documentation showing"

For the Senate:

Tropila, Chairman
Joe Balyeat
Larson

For the House:

Milburn, Chairman
Jent
Klock
Noonan

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 445**
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 445** (reference copy -- salmon) and recommend this Conference Committee report be adopted as follows:

BE ADOPTED WITH NO RECOMMENDATION

And, recommend that **Senate Bill 445** (reference copy -- salmon) be amended as follows:

1. Page 3, line 4 through line 6.

Strike: section 5 in its entirety

Renumber: subsequent section

For the Senate:

Gillan, Chairman
Mangan

For the House:

Andersen, Chairman
Galvin-Halcro

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McGee

Villa
Ward

MESSAGES FROM THE GOVERNOR

April 13, 2005

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

Dear Senator Tester:

Please be informed that I have signed **Senate Bill 375** sponsored by Senator Wheat on April 13, 2005.

Sincerely,

BRIAN SCHWEITZER
Governor

April 14, 2005

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

Dear Senator Tester:

Please be informed that I have signed **Senate Bill 470** sponsored by Senator Harrington et al. on April 14, 2005.

Sincerely,

BRIAN SCHWEITZER
Governor

April 15, 2005

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

Dear Senator Tester:

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Please be informed that I have signed **Senate Bill 21** sponsored by Senator Grimes, **Senate Bill 29** sponsored by Senator Schmidt, **Senate Bill 32** sponsored by Senator Cromley, **Senate Bill 38** sponsored by Senator Schmidt, **Senate Bill 39** sponsored by Senator Mangan, **Senate Bill 76** sponsored by Senator Laslovich, **Senate Bill 77** sponsored by Senator Hansen, **Senate Bill 95** sponsored by Senator Roush, **Senate Bill 126** sponsored by Senator Brueggeman, **Senate Bill 206** sponsored by Senator Lewis et al., **Senate Bill 214** sponsored by Senator Gebhardt et al., **Senate Bill 225** sponsored by Senator Cocchiarella, **Senate Bill 244** sponsored by Senator Squires, **Senate Bill 264** sponsored by Senator Smith et al., **Senate Bill 282** sponsored by Senator Smith et al., **Senate Bill 286** sponsored by Senator Ryan et al., **Senate Bill 298** sponsored by Senator Tropila et al., **Senate Bill 322** sponsored by Senator Gillan et al., **Senate Bill 325** sponsored by Senator Gebhardt, **Senate Bill 329** sponsored by Senator Tester et al., **Senate Bill 335** sponsored by Senator Williams, **Senate Bill 347** sponsored by Senator Lind et al., **Senate Bill 349** sponsored by Senator Cocchiarella, **Senate Bill 350** sponsored by Senator Cocchiarella, **Senate Bill 352** sponsored by Senator Grimes, **Senate Bill 355** sponsored by Senator Shockley et al., **Senate Bill 363** sponsored by Senator Williams, **Senate Bill 365** sponsored by Senator Ellingson, **Senate Bill 368** sponsored by Senator Cocchiarella, **Senate Bill 369** sponsored by Senator Cocchiarella, **Senate Bill 370** sponsored by Senator Squires et al., **Senate Bill 373** sponsored by Senator Essmann et al., **Senate Bill 375** sponsored by Senator Wheat, **Senate Bill 410** sponsored by Senator Gallus, **Senate Bill 451** sponsored by Senator Wheat, **Senate Bill 457** sponsored by Senator Gebhardt, **Senate Bill 460** sponsored by Senator Weinberg, **Senate Bill 470** sponsored by Senator Harrington et al., **Senate Bill 478** sponsored by Senator Gallus, **Senate Bill 479** sponsored by Senator Lind et al., and **Senate Bill 497** sponsored by Senator Tropila on April 15, 2005.

Sincerely,

BRIAN SCHWEITZER
Governor

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

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

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 167, **"AN ACT AUTHORIZING THE CREATION OF TECHNOLOGY DISTRICTS; PROVIDING THAT A DISTRICT IS CREATED TO ENCOURAGE DEVELOPMENT OF TECHNOLOGY INFRASTRUCTURE DEVELOPMENT PROJECTS; ESTABLISHING THAT TENANTS OF THE DISTRICT BE PRIMARY SECTOR COMPANIES; ESTABLISHING THAT A TECHNOLOGY DISTRICT MAY USE TAX INCREMENT FINANCING AND ISSUE BONDS FROM TAX INCREMENTS; AMENDING SECTIONS 7-15-4282, 7-15-4283, 7-15-4284, 7-15-4285, 7-15-4286, 7-15-4288, 7-15-4290, 7-15-4292, 7-15-4293, 7-15-4301, AND 7-15-4304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

Appropriate use of tax increment financing has proven to be a most effective tool to assist in economic and community development. This bill provides for the use of the tax increment tool to advance the development of the technology

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sector of the Montana economy.

However, concerns exist about the potential inappropriate use of tax increment financing--specifically to the potential that a "district" can be formed to serve a single client or project. The spirit of the law is found in the inherent meaning of the term "district". A district by its very nature needs to be able to serve multiple independent tenants.

I have determined that the best way to meet both the spirit of SB 167 and, at the same time, protect us from any abuse of approach, is to amend the bill to require that such "Technology Districts" are designed to serve the needs of diversified multiple independent tenants.

Therefore, I propose the attached amendments, which:

- # Require that the physical area to be designated a "technology district" is large enough to host a diversified tenant base of multiple independent tenants.
- # Require that prior to its creation, a "technology district" must have in place a formally adopted comprehensive development plan that insures that the district can host a diversified tenant base of multiple independent tenants.
- # Provide that a "technology district" may not be designed to serve the needs of a single district tenant or multiple tenants that are not independent of each other.

In addition, I have suggested some minor technical amendments to make it clear that the allowable uses of tax increment funds found in 7-15-4288 are available uniformly to all forms of tax increment districts, including urban renewal areas (the original form of tax increment districts).

I respectfully request that the legislature agree to these amendments so that we may continue to see tax increment financing remain an effective tool for economic and community development.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division
Department of Commerce
Department of Revenue
Governor's Office of Economic Opportunity

April 18, 2005

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

The Honorable Gary Matthews
Speaker of the House

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State Capitol
Helena, Montana 59620

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 342, **"AN ACT CREATING AN ALTERNATIVE PROJECT DELIVERY CONTRACT PROCESS FOR CERTAIN CONSTRUCTION PROJECTS OF STATE AGENCIES AND CERTAIN LOCAL GOVERNMENTS; ESTABLISHING REQUIREMENTS THAT MUST BE MET IN ORDER TO USE AN ALTERNATIVE PROJECT DELIVERY CONTRACT; REQUIRING JUSTIFICATION FOR AN ALTERNATIVE PROJECT DELIVERY CONTRACT; REQUIRING A STATE AGENCY OR CERTAIN LOCAL GOVERNMENTS THAT USE AN ALTERNATIVE PROJECT DELIVERY CONTRACT TO STATE THE REASONS FOR SELECTING THE CONTRACTOR SELECTED; AND AMENDING SECTIONS 7-5-2301, 7-5-4302, 18-1-102, 18-2-103, 18-4-124, 20-6-606, 20-9-204, AND 67-11-201, MCA"** for the following reasons.

Senator Laslovich requested the proposed amendment, at the request of the Department of Administration.

The proposed amendment makes the public notice requirements for alternative project delivery contracts entered by state agencies identical to the public notice requirements, generally, for state building construction contracts in excess of \$75,000, as provided in § 18-2-301, MCA. Under the bill in its current form, the public notice requirements for state contracts is expressed in two different ways, one of which, found in subsection (1)(a) of section 3 of the bill would require notice in eighty-four newspapers around the state. The Department of Administration projects that cost as \$15,000 per project. Under my proposed amendment, advertising would be required only in the seat of government and in the county where the work is to be performed. My proposed amendment also eliminates the inconsistency of the two notice requirements contained in the bill in its current form.

My proposed amendment also pertains to the definition of "request for qualifications" as used in section 3 of the bill. The bill adopts the definition for that term found in § 60-2-134, MCA. However, the definition of "request for qualifications" in 60-2-134 applies only to "design-build" contracts. Senate Bill 342 authorizes "construction management" contracts and "general contractor construction management" contracts, so the definition of "request for qualifications" contained in 60-2-134 is inconsistent with and contradictory to the remainder of Senate Bill 342.

The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division
Janet Kelly, Director, Department of Administration April 18, 2005

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

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

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 120, "**AN ACT REVISING AND EXTENDING THE UTILIZATION FEE ON HOSPITAL FACILITIES FOR INPATIENT BED DAYS; INCLUDING CRITICAL ACCESS FACILITIES IN THE DEFINITION OF "HOSPITAL"; AMENDING SECTIONS 15-66-101, 15-66-102, AND 15-66-201, MCA, AND SECTION 20, CHAPTER 390, LAWS OF 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE**" for the following reasons.

Health care for Montana citizens is of the utmost importance to my administration and I have pledged to work as hard as I can to ensure its availability, especially in our rural communities. But threats to that health care are on the horizon.

While I was attending the National Governor's Conference in Washington, D.C., in late February, President George W. Bush provided a stern warning, which he emphasized by pointing a finger at the Governors in attendance, expressing his objection to practices like Montana's hospital utilization fee. His administration has begun an effort to end widespread uses of such practices by the states. The President indicated that he was targeting \$40 billion in cuts in revenues that currently go to states, \$11 billion in intergovernmental transfers and \$6.9 billion in provider (hospital and nursing homes) fees, which are key to this hospital utilization fee.

Further, only half of the states have hospital utilization fees, such as those in SB 120, which further amplifies the current risk to Montana.

Because Montana's hospital utilization fee, as outlined in SB 120, is the kind of practice that was targeted by the President, it is essential that we structure the law to best meet Montana's medical care needs while at the same time providing the state's medical care providers with the strongest protection from negative action on the part of the federal government.

We need to do our best to meet the letter and spirit of the President's effort, but do so in a manner that protects the interests of Montana's medical care providers and Montana medical patients.

My analysis of the federal objections shows that the continuation of existing allocation language and practices related to the hospital utilization fee pose the greatest target for federal action.

I have determined that the best way to meet both of those important needs is to amend SB 120 to inoculate Montana from federal action by providing flexibility in the administration and uses of the hospital utilization fee.

Therefore, after extensive research and careful consideration of the problem, I propose the attached amendments, which:

- P Allow the hospital utilization fees to be set as presently outlined in SB 120.
- P Provide flexibility in allocation of the funds.
- P Provide that the expenditure of funds under the law will be voided if the budget cap is legally determined to have been exceeded.

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I respectfully request that the legislature agree to these amendments so that we may continue to see that Montanans can receive quality health care at the most affordable possible costs.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division
Department of Public Health and Human Services April 18, 2005

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

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

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 224, **"AN ACT ALLOWING A SCHOOL DISTRICT TO PROVIDE EDUCATIONAL SERVICES AT AN OFFSITE INSTRUCTIONAL SETTING TO CHILDREN ATTENDING SCHOOL IN THE SCHOOL DISTRICT; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADOPT RULES; REVISING THE DEFINITION OF "AVERAGE NUMBER BELONGING" TO CLARIFY THE INCLUSION OF PUPILS EDUCATED OFFSITE; DEFINING "OFFSITE INSTRUCTIONAL SETTING"; AMENDING SECTION 20-1-101, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

The sponsor of the bill, Senator Laslovich, requested the proposed amendments. They were passed by the Senate on second reading, but as a result of a clerical error, they were never placed on the bill. The proposed amendments clarify and improve the definition of "offsite instructional setting" contained in the bill. The amendments are attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division
Linda McCulloch

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 4/18/2005

HB 805, introduced by Clark
HB 806, introduced by Clark

House joint resolutions passed and transmitted to the Senate for concurrence: 4/18/2005

HJR 43, introduced by Peterson
HJR 44, introduced by A. Olson
HJR 45, introduced by Himmelberger

Senate amendments to House bills concurred in: 4/18/2005

HB 4, introduced by Musgrove
HB 11, introduced by McNutt
HB 288, introduced by Noennig
HB 386, introduced by Sinrud
HB 423, introduced by Stahl
HB 435, introduced by Branae
HB 476, introduced by McAlpin
HB 484, introduced by L. Jones
HB 541, introduced by Glaser
HB 552, introduced by Caferro
HB 577, introduced by McAlpin
HB 720, introduced by Sinrud
HB 742, introduced by Buzzas
HB 757, introduced by L. Jones
HB 769, introduced by Golie
HB 790, introduced by Peterson

Senate bills concurred in and returned to the Senate: 4/18/2005

SB 48, introduced by Harrington
SB 75, introduced by Harrington
SB 271, introduced by Elliott
SB 276, introduced by Bales
SB 442, introduced by Cooney
SB 524, introduced by Cooney

Senate joint resolutions concurred in and returned to the Senate: 4/18/2005

SJR 14, introduced by Tropila
SJR 31, introduced by Curtiss

HB 46 - 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 46**:
4/18/2005

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Representative Everett, Chair
Representative Koopman
Representative Parker
Representative Wilson

SB 154 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 154**:

4/18/2005

Representative Roberts, Chair
Representative Caferro
Representative Kaufmann
Representative Milburn

Free Conference Committee Report No.1 adopted:

4/18/2005

SB 40, introduced by McGee
SB 107, introduced by Smith
SB 139, introduced by Esp
SB 146, introduced by McGee
SB 217, introduced by Larson
SB 218, introduced by Tester
SB 443, introduced by Roush
SB 461, introduced by Steinbeisser
HB 99, introduced by Lange
HB 115, introduced by McNutt
HB 146, introduced by Gallik
HB 177, introduced by A. Olson
HB 218, introduced by B. Olson
HB 227, introduced by Galvin-Halcro
HB 272, introduced by Lambert
HB 348, introduced by Buzzas
HB 361, introduced by Gallik
HB 367, introduced by Parker
HB 493, introduced by Noonan
HB 517, introduced by Wiseman
HB 540, introduced by Dickenson
HB 606, introduced by Gutsche
HB 625, introduced by Rice

HB 584 - 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 584**:

4/18/2005

Representative Himmelberger, Chair
Representative Harris
Representative Waitschies
Representative Wilson

HB 592 - 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 592**:

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4/18/2005

Representative Waitschies, Chair
Representative Branae
Representative Facey
Representative Ross

SB 489 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 489**:

4/18/2005

Representative Ripley, Chair
Representative Dickenson
Representative Gutsche
Representative Sonju

MOTIONS

Senator Ellingson moved to suspend the rules to place all 2nd reading passed bills on 3rd reading this same day except item 6. Motion carried 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, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.

Total 47

Nays: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: Wheat.

Total 1

Majority Leader Ellingson moved a **free** conference committee on **SB 319** be appointed. President Tester appointed Senators Ellingson (Ch), Wheat, and Cobb.

Majority Leader Ellingson moved to dissolve the conference committee on **SB 154** and that a **free** conference committee on **SB 154** be appointed. President Tester appointed Senators Cobb (Ch), Williams, and Lind.

Majority Leader moved a conference committee on **HB 531** be appointed. President Tester appoints Senators Schmidt (Ch), Tropila, and Black.

Senator Ellingson moved to suspend the rules to place **HJR's 33, 36, and 42** on 2nd reading this same legislative day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

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HB 805, introduced by Clark, R. Brown, Ellingson, Elliott, Grinde, Gutsche, Harris, Lange, Mangan, Noennig, Parker, Wanzenried, Warden, referred to State Administration.

HB 806, introduced by Clark, Bergren, R. Brown, Ellingson, Elliott, Grinde, Gutsche, Harris, Lange, Mangan, Noennig, Parker, Wanzenried, Warden, referred to State Administration.

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

HJR 43, introduced by Peterson, referred to Taxation.

HJR 44, introduced by A. Olson, referred to Taxation.

HJR 45, introduced by Himmelberger, A. Olson, referred to State Administration.

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

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

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

HB 218 - Conference Committee Report No. 1 - Senator Shockley moved the Conference Committee report to **HB 218** be adopted. Motion carried with Senator Esp voting nay.

HB 272 - Conference Committee Report No. 1 - Senator Bales moved the Conference Committee report to **HB 272** be adopted. Motion carried unanimously.

SB 115 - House Amendments - Senator Tester moved House amendments to **SB 115** be concurred in. Motion carried unanimously.

SB 213 - House Amendments - Senator Story moved House amendments to **SB 213** be concurred in. Motion carried unanimously.

SB 345 - House Amendments - Senator Mangan moved House amendments to **SB 345** be concurred in. Motion carried unanimously.

SB 415 - House Amendments - Senator Tester moved House amendments to **SB 415** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Mr. President.

Total 40

Nays: Elliott, Grimes, Hawks, Lind, Moss, O'Neil, Toole, Wheat, Williams.

Total 9

Absent or not voting: Cobb.

Total 1

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Excused: None.
Total 0

SB 511 - House Amendments - Senator Mangan moved House amendments to **SB 511** be concurred in. Motion carried unanimously.

SB 516 - House Amendments - Senator Gillan moved House amendments to **SB 516** be **not** concurred in. Motion carried unanimously.

SJR 20 - House Amendments - Senator Curtiss moved House amendments to **SJR 20** be concurred in. Motion carried unanimously.

Senator Ellingson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Grimes moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

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

HB 28 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 45 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, 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 46

Nays: Curtiss, Keenan, McGee, Story.
Total 4

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 249 concurred in as follows:

Yeas: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Elliott, Esp, Essmann, Grimes, Keenan, Laible, Lind, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash, Toole.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 700 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 713 concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Lewis, Lind, Mangan, McGee, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 37

Nays: Bales, Barkus, Cobb, Esp, Keenan, Laslovich, Moss, O'Neil, Perry, Steinbeisser, Story, Tash, Wheat.
Total 13

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 758 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 761 concurred in as follows:

Yeas: Bales, 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, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Balyeat, Barkus, O'Neil, Stapleton.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 526 passed 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.

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Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 33 adopted as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 99 concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, 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 47

Nays: Bales, Balyeat, Gebhardt.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 177 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, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 49

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Nays: Perry.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 227 concurred in as follows:

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

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 348 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 42

Nays: Cobb, Cocchiarella, Esp, Gebhardt, Ryan, Shockley, Stapleton, Tropila.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 540 concurred in as follows:

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

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Total 43

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

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 606 concurred in as follows:

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

Total 40

Nays: Bales, Balyeat, Curtiss, Gebhardt, Grimes, Keenan, Lewis, McGee, O'Neil, Steinbeisser.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 40 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 107 passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil,

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

Total 41

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Gebhardt, McGee, Steinbeisser, Story.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 139 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 175 passed as follows:

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

Total 47

Nays: Bales, Essmann, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 212 passed as follows:

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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 222 passed 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, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 46

Nays: Bales, McGee, Steinbeisser, Story.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 293 passed as follows:

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

Total 32

Nays: Bales, Balyeat, Barkus, Cocchiarella, Esp, Essmann, Gallus, Gebhardt, Keenan, Laible, Mangan, O'Neil, Perry, Ryan, Shockley, Stapleton, Story, Tropila.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 401 passed as follows:

Yeas: Balyeat, 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, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 48

Nays: Bales, Keenan.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 461 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, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 49

Nays: Moss.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 499 passed as follows:

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

Total 44

Nays: Gillan, Hansen, Larson, Moss, Smith, Weinberg.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

SJR 6 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, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 47

Nays: Esp, Keenan, Steinbeisser.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 11 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, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Williams, Mr. President.

Total 45

Nays: Esp, Keenan, McGee, O'Neil, Weinberg.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Squires introduced the pages for the week:

"Molly Hargrove: Molly is a junior at Billings West High School, and is sponsored by Senator Gebhardt. She is involved in Choir on many levels, singing in a varsity choir, and also performing in an Honors Show Choir. She participates in youth soccer, and is a leader for the middle school group at her church. She is also a member of the Praise and Worship team."

"Ashleigh Franklin: Ashleigh is a senior at Butte Central High School, and is sponsored by Senator Harrington. She is a member of Speech and Debate, and is also involved in Key Club."

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"Kealy Beskoon: Kealy is a junior at Missoula Sentinel High School, and is sponsored by Senator Williams. He is a member of National Honors Society, and Student Council. He plays football, runs track, and is on the wrestling team."

"Charlie Cox: Charlie is a senior at Helgate High School, and is sponsored by Senator Tropila. He plays Basketball, and is a member Key Club and Leadership High School."

"Betsy Sommers: Betsy is a senior at Billings West High School, and is sponsored by Senator Cobb. She is involved in Golf, is a member of Spanish and Ski Clubs. She is also a member of National Honors Society."

"TJ Menahan: TJ is a senior at Colstrip High School, and is sponsored by Senator Gallus. He is involved in FFA, VICA, and serves as Student Council School Board Representative. He also runs track, wrestles, and is on the football team."

ANNOUNCEMENTS

Majority Leader Ellingson moved the Senate recess until 4:30 p.m.

Senate recessed 2:00 p.m.

Senate reconvened 4:30 p.m.

Roll Call. All members present. Quorum present.

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

Total 45

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

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (, Chairman): 4/18/2005
Correctly printed: **HJR 32, HJR 33, HJR 36, HJR 41, HJR 42.**

PUBLIC HEALTH, WELFARE AND SAFETY (Cromley, Chairman): 4/18/2005
HJR 32, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 4/18/2005
HJR 41, be concurred in. Report adopted.

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HJR 42, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 175**
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 175** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 175** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29 through line 30.

Following: "COST" on line 29

Strike: remainder of line 29 through the first "PARCEL'S" on line 30

Insert: "that the"

Following: "ESTIMATED" on line 30

Strike: "TRAFFIC FLOWS" through the second "PARCEL'S"

Insert: "vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and"

For the Senate:

Cromley, Chairman
Esp
Moss

For the House:

Noennig, Chairman
Jopak
Maedje
McAlpin

FREE CONFERENCE COMMITTEE
on **House Bill 2**
Report No. 1, April 18, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report as follows:

WITH NO RECOMMENDATION

BE ADOPTED

And, **House Bill 2** (reference copy -- salmon) amendments as follows:

1. Page A-1, line 6.

Following: "BIENNIAL"

Insert: "/OTO"

2. Page A-1, line 16.

Strike: "1,866,563" [general fund FY06]

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Insert: "1,778,408" [general fund FY06]

3. Page A-1.

Following: line 16

Insert: "a. Legislative Audit of Public Defender Services -- SB 146 (OTO) 88,155" [general fund FY06]

4. Page A-1, line 22.

Following: "IS"

Strike: "CONTINGENT UPON PASSAGE AND APPROVAL OF A BILL DIRECTING"

Insert: "for"

5. Page A-8, line 16.

Strike: "2,520,000 6,894,496" [state special fund FY06 and FY07]

Insert: "1,671,375 5,899,001" [state special fund FY06 and FY07]

6. Page A-8, line 18.

Strike: "1,680,000 4,596,330" [state special fund FY06 and FY07]

Insert: "1,200,000 3,976,330" [state special fund FY06 and FY07]

7. Page A-9, line 5.

Following: "667."

Insert: "If the department of public health and human services is successful in obtaining a medicaid 1115 waiver for a premium incentive or premium assistance program, the state auditor's office shall transfer \$994,000 in state special revenue in fiscal year 2007 to the department of public health and human services to be used to match federal medicaid funds.

Funding for Premium Assistance for Small Employers and Provide Tax Relief in the Form of Tax Credits includes the support of 3 new FTE."

8. Page A-13, line 12.

Strike: "15,225,114 15,333,786" [general fund FY06 and FY07]

Insert: "15,243,834 15,352,506" [general fund FY06 and FY07]

9. Page A-14.

Following: line 8

Insert: "If Senate Bill No. 48 is not passed and approved, Property Assessment Division is reduced by \$18,720 in general fund money in fiscal year 2006 and by \$18,720 in general fund money in fiscal year 2007."

10. Page A-14, line 11.

Strike: "1,215,810 1,216,591" [general fund FY06 and FY07]

Insert: "1,216,870 1,217,039" [general fund FY06 and FY07]

Strike: "498,492 498,832" [state special fund FY06 and FY07]

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Insert: "2,883 3,498" [state special fund FY06 and FY07]

Strike: "64,104 64,154" [federal special fund FY06 and FY07]

Insert: "64,156 64,206" [federal special fund FY06 and FY07]

11. Page A-15, line 13.

Strike: "7,199,544 7,201,322" [proprietary FY06 and FY07]

Insert: "7,199,873 7,201,651" [proprietary FY06 and FY07]

12. Page A-16.

Following: line 9

Insert: "If House Bill No. 425 is not passed and approved, then Administrative Financial Services Division is increased by \$785 in general fund money and \$496,118 in state special revenue in fiscal year 2006 and by \$1,400 in general fund money and \$495,843 in state special revenue in fiscal year 2007, which reflects the current appropriations for administration and enforcement functions relating to unfair trade practices and consumer protection and telemarketing laws in the consumer protection office in the department. The legislative fiscal division and the office of budget and program planning are authorized to transfer all fiscal year 2004 expenditures and fiscal year 2005 appropriations from the department of administration to the department of justice for the purpose of display in the legislative fiscal division 2007 biennium fiscal report."

13. Page A-16, line 25.

Strike: "0" [general fund FY06]

Insert: "208,849" [general fund FY06]

14. Page A-17, line 9.

Strike: "\$205,030 IN GENERAL FUND MONEY IN FISCAL YEAR 2006 AND BY"

15. Page A-17, line 11.

Strike: line 11 in its entirety

16. Page A-18, line 1.

Strike: "208,849" [general fund FY06]

Insert: "0" [general fund FY06]

17. Page A-18, line 2 through line 3.

Strike: line 2 through line 3 in their entirety

18. Page B-1, line 6.

Strike: "187,809,559 202,223,153" [federal special fund FY06 and FY07]

Insert: "188,962,709 203,376,303" [federal special fund FY06 and FY07]

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19. Page B-1.

Following: line 25

Insert: "i. HCSD -- Implement Provisions of HB 667 14,795 18,750 [state special fund FY06 and FY07]
14,795 18,750 [federal funds FY06 and FY07]

j. HCSD -- Implement Change in Medicaid Asset Test for Children 19,814 [general fund FY06]

19,814 [federal funds FY06]

51,399 [state special fund FY07]

51,399" [federal funds FY07]

20. Page B-3, line 14.

Strike: "10,371,118 11,007,750" [state special fund FY06 and FY07]

Insert: "10,388,493 11,025,125" [state special fund FY06 and FY07]

21. Page B-4.

Following: line 6

Insert: "a. OTD -- Implement Provisions of HB 667 101,000 25,000 [state special fund FY06 and FY07]

149,000 25,000 [federal funds FY06 and FY07]

b. OTD -- Implement Change in Medicaid Asset Test for Children 13,821 13,821" [general fund and federal
funds FY06]

22. Page B-4, line 8.

Strike: "79,598,043 79,479,691" [federal special fund FY06 and FY07]

Insert: "79,615,081 79,496,134" [federal special fund FY06 and FY07]

23. Page B-4, line 9.

Strike: "1,045,546 1,046,098" [state special fund FY06 and FY07]

Insert: "1,071,546 1,072,098" [state special fund FY06 and FY07]

24. Page B-4, line 21.

Strike: "800,000 800,000" [general fund FY06 and FY07]

Insert: "860,168 858,263" [general fund FY06 and FY07]

25. Page B-5, line 12.

Strike: "341,512,616" [federal special fund FY07]

Insert: "341,879,892" [federal special fund FY07]

26. Page B-5, line 13.

Strike: "10,164,070 11,321,943" [state special fund FY06 and FY07]

Insert: "11,892,070 13,764,183" [state special fund FY06 and FY07]

27. Page B-5, line 22.

Following: "Restricted"

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Strike: "/Biennial"

28. Page B-5, line 24.

Strike: "1,876,316 4,529,679" [state special fund and federal funds FY06]
Insert: "0 0 [state special fund and federal funds FY06]
5,847,754" [federal funds FY07]

29. Page B-5, line 25.

Following: "Health"
Strike: "Rate"
Insert: "Direct-Care Worker Wage"

30. Page B-6, line 1.

Strike: "2,414,135" [federal special fund FY06]
Insert: "2,112,368" [federal special fund FY06]

31. Page B-6, line 2.

Strike: "750,000" [state special funds FY06]
Insert: "875,000" [state special fund FY06]

32. Page B-6.

Following: line 21
Insert: "n. HRD -- Implement Provisions of HB 667 12,830 21,744 [state special fund FY06 and FY07]
12,830 2,349,937" [federal fund FY06 and FY07]

33. Page B-6, line 23.

Strike: "130,892,544 130,056,166" [federal special fund FY06 and FY07]
Insert: "130,912,385 130,089,876" [federal special fund FY06 and FY07]

34. Page B-6, line 24.

Strike: "13,329,328 14,024,887" [state special fund FY06 and FY07]
Insert: "13,370,487 14,095,748" [state special fund FY06 and FY07]

35. Page B-8.

Strike: lines 18 through 21 in their entirety

36. Page B-9.

Following: line 14
Insert: "Human and Community Services Division includes \$749,002 in federal funds in fiscal year 2006 and \$749,002 in federal funds in fiscal year 2007 that are contingent upon passage and approval of House Bill No. 529. If House Bill No. 529 is not passed and approved, funding for Human and Community Services

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Division is reduced by \$749,002 in federal funds in fiscal year 2006 and \$749,002 in federal funds in fiscal year 2007.

Human and Community Services Division includes \$404,148 in federal funds in fiscal year 2006 and \$404,148 in federal funds in fiscal year 2007 that are contingent upon passage and approval of Senate Bill No. 29. If Senate Bill No. 29 is not passed and approved, funding for Human and Community Services Division is reduced by \$404,148 in federal funds in fiscal year 2006 and \$404,148 in federal funds in fiscal year 2007."

37. Page B-9, line 15 through 17.

Following: "expended for"

Strike: "the following purposes: (1) abstinence education;"

Insert: "abstinence education."

ReNUMBER: subsequent subsections

38. Page B-9.

Following: line 18

Insert: "TANF funds and general fund money supporting TANF maintenance of effort may be expended for the following purposes only if beginning on October 1, 2005, the cash assistance benefit level is at or above 33% of the 2005 federal poverty level index and funding for the work readiness component (WoRC) program is maintained at or above fiscal year 2005 levels:"

39. Page B-10.

Following: line 19

Insert: "Funding in HCSD -- Implement Provisions of HB 667, OTD -- Implement Provisions of HB 667, and HRD -- Implement Provisions of HB 667 is contingent upon passage and approval of House Bill No. 667. Funding in HCSD -- Implement Provisions of HB 667 includes funding for 1 FTE for eligibility determination. Funding in HRD -- Implement Provisions of HB 667 includes funding for 1 FTE to administer the medicaid 1115 waiver for a premium incentive or premium assistance program associated with House Bill No. 667.

Funding in HCSD -- Implement Change in Medicaid Asset Test for Children, OTD -- Implement Change in Medicaid Asset Test for Children, and Raise Asset Limit for Medicaid Eligibility for Children is contingent upon passage and approval of House Bill No. 552. Funding in HCSD -- Implement Change in Medicaid Asset Test for Children includes funding for 3 FTE."

40. Page B-11.

Following: line 20

Insert: "If Senate Bill No. 137 is not passed and approved, funding in the Public Health and Safety Division is decreased by \$17,375 in state special revenue in each year of the biennium."

41. Page B-13, line 23.

Following: "includes"

Strike: "\$30,936"

Insert: "\$15,468"

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42. Page B-14.

Following: line 16

Insert: "Disability Services Division includes \$10,000 in state special revenue and \$17,038 in federal funds in fiscal year 2006 and \$10,000 in state special revenue and \$16,443 in federal funds in fiscal year 2007 that are contingent upon passage and approval of House Bill No. 513. If House Bill No. 513 is not passed and approved, funding in Disability Services Division is reduced by \$10,000 in state special revenue and \$17,038 in federal funds in fiscal year 2006 and by \$10,000 in state special revenue and \$16,443 in federal funds in fiscal year 2007."

Disability Services Division includes \$16,000 in state special revenue in fiscal year 2006 and \$16,000 in state special revenue in fiscal year 2007 that are contingent upon passage and approval of Senate Bill No. 433. If Senate Bill No. 433 is not passed and approved, funding in Disability Services Division is reduced by \$16,000 in state special revenue in fiscal year 2006 and \$16,000 in state special revenue in fiscal year 2007."

43. Page B-14, line 17.

Strike: "APPROPRIATION FOR DISABILITY SERVICES DIVISION, HEALTH RESOURCES DIVISION, AND SENIOR AND LONG-TERM CARE DIVISION MAY NOT BE EXPENDED UNTIL RATE"

Insert: "Rate"

44. Page B-14, line 19.

Following: "SERVICES"

Strike: "HAVE BEEN"

Insert: "should be"

45. Page B-14, line 20.

Following: "INCREASES"

Strike: "MUST BE"

Insert: "should be"

46. Page B-15.

Following: line 7

Insert: "Funding in Montana Developmental Center Bed Tax includes \$60,168 in general fund money in fiscal year 2006 and \$58,263 in general fund money in fiscal year 2007 that is contingent upon passage and approval of Senate Bill No. 82. If Senate Bill No. 82 is not passed and approved, general fund money in Montana Developmental Center Bed Tax is reduced by \$60,168 in fiscal year 2006 and \$58,263 in fiscal year 2007."

47. Page B-15, lines 8 and 9.

Following: "INCREASE," on line 8

Strike: the remainder of line 8 through "INCREASE" on line 9

48. Page B-15.

Following: line 11

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Insert: "If Senate Bill No. 324 is not passed and approved, funding in the Health Resources Division is decreased by \$1,728,000 in state special revenue in fiscal year 2006 and by \$2,442,240 in state special revenue in fiscal year 2007, which includes funding for 9 FTE and associated operating costs in each year of the biennium."

49. Page B-16.

Strike: lines 15 through 17 in their entirety

Insert: "If House Bill No. 552 is passed and approved in a form that does not include an appropriation of general fund money or state special revenue for \$1,876,318, then state special revenue in Raise Asset Limit for Medicaid Eligibility for Children is increased by \$1,876,318 in fiscal year 2007 from the health and medicaid initiatives state special revenue fund."

50. Page B-16, line 18.

Following: "Health"

Strike: "Rate"

Insert: "Direct-Care Worker Wage"

51. Page B-16, line 23.

Following: "Health"

Strike: "Rate"

Insert: "Direct-Care Worker Wage"

52. Page B-17, line 1.

Following: "HEALTH"

Strike: "RATE"

Insert: "Direct-Care Worker Wage"

53. Page B-17.

Following: line 13

Insert: "If House Bill No. 749 is not passed and approved, funding in the Senior and Long-Term Care Division is decreased by \$41,159 in state special revenue in fiscal year 2006 and by \$70,861 in state special revenue in fiscal year 2007 and by \$19,841 in federal special revenue in fiscal year 2006 and by \$33,710 in federal special revenue in fiscal year 2007."

54. Page C-3, line 25.

Strike: "3,037,170 3,045,437" [state special fund FY06 and FY07]

Insert: "3,052,681 3,060,902" [state special fund FY06 and FY07]

55. Page C-4.

Following: line 16

Insert: "At the beginning of fiscal year 2006, \$177,700 from the general license account is transferred to the water adjudication fund as payment of water adjudication fees related to water rights held by the department."

56. Page C-6.

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Following: "foundation." on line 3

Insert: "The department may provide the use of office space and office equipment for the fish, wildlife, and parks foundation staff. The department may fund operations and personal services of its own employees to act as liaisons with the fish, wildlife, and parks foundation for the sole purpose of representing the interest of the department."

57. Page C-7.

Following: line 4

Insert: d."Water Adjudication Fees -- HB 22 (Restricted) 16,620" [federal special revenue FY06]

58. Page C-8, line 2.

Strike: "10,868,600 10,956,843" [state special fund FY06 and FY07]

Insert: "10,824,800 10,898,943" [state special fund FY06 and FY07]

59. Page C-8.

Following: line 15

Insert: "g. CAFO Inventory (Restricted/Biennial/OTO) 25,000 25,000" [state special fund FY06 and FY07]

60. Page C-9, line 1.

Following: "APPROVED"

Insert: "in a form that does not require a programmatic EIS to be completed"

61. Page C-11, line 16.

Strike: "2,593,128 2,594,133" [state special fund FY06 and FY07]

Insert: "2,663,603 2,664,515" [state special fund FY06 and FY07]

62. Page C-11.

Strike: line 22 through line 23 in their entirety

Renumber: subsequent subsections

63. Page C-12.

Following: line 24

Insert: "j. Clark Fork River Task Force (Biennial) 12,500 12,500" [state special fund FY06 and FY07]

64. Page C-16, line 17.

Following: **Program**

Insert: "f. Main Street Program (OTO)"

65. Page D-1.

Following: line 23

Insert: "2. Office of Consumer Protection (02)"

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785 496,118 1,400 495,843" [general fund/state special FY06 and general fund/state special FY07]

Renumber: subsequent subsections

66. Page D-4, line 7.

Strike: "2,937,349 2,934,449" [general fund FY06 and FY07]

Insert: "2,916,655 2,916,731" [general fund FY06 and FY07]

67. Page D-5.

Following: line 7

Insert: "If House Bill No. 425 is not passed and approved, then Office of Consumer Protection is decreased by \$785 in general fund money and \$496,118 in state special revenue in fiscal year 2006 and by \$1,400 in general fund money and \$495,843 in state special revenue in fiscal year 2007, which reflects the current appropriations for administration and enforcement functions relating to unfair trade practices and consumer protection and telemarketing laws in the consumer protection office in the department of administration. The legislative fiscal division and the office of budget and program planning are authorized to transfer all fiscal year 2004 expenditures and fiscal year 2005 appropriations from the department of administration to the department of justice for the purpose of display in the legislative fiscal division 2007 biennium fiscal report."

68. Page D-6, line 19 through line 20.

Strike: line 19 through line 20 in their entirety

69. Page D-7, line 7.

Strike: line 7 in its entirety

70. Page D-7, line 17.

Strike: "Restricted/"

71. Page D-7, line 19.

Strike: "15,500 15,500" [state special fund FY06 and FY07]

Insert: "50,000 50,000" [state special fund FY06 and FY07]

72. Page D-8.

Following: "Secure Facilities (03)" on line 7

Insert: "(Biennial)"

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73. Page D-8, line 9.

Strike: "~~57,177,904~~ ~~60,326,441~~" [general fund FY06 and FY07]

Insert: "55,677,904 58,473,128" [general fund FY06 and FY07]

74. Page D-8, line 23.

Strike: "~~6,042,344~~ ~~6,042,344~~" [general fund FY06 and FY07]

Insert: "7,542,344 7,542,344" [general fund FY06 and FY07]

75. Page D-9.

Following: line 15

Insert: "If the department determines through forecasts that it will experience a shortfall in the general fund appropriation in either fiscal year of the 2007 biennium for secure facilities, the department may transfer up to \$1,500,000 in general fund money that is available and unencumbered in that fiscal year from Juvenile Placement Funds (Restricted) to Secure Facilities (03)."

76. Page D-10, line 11.

Strike: "~~11,908,459~~ ~~11,914,737~~" [state special fund FY06 and FY07]

Insert: "11,930,204 11,935,642" [state special fund FY06 and FY07]

77. Page D-11, line 24.

Strike: "14,437 14,437" [state special fund FY06 and FY07]

Insert: "114,437 114,437" [state special fund FY06 and FY07]

78. Page E-1, line 6.

Strike: "1,000,000 1,000,000" [general fund FY06 and FY07]

Insert: "1,155,423 1,155,423" [general fund FY06 and FY07]

79. Page E-1, line 7 through line 8.

Strike: lines 7 and 8 in their entirety

Renumber: subsequent subsections

80. Page E-1, line 20.

Strike: "~~424,522,296~~ ~~428,480,986~~" [general fund FY06 and FY07]

Insert: "432,454,324 436,372,548" [general fund FY06 and FY07]

81. Page E-2, line 19 through line 20.

Strike: lines 19 and 20 in their entirety

Renumber: subsequent subsections

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82. Page E-2, line 25.

Strike: line 25 in its entirety

83. Page E-3.

Strike: line 1 in its entirety

Strike: line 15 in its entirety

84. Page E-3, following line 15.

Insert: "Base Aid will be decreased by \$183,000 in fiscal year 2007 if Senate Bill No. 48 is not passed and approved. Base Aid will be decreased in fiscal year 2006 by \$5,008 if House Bill No. 22 is not passed and approved. Base Aid will be decreased by \$21,200 in fiscal year 2007 if Senate Bill No. 296 is not passed and approved. Base Aid will be increased by \$700 in fiscal year 2006 and by \$263,400 in fiscal year 2007 if Senate Bill No. 276 is not passed and approved."

85. Page E-4, line 19.

Strike: "165,978 167,702" [state special fund FY06 and FY07]

Insert: "180,978 182,702" [state special fund FY06 and FY07]

Strike: "602,734 602,734" [federal special fund FY06 and FY07]

Insert: "617,734 617,734" [federal special fund FY06 and FY07]

86. Page E-4, line 20.

Strike: "367,125 360,905" [general fund FY06 and FY07]

Insert: "382,125 375,905" [general fund FY06 and FY07]

87. Page E-4, line 24.

Strike: "40,000" [general fund FY06]

Insert: "100,275" [general fund FY06]

88. Page E-9, line 13.

Strike: "4,717,503 4,740,648" [general fund FY06 and FY07]

Insert: "4,783,103 4,871,848" [general fund FY06 and FY07]

89. Page E-9 line 19.

Strike: "1,621,291 1,617,378" [general fund FY06 and FY07]

Insert: "1,693,291 1,692,258" [general fund FY06 and FY07]

90. Page E-10.

Following: line 12

Insert: "'o. New Extension Agent for Meagher County (Restricted) 35,103 35,103" [general fund FY06 and FY07]

Renumber: subsequent subsection

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91. Page E-15.

Following: line 12

Insert: "Extension Service includes \$196,800 in general fund money for an extension cropping specialist and livestock specialist (2 FTE), which must be matched with \$49,200 in nonstate funds identified by the board of regents. Matched funds for these items may include federal funding revenue, private funding revenue, and other nonstate university funds. The funding match may include in-kind revenue only if that revenue is equipment, cost reductions offered for purchased equipment, or space to house equipment. The office of the commissioner of higher education shall certify to the office of budget and program planning that an allowable funding match has been committed from an eligible revenue source, as evidenced by a commitment letter from that funding source."

Bureau of Mines and Geology includes \$146,880 in general fund money for a coal/coalbed methane geologist (1 FTE), which must be matched with \$36,720 in nonstate funds identified by the board of regents. Matched funds for these items may include federal funding revenue, private funding revenue, and other nonstate university funds. The funding match may include in-kind revenue only if that revenue is equipment, cost reductions offered for purchased equipment, or space to house equipment. The office of the commissioner of higher education shall certify to the office of budget and program planning that an allowable funding match has been committed from an eligible revenue source, as evidenced by a commitment letter from that funding source."

92. Page E-15.

Following: line 16

Insert: "New Extension Agent for Meagher County funding is contingent upon approval of a mill levy vote in Meagher County to approve the county matching funds for the new extension agent."

93. Page R-2, line 9 through line 18.

Strike: line 9 through line 18 in their entirety

94. Page R-2.

Following: line 18

Insert: "Total Allocation of Costs \$182,525 \$182,525" [FY06 and FY07]

95. Page R-2, line 20 through page 3, line 6.

Strike: Page R-2, line 20 through page R-3, line 6 in their entirety

96. Page R-3.

Following: line 6

Insert: "Total Allocation of Costs \$537,492 \$537,492" [FY06 and FY07]

97. Page R-3.

Following: line 17

Insert: "If House Bill No. 425 is passed and approved, Legal Services Unit Total Allocation of Costs is reduced by \$49,631 in fiscal year 2006 and by \$49,631 in fiscal year 2007. The department may reallocate the costs

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of the Legal Services Unit to programs served by the unit as necessary to address impacts because of House Bill No. 425."

98. Page R-3.

Following: line 21

Insert: "Capitol Grounds Maintenance \$0.3896/sq.ft. \$0.3896/sq.ft." [FY06 and FY07]

99. Page R-4.

Following: line 15

Insert: "Capitol Grounds Maintenance is contingent upon passage and approval of House Bill No. 109."

100. Page R-6, line 15

Following: "Parks"

Strike: remainder of line 15

101. Page R-6, line 16.

Strike: line 16 in its entirety

Renumber: subsequent subsection

102. Page R-6, line 17.

Strike: "% "

Insert: "percent"

103. Page R-6.

Following: line 17

Insert: "If House Bill No. 109 is not passed and approved, the following is added to the department of fish, wildlife, and parks rates in this section:

Capitol Grounds Maintenance \$0.3896/sq.ft. \$0.3896/sq.ft." [FY06 and FY07]

For the House:

Buzzas, Chairman
Franklin
Sinrud
Wells

For the Senate:

Cooney, Chairman
Cobb
Tester

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 46**
Report No. 1, April 18, 2005

Mr. Speaker and Mr. President:

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We, your Conference Committee met and considered Senate amendments to **House Bill 46** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 46** (reference copy -- salmon) be amended as follows:

1. Page 3, line 11.

Following: line 10

Insert: "COORDINATION SECTION. Section 5. Coordination instruction. If both House Bill No. 97 and [this act] are passed and approved, then 61-8-731 must be amended as follows:

"61-8-731. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- penalty for fourth or subsequent offense. (1) ~~On the fourth or subsequent conviction under 61-8-714 or 61-8-722 for~~ Except as provided in subsection (3), if a person is convicted of a violation of 61-8-401 or 61-8-406 and the person has either a single conviction under [section 1 of House Bill No. 46] or any combination of three or more prior convictions under 45-5-104, 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), the person is guilty of a felony and shall be punished by:

(a) sentencing the person to the department of corrections for placement in an appropriate correctional facility or program for a term of 13 months. The court shall order that if the person successfully completes a residential alcohol treatment program operated or approved by the department of corrections, the remainder of the 13-month sentence must be served on probation. The imposition or execution of the 13-month sentence may not be deferred or suspended, and the person is not eligible for parole.

(b) sentencing the person to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (1)(a); and

(c) a fine in an amount of not less than \$1,000 or more than \$10,000.

(2) The department of corrections may place an offender sentenced under subsection (1)(a) in a residential alcohol treatment program operated or approved by the department of corrections or in a state prison.

(3) If a person is convicted of a violation of 61-8-401 or 61-8-406, the person has either a single conviction under [section 1 of House Bill No. 46] or any combination of four or more prior convictions under 45-5-104, 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), and the person was, upon a prior conviction, placed in a residential alcohol treatment program under subsection (2), whether or not the person successfully completed the program, the person shall be sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or be fined an amount of not less than \$1,000 or more than \$10,000, or both.

~~(3)~~(4) The court shall, as a condition of probation, order:

(a) that the person abide by the standard conditions of probation promulgated by the department of corrections;

(b) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section;

(c) that the person may not frequent an establishment where alcoholic beverages are served;

(d) that the person may not consume alcoholic beverages;

(e) that the person may not operate a motor vehicle unless authorized by the person's probation officer;

(f) that the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;

(g) that the person submit to random or routine drug and alcohol testing; and

(h) that if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system.

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~~(4)~~(5) The sentencing judge may impose upon the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

- (a) payment of a fine as provided in 46-18-231;
- (b) payment of costs as provided in 46-18-232 and 46-18-233;
- (c) payment of costs of court-appointed counsel as provided in 46-8-113;
- (d) community service;
- (e) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or
- (f) any combination of the restrictions or conditions listed in subsections ~~(4)~~(a) ~~(5)~~(a) through ~~(4)~~(e) ~~(5)~~(e).

~~(5)~~(6) Following initial placement of a defendant in a treatment facility under subsection (2), the department of corrections may, at its discretion, place the offender in another facility or program.

~~(6)~~(7) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to persons sentenced under this section.""

Renumber: subsequent section

For the House:

Everett, Chairman
Koopman
Parker
Wilson

For the Senate:

Wheat, Chairman
Laslovich
McGee

MOTIONS

Senator Ellingson moved to suspend the rules to place **HB 2** on 2nd reading this legislative day. Motion carried 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

Senator Ryan moved to suspend the rules and place **SJR 42** on 3rd reading this legislative day. Motion carried.

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

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

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

HJR 33 - Senator Gebhardt moved **HJR 33** be concurred in. Motion carried unanimously.

HJR 36 - Senator Hawks moved **HJR 36** be concurred in. Motion carried unanimously.

SJR 42 - Senator Ryan moved **SJR 42** be adopted. Motion carried unanimously.

SB 167 - Governor's Amendments - Senator Mangan moved Governor's amendments to **SB 167** be concurred in. Motion carried unanimously.

SB 224 - Governor's Amendments - Senator Laslovich moved Governor's amendments to **SB 224** be concurred in. Motion carried unanimously.

SB 342 - Governor's Amendments - Senator Laslovich moved Governor's amendments to **SB 342** be concurred in. Motion carried unanimously.

HB 2 - Senator Tester moved consideration of **HB 2** be passed for the day. Motion carried.

SB 525 - House Amendments - Senator Tester moved House amendments to **SB 525** be concurred in. Motion carried unanimously.

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

THIRD READING OF BILLS

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

HB 482 concurred in as follows:

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

Total 40

Nays: Barkus, Curtiss, Esp, Essmann, McGee, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 740 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 218 concurred in as follows:

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

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 272 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Barkus, Esp, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

SB 115 passed as follows:

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

Total 44

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

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 213 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 345 passed as follows:

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

Total 43

Nays: Bales, Balyeat, Elliott, Esp, Essmann, Keenan, McGee.

Total 7

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 511 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, 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, Story, Tash, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Elliott, Steinbeisser, Toole.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 20 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 45

Nays: Ellingson, Esp, Gallus, Lind, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 42 adopted as follows:

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

Nays: Esp.
Total 1

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

UNFINISHED BUSINESS

President Tester explained the reasoning behind not putting **HB 703** on the agenda and then read the following letter:

April 16, 2005

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

Dear Senator Tester:

Chairman Matt Rose's office has asked me to convey to you his pleasure that you and he were able to converse regarding legislation and grain issues that are of concern.

Since there is not time at this late date to arrange a meeting before adjournment he wishes me to confirm to you his intent, as discussed during the call, to meet with you following the session to further discuss grain related transportation issues. Accordingly, his office and I will be working with you after the session to arrange that meeting.

He is looking forward to meeting with you personally.

Sincerely,
Pat Keim

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 10:00 a.m., Tuesday, April 19, 2005. Motion carried.

Senate adjourned at 5:03 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate