

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

Helena, Montana
April 19, 2005

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Tester presiding. Invocation by Senator Kitzenberg. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Gebhardt, Lind, and Wheat, excused. 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, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.

Total 43

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

Total 4

Absent or not voting: None.

Total 0

Excused: Gebhardt, Lind, Wheat.

Total 3

Senate recessed 10:07 a.m.

Senate reconvened 10:33 a.m.

Roll Call. All members present, except Senators Perry and Shockley, excused. Quorum present.

Yeas: Bales, 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, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 45

Nays: Balyeat, Gebhardt, O'Neil.

Total 3

Absent or not voting: None.

Total 0

Excused: Perry, Shockley.

Total 2

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

4/19/2005

Correctly printed: **SR 19, HJR 26, HJR 26, HJR 32, HJR 41, HJR 42, HJR 43, HJR 43, HJR 44, HJR 44, HJR 45, HJR 45.**

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Correctly enrolled: **SB 40, SB 107, SB 115, SB 139, SB 167, SB 212, SB 213, SB 224, SB 342, SB 345, SB 401, SB 415, SB 461, SB 511, SB 525, SJR 20, SJR 35, SJR 36, SJR 37, SJR 38, SJR 39, SJR 40, SJR 41, SJR 42, SR 19.**

Examined by the sponsor and found to be correct: **SB 285.**
Signed by the Speaker at 8:00 a.m., April 19, 2005: **SB 285.**
Signed by the President at 5:00 p.m., April 19, 2005: **SB 285.**
Signed by the Secretary of the Senate at 5:00 p.m., April 19, 2005: **SB 285.**
Delivered to the Governor for approval at 8:30 a.m., April 19, 2005: **SB 285.**

Examined by the sponsor and found to be correct: **SB 81, SB 274, SB 278, SB 423, SB 415, SB 293.**
Signed by the Speaker at 3:00 p.m., April 19, 2005: **SB 81, SB 274, SB 278, SB 423, SB 415, SB 293.**
Signed by the President at 2:00 p.m., April 19, 2005: **SB 81, SB 274, SB 278, SB 423, SB 415, SB 293.**
Signed by the Secretary of the Senate at 1:00 p.m., April 19, 2005: **SB 81, SB 274, SB 278, SB 423, SB 415, SB 293.**
Delivered to the Governor for approval at 2:30 p.m., April 19, 2005: **SB 81, SB 274, SB 278, SB 423, SB 415, SB 293.**

Examined by the sponsor and found to be correct: **SJR 28, SJR 29, SR 15, SR 17, SR 18.**
Signed by the Speaker at 4:00 p.m., April 19, 2005: **SJR 28, SJR 29, SR 15, SR 17, SR 18.**
Signed by the President at 1:00 p.m., April 19, 2005: **SJR 28, SJR 29, SR 15, SR 17, SR 18.**
Signed by the Secretary of the Senate at 11:00 a.m., April 19, 2005: **SJR 28, SJR 29, SR 15, SR 17, SR 18.**
Delivered to the Secretary of State at 4:00 p.m., April 19, 2005: **SJR 28, SJR 29, SR 15, SR 17, SR 18.**

STATE ADMINISTRATION (Squires, Chairman): 4/19/2005
HJR 45, be concurred in. Report adopted.

TAXATION (Elliott, Chairman): 4/19/2005
HJR 26, be concurred in. Report adopted.
HJR 43, be concurred in. Report adopted.
HJR 44, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 114**
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 114** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 114** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 9.
Strike: "CREATING" on line 5 through "AUTHORITY;" on line 9

2. Title, page 1, line 12.
Strike: "33-1-1202" through "33-1-1302"

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3. Page 1, line 17 through page 3, line 28.

Strike: section 1 through section 3 in their entirety

Renumber: subsequent sections

4. Page 4, line 14 through line 15.

Strike: "AND SHALL" on page 4, line 14 through "OR BOTH," on page 4, line 15

Insert: "punishable as provided in 46-18-213"

5. Page 4, line 30 through page 5, line 1.

Strike: "AND SHALL" on page 4, line 30 through "OR BOTH" on page 5, line 1

Insert: "punishable as provided in 46-18-213"

6. Page 5, line 17 through line 18.

Strike: "A FELONY" on line 17 through "OR BOTH" on line 18

Insert: "theft under 45-6-301"

For the Senate:

Cocchiarella, Chairman
Grimes
Tester

For the House:

McKenney, Chairman
Harris
Parker
Sonju

FREE CONFERENCE COMMITTEE
on **Senate Bill 154**
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 154** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 154** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

Following: "ENTITY;"

Insert: "PROVIDING FOR THE RETURN OF EXCESS PREMIUM HELD IN RESERVE; PROVIDING FOR AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO DEPOSIT EXCESS PREMIUM AND UNEXPENDED APPROPRIATIONS FOR THE PURPOSES OF THE PROGRAM;"

2. Title, line 10.

Strike: "SECTION"

Insert: "SECTIONS 17-7-304 AND"

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3. Page 1, line 14.

Insert: "**Section 1.** Section 17-7-304, MCA, is amended to read:

"17-7-304. Disposal of unexpended appropriations. (1) All money appropriated for any specific purpose except that appropriated for the university system units listed in subsection (2) or state money appropriated for the state children's health insurance program provided for in Title 53, chapter 4, part 10, and except as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the several funds and accounts from which originally appropriated. However, any unexpended balance in any specific appropriation may be used for the years for which the appropriation was made or may be used to fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

(2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with central offices in Butte must, after the expiration of the time for which appropriated, revert to an account held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases prepared by the affected university system units and approved by the board of regents. The affected university system units may, with the approval of the board of regents, modify the long-term plan at any time to address changing needs and priorities. The board of regents shall communicate the plan to each legislature, to the finance committee when requested by the committee, and to the office of budget and program planning.

(3) Subsection (2) does not apply to reversions that are the result of a reduction in spending directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending directed by the governor must revert to the fund or account from which it was originally appropriated.

(4) After the end of a fiscal year, 30% of the money appropriated to an agency for that year by the general appropriations act for personal services, operating expenses, and equipment, by fund type, and remaining unexpended and unencumbered at the end of the year may be reappropriated to be spent during the following 2 years for any purpose that is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may be carried forward and spent must be determined by the office of budget and program planning.'"

Renumber: subsequent sections

4. Page 2, line 3.

Following: "BASIS"

Insert: "; or

(d) pay providers on a fee-for-service basis and directly provide administrative services in a self-funded program"

5. Page 2, line 5.

Following: "THAN"

Strike: "10%"

Insert: "12%"

6. Page 2, line 17 through line 18.

Strike: "(B)" on line 17 through "PROGRAM." on line 18

Insert: "(4) If the department operates the program by providing administrative services under subsection (2)(a),

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(2)(b), or (2)(d), the department's administrative expense may not exceed the lesser of 10% or the applicable federal limitation.

(5) (a) An insurance company or other entity that contracts with the department for a fully insured contract as provided in subsection (2)(b) shall calculate the surplus account balance at the end of each contract year and may retain an amount equal to 50% of the risk charge allowed under the contract. The remainder of the surplus balance must be deposited in the state special revenue account provided for in [section 3].

(b) For the purposes of this subsection (5):

(i) "risk charge" means the percentage of the administrative expense allowed in the contract for assuming the risk;

(ii) "surplus account balance" means funds that remain after all claims and all administrative expenses have been paid for a claim period."

7. Page 2, line 19.

Insert: "NEW SECTION. Section 3. State special revenue account. (1) There is an account in the state special revenue fund to the credit of the state children's health insurance program administered by the department of public health and human services. Any interest or income derived from the account must be deposited in the account.

(2) Money deposited in this account must be used by the department to cover additional children, to expand eligibility within the limits provided in 53-4-1004, to reduce or maintain premiums, or to establish and maintain a reserve.

(3) The department shall transfer the unexpended balance of an appropriation into the account provided for in subsection (1) at the expiration of the appropriation to be used for the purposes stated in subsection (2)."

Insert: "NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 53, chapter 4, part 10, and the provisions of Title 53, chapter 4, part 10, apply to [section 3]."

Renumber: subsequent sections

8. Page 2, line 25.

Strike: "[Section 1] terminates"

Insert: "[Sections 1 through 3] terminate"

For the Senate:

Cobb, Chairman
Lind
Williams

For the House:

Roberts, Chairman
Caferro
Kaufmann
Milburn

FREE CONFERENCE COMMITTEE
on **Senate Bill 287**
Report No. 1, April 19, 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 amended as follows:

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1. Page 2, line 16.

Following: "THAT IS"

Strike: "AT LEAST" through "UNITS" on line 16

Insert: "certified by the department of justice pursuant to subsection (2)"

2. Page 2.

Following: line 16

Insert: "(2) (a) If there is not a licensed community pharmacy within a county, then a retail establishment may apply to the department of justice for certification as an establishment that is allowed to sell products that contain any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(b) The department of justice shall adopt rules to establish criteria for the certification of retail establishments with the intent to limit the available supply of ephedrine and pseudoephedrine to prevent the manufacture of methamphetamine.

(c) The department of justice may certify a retail establishment based on the criteria adopted by rule."

Renumber: subsequent subsections

3. Page 2, line 17.

Strike: "(4)"

Insert: "(5)"

Following: "PHARMACY OR"

Insert: "certified"

4. Page 2, line 24.

Following: "PHARMACY OR"

Insert: "certified"

5. Page 3, line 2.

Following: "PHARMACY OR"

Insert: "certified"

6. Page 3, line 4.

Following: "PHARMACY OR"

Insert: "certified"

7. Page 3, line 6.

Strike: "(2)"

Insert: "(3)"

8. Page 3, line 7.

Following: "PHARMACY OR"

Insert: "certified"

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9. Page 3, line 8.

Following: "PHARMACY OR"

Insert: "certified"

For the Senate:

Schmidt, Chairman
Gillan
Laible

For the House:

Parker, Chairman
A. Olson
Wilson
Witt

FREE CONFERENCE COMMITTEE
on **Senate Bill 319**
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 319** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

And, recommend that **Senate Bill 319** (reference copy -- salmon) be amended as follows:

1. Page 22, line 1 through line 3.

Strike: section 27 in its entirety

Insert: "COORDINATION SECTION. Section 27. Coordination instruction. If House Bill No. 2 is passed and approved and does not include an appropriation of at least \$300,000 to implement the provisions of [this act], then [section 29 of this act] must be amended to read as follows:

"NEW SECTION. Section 29. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, ~~2005~~ 2007.

(2) ~~{Sections 22, 31, 32, 34, and 35 33, 35, AND 36 and this section}~~~~{SECTIONS 22 AND 26 THROUGH 28 AND THIS SECTION}~~ {Sections 17, 18, 22, and 26 through 28 and this section} are effective on passage and approval.""

For the Senate:

Ellingson, Chairman
Cobb
Wheat

For the House:

Sinrud, Chairman
Facey
Jent
Taylor

FREE CONFERENCE COMMITTEE
on **Senate Bill 489**
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 489** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **Senate Bill 489** (reference copy -- salmon) be amended as follows:

1. Page 7, line 18.

Strike: "\$1"

Insert: "\$1.25"

2. Page 7, line 23.

Strike: "\$1"

Insert: "\$1.25"

3. Page 7, line 25.

Strike: "\$1"

Insert: "\$1.25"

4. Page 7, line 29.

Following: line 28

Insert: "(b) The money spent pursuant to subsection (10)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement for payment of the remedial action costs at the facility for which the money was spent."

Renumber: subsequent subsections

5. Page 8, line 17.

Strike: "(10)(F)"

Insert: "(10)(g)"

6. Page 8, line 24.

Strike: "(10)(D)"

Insert: "(10)(e)"

7. Page 9, line 2.

Strike: "(10)(C)"

Insert: "(10)(d)"

For the Senate:

Lind, Chairman
Gebhardt
Wheat

For the House:

Ripley, Chairman
Dickenson
Gutsche
Sonju

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 5**
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 5** (reference copy -- salmon) and recommend this Conference Committee report as follows:

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And, recommend that Senate amendments to **House Bill 5** (reference copy -- salmon) be accepted by the House.

For the House:

Witt, Chairman
Buzzas
Lenhart
Ripley

For the Senate:

Ellingson, Chairman
Brueggeman
Cooney

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 531**
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 531** (reference copy -- salmon) and recommend this Conference Committee report as follows:

And, recommend that **House Bill 531** (reference copy -- salmon) be amended as follows:

1. Page 2, line 3.
Strike: "\$375,000"
Insert: "\$750,000"

For the House:

Franklin, Chairman
Hawk
Lenhart
Sales

For the Senate:

Schmidt, Chairman
Black
Ryan

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 584**
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 584** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 584** (reference copy -- salmon) be amended as follows:

1. Page 6, line 22.
Strike: "LESSER OF THE"
Strike: "14%"
Insert: "12%"

2. Page 8, line 5.
Strike: "THE LESSER OF"

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Strike: "9%"
Insert: "8%"

For the House:

Himmelberger, Chairman
Harris
Waitschies
Wiseman

For the Senate:

Hawks, Chairman
Esp
Wheat

MESSAGES FROM THE GOVERNOR

April 19, 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 428, "**AN ACT PROVIDING FOR A STATEWIDE 2-1-1 TELEPHONE NUMBER FOR ACCESS AND REFERRAL TO COMMUNITY DISASTER, EMERGENCY, SAFETY, HEALTH, AND HUMAN SERVICES INFORMATION; PROVIDING FOR A MONTANA 2-1-1 COMMUNITY COALITION TO SERVE IN AN ADVISORY CAPACITY; PROVIDING THAT ANY AGENCY THAT SEEKS A NEW PUBLIC INFORMATION TELEPHONE LINE OR HOTLINE SHALL CONSULT WITH THE DEPARTMENT FOR USE OF THE 2-1-1 SYSTEM; PROVIDING FOR SERVICE PROVIDERS AND SCOPE OF SERVICE; PROVIDING FOR A STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR ELIGIBLE ACTIVITIES; REQUIRING BIENNIAL REPORTS TO THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE**" for the following reasons.

Senate Bill 428 establishes a 2-1-1 telephone number for public access to information and referral for safety, health, or human services and for information about access to services after a disaster or emergency. The bill directs the appointment of a twenty member coalition. Establishment of the 2-1-1 program will require the use of additional staff and impose additional expenses upon the Department of Public Health and Human Services ("DPHHS"). The fiscal note accompanying the bill explains that the new program would require an appropriation of \$63,000 over the next biennium.

However, section 11 of Senate Bill 428 directs that the new program be conducted with existing employees and within existing funding levels. This provision of Senate Bill 428 turns the bill into an unfunded mandate. Even the bill, in

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its original form, recognized the need for funding, as it established a special account in the state special revenue fund (section 8 of the bill). DPHHS simply cannot establish this program with existing staff and funding levels.

My proposed amendment eliminates the requirement that the program operate within existing staffing and funding levels and, instead, provides the program shall not operate without an appropriation for that purpose. My proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 19, 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 415, "**AN ACT CREATING THE MONTANA RENEWABLE POWER PRODUCTION AND RURAL ECONOMIC DEVELOPMENT ACT; PROVIDING LEGISLATIVE FINDINGS; DEFINING TERMS; PROVIDING A GRADUATED RENEWABLE ENERGY STANDARD; AUTHORIZING ADMINISTRATIVE PENALTIES; PROVIDING A WAIVER PROCESS FOR PUBLIC UTILITIES; ESTABLISHING A PROCUREMENT PROCESS; AUTHORIZING ADVANCE APPROVAL OF CERTAIN PROCUREMENT CONTRACTS BY THE PUBLIC SERVICE COMMISSION; REQUIRING THE SUBMISSION OF PROCUREMENT PLANS; AUTHORIZING THE COMMISSION TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS ACT; PROVIDING THE COMMISSION WITH RULEMAKING AUTHORITY; EXEMPTING COOPERATIVE UTILITIES FROM THE GRADUATED RENEWABLE ENERGY STANDARD; REQUIRING CERTAIN COOPERATIVE UTILITIES TO IMPLEMENT AND ENFORCE THEIR OWN RENEWABLE ENERGY STANDARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

It is vital that the State of Montana develop renewable energy. Renewable energy provides clear economic benefits to electricity consumers in the way of highly favorable prices, diversification of fuel supply, stabilization of rates, and mitigation of the risk of fuel price increases. In addition, the development of renewable energy across our vast state

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blessed with an abundance of renewable resources will promote much needed local economic development in rural Montana.

In order to bring the advantages of renewable energy to Montana, I have supported legislation requiring that utilities be required to obtain a certain percentage of their energy supplies from renewable energy. I have also recognized, however, the importance of flexibility in complying with the applicable standards. Accordingly, I have supported allowing waivers from compliance in appropriate circumstances, such as in the highly unlikely event that the acquisition of renewable resources would jeopardize the reliability of the grid, or if the price of renewable energy is prohibitively expensive.

The passage of SB 415 is an important statement by the legislature of the State of Montana recognizing that renewable energy is a critical part of Montana's energy future, and I commend the Senate and House on its passage. I am concerned, however, that a particular aspect of SB 415 will cause the Act to fail to fully live up to its potential.

Section 7 of SB 415 establishes a confusing technical standard for addressing when renewable energy would not have to be acquired because of its cost. In fact, Section 7 creates two such standards: one for utilities that have restructured and one for utilities that have not restructured. In addition, Section 7 treats renewable energy differently than other types of energy production, and thus inappropriately and unduly discriminates against renewable energy.

I believe that in order to ensure that renewable resource development is promoted and not frustrated by a standard that is unfair and difficult to apply, it is advisable to amend SB 415 by clarifying the cost cap standard. I want to emphasize that the amendments I propose are consistent with the intent of Section 7, which is simply that when renewable energy is too expensive it does not need to be acquired.

The proposed amendments are straightforward. First and foremost, the amendments prevent adverse rate impacts to consumers. Second, in setting a cap for the price of renewable energy the Public Service Commission is required to take into account certain specified factors. These factors, such as ancillary services costs needed to integrate the renewable resource into the electrical system and the availability of tax credits, allow for the identification of the true costs of renewable energy to customers. In addition, the Commission would be required to consider the costs of alternative forms of generation so as to provide a valid basis of comparison with renewable resource costs. Third, the amendments provide additional protections to utilities by requiring that cost caps be developed using contested case proceedings.

I believe it is critical that the Public Service Commission be involved in this process. The Commission has the needed expertise to tackle these complex issues, and its record in seeking to safeguard the interests of ratepayers is longstanding and exemplary.

I respectfully request that the legislature agree to these proposed amendments so that the promise of renewable energy development and the benefits it offers can be realized in Montana.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

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April 19, 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 293, "**AN ACT REVISING LAWS RELATED TO ALTERNATIVE FUELS AND PETROLEUM PRODUCTS; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT STANDARDS AND SPECIFICATIONS ENSURING THAT CERTAIN TYPES OF GASOLINE SOLD TO CONSUMERS FOR USE IN MOTOR VEHICLES TO BE OPERATED ON PUBLIC ROADS IS BLENDED WITH ETHANOL AND PROVIDING THAT THE GASOLINE MAY NOT CONTAIN MORE THAN TRACE LEVELS OF METHYL TERTIARY BUTYL ETHER; REDUCING THE TAX INCENTIVE FROM 30 CENTS TO 20 CENTS PER GALLON; REVISING THE TIME IN WHICH TAX CREDITS MAY BE PAID; REDUCING THE AMOUNT OF PAYMENTS THAT MAY BE MADE TO AN ALCOHOL DISTRIBUTOR IN A CALENDAR YEAR FROM \$3 MILLION TO \$2 MILLION; PROVIDING FOR CONTRACTS FOR ETHANOL PRODUCERS ELIGIBLE FOR TAX INCENTIVES; REQUIRING AN ETHANOL PRODUCER TO USE AT LEAST A CERTAIN PERCENTAGE OF MONTANA PRODUCT IN ITS TOTAL PRODUCTION TO QUALIFY FOR THE TAX INCENTIVE; PROVIDING THAT AN ETHANOL FACILITY IS NOT ELIGIBLE FOR THE TAX INCENTIVE UNLESS THE FACILITY PAID A PREVAILING RATE OF WAGES DURING CONSTRUCTION; REVISING REQUIREMENTS FOR BUSINESS PLANS; REMOVING THE REQUIREMENT FOR LOSS OF PRIORITY; REVISING THE CONDITIONS FOR AN IN-STATE INVESTMENT FOR ALCOHOL PRODUCTION TO BE USED FOR FUEL; ALLOWING THE PAYMENT OF DIVIDENDS AND BONUSES UNDER CERTAIN CONDITIONS; CREATING CERTAIN EXCEPTIONS TO THE REQUIREMENT TO USE ETHANOL-BLENDED GASOLINE; REVISING THE CONTINGENCIES ELIMINATING THE PROVISIONS TAXING GASOHOL AT 85 PERCENT OF THE GASOLINE LICENSE TAX AND SPECIAL FUEL TAX RATES; PROVIDING FOR ENFORCEMENT BY THE DEPARTMENT OF LABOR AND INDUSTRY AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY; REQUIRING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES ESTABLISHING ALLOWABLE TRACE LEVELS OF METHYL TERTIARY BUTYL ETHER AND ESTABLISHING REPORTING AND SAMPLING REQUIREMENTS; AMENDING SECTIONS 15-70-201, 15-70-204, 15-70-503, 15-70-522, 17-6-317, 82-15-101, 82-15-102, 82-15-103, 82-15-104, 82-15-106, 82-15-110, AND 82-15-111, MCA, AND SECTIONS 12 AND 13, CHAPTER 568, LAWS OF 2001; REPEALING SECTION 15-70-245, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND TERMINATION DATES**" for the following reasons.

This bill is the real deal. I commend Senator Black for his effort to make sure Montana does not lose the race in this key value added agricultural product. Working together I knew we could get ethanol legislation that will make a real difference for Montana's hard working families. The bottom line is this is good economic policy for the state, especially for rural Montana.

Senate Bill 293 sponsored by Senator Black is a bill that I strongly support. The bill is intended to encourage the

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production of gasohol blended with Montana produced ethanol. These amendments make the bill easier to administer and strengthen the intent of the legislation.

In its current form, SB 293 does not address the intent to encourage the use of production of gasohol to the benefit of Montana producers. My proposed amendments delete the additional three month production rate for the trigger; takes the burden off of stations that blend to make mid-grade 87 octane and still allows 91 octane free ethanol and suspends the provisions in subsection (3)(c) for any year the U.S. Secretary of Agriculture declares any county in Montana a disaster area until August of the following year.

The sponsor of the bill approves of the amendments. The proposed amendments are attached to this letter.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division
Office of Budget and Program Planning
State Compensation Insurance Fund

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to House bills concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/19/2005

HB 9, introduced by Witt

HB 172, introduced by Cohenour

Senate joint resolutions concurred in and returned to the Senate:

4/19/2005

SJR 35, introduced by Cocchiarella

SJR 36, introduced by Toole

SJR 37, introduced by Williams

SJR 38, introduced by Cocchiarella

SJR 39, introduced by Toole

SJR 40, introduced by Schmidt

SJR 41, introduced by Weinberg

SJR 42, introduced by Ryan

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

4/19/2005

SB 167, introduced by Mangan

SB 212, introduced by Esp

SB 224, introduced by Laslovich

SB 342, introduced by Laslovich

SB 401, introduced by Laslovich

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SB 260 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 260**:
4/19/2005

Representative Stoker, Chair
Representative Harris
Representative McGillvray
Representative Parker

MOTIONS

Majority Leader Ellingson move a conference committee on **HB 5** be appointed. President Tester appointed Senators Ellingson (Ch), Cooney, Brueggeman.

Majority Leader Ellingson moved a conference committee on **HB 592** be appointed. President Tester appointed Senators Elliott (Ch), Harrington, and Black.

Majority Leader Ellingson moved a **free** conference committee on **SB 516** be appointed. President Tester appointed Senators Elliott (Ch), Gillan, and Kitzenberg.

Majority Leader Ellingson moved a conference committee on **SB 260** be appointed. President Tester appointed Senators Wheat (Ch), Ellingson, and Perry.

Majority Leader Ellingson moved a **free** conference committee on **HB 584** be appointed. President Tester appointed Senators Hawks (Ch), Wheat, and Esp.

Majority Leader Ellingson moved the conference committee on **HB 592** be dissolved and a **free** conference committee on **HB 592** be appointed. President Tester appointed Senators Elliott (Ch), Harrington, and Black.

**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 Roush in the chair.

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

HB 2 - Free Conference Committee Report No. 1 - Senator Cooney moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

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

Total 30

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

Total 19

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Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

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 Roush 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:

HJR 33 concurred in as follows:

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

Nays: Curtiss, Esp, Lind, McGee.
Total 4

Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

SJR 36 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

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SB 167, as amended by the Governor, passed as follows:

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

Total 40

Nays: Bales, Balyeat, Elliott, Esp, Keenan, McGee, O'Neil, Story, Toole.

Total 9

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

SB 224, as amended by the Governor, passed as follows:

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

Total 46

Nays: Elliott, Keenan, Stapleton.

Total 3

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

SB 342, as amended by the Governor, 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Shockley.

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Total 1

SB 415 passed as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Grimes, Keenan, McGee, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 15

Paired: Cooney, Aye; Shockley, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 525 passed as follows:

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

Total 44

Nays: Balyeat, Keenan, McGee, Stapleton, Steinbeisser.

Total 5

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

SPECIAL ORDERS OF THE DAY

Senator Gillan read a proclamation honoring Lonnie Bell and his contributions as a country music DJ.

SR 19 (Governor's appointment) - Senator Squires

Motion to confirm Governor's appointment carried unanimously.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

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Senate recessed 12:00 p.m.
Senate reconvened 1:02 p.m.

Roll Call. All members present. Quorum present.

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

Nays: Gebhardt, O'Neil.
Total 2

Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

**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 Roush in the chair.

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

HJR 32 - Senator Gillan moved **HJR 32** be concurred in. Motion carried unanimously.

HJR 41 - Senator Ellingson moved **HJR 41** be concurred in. Motion carried with Senators Barkus, McGee, and Story voting nay.

HJR 42 - Senator Lewis moved **HJR 42** be concurred in. Motion carried unanimously.

HB 46 - Conference Committee Report No. 1 - Senator Wheat moved the Conference Committee report to **HB 46** be adopted. Motion carried unanimously.

HB 175 - Conference Committee Report No. 1 - Senator Cromley moved the Conference Committee report to **HB 175** be adopted. Motion carried with Senators Essmann and McGee voting nay.

HB 287 - Free Conference Committee Report No. 1 - Senator Schmidt moved the Free Conference Committee report to **HB 287** be adopted. Motion carried unanimously.

HB 339 - Free Conference Committee Report No. 1 - Senator Balyeat moved the Free Conference Committee report to **HB 339** be adopted. Motion carried unanimously.

HB 445 - Conference Committee Report No. 1 - Senator McGee moved the Conference Committee report to **HB 445**

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be adopted. Motion carried with Senators Gillan and Williams voting nay.

HJR 26 - Senator Gillan moved **HJR 26** be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Roush, Ryan, Schmidt, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Black, Brueggeman, Curtiss, Esp, Essmann, Grimes, Laible, Lewis, McGee, Pease, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.

Total 19

Absent or not voting: Barkus, Hansen, Keenan, Smith.

Total 4

Excused: None.

Total 0

HJR 43 - Senator Story moved **HJR 43** be concurred in. Motion carried unanimously.

HJR 44 - Senator Gebhardt moved **HJR 44** be concurred in. Motion carried unanimously.

HJR 45 - Senator Tropila moved **HJR 45** be concurred in. Motion carried with Senators Bales, Barkus, Laible, Lewis, and O'Neil voting nay.

HB 9 - Governor's Amendments - Senator Tester moved Governor's amendments to **HB 9** be concurred in. Motion carried with Senators Barkus, Esp, Keenan, O'Neil, and Steinbeisser voting nay.

HB 172 - Governor's Amendments - Senator Tash moved Governor's amendments to **HB 172** be concurred in. Motion carried unanimously.

SB 120 - Governor's Amendments - Senator Keenan moved Governor's amendments to **SB 120** be **not** concurred in.

SB 120 - Governor's Amendments - Senator Tester made a **substitute motion** that Governor's amendments to **SB 120** be concurred in. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 114 - Free Conference Committee Report No. 1 - Senator Tester moved the Free Conference Committee report to **SB 114** be adopted. Motion carried unanimously.

SB 154 - Free Conference Committee Report No. 1 - Senator Cobb moved the Free Conference Committee report to **SB 154** be adopted. Motion carried unanimously.

SB 489 - Free Conference Committee Report No. 1 - Senator Lind moved the Free Conference Committee report to **SB 489** be adopted. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 Roush 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 2 concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senate recessed 2:55 p.m.

Senate reconvened 4:05 p.m.

Roll Call. All members present, except Senator Grimes, 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, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 44

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

Total 5

Absent or not voting: None.

Total 0

Excused: Grimes.

Total 1

MOTIONS

Senator Ellingson moved to suspend the rules to place **HB 9, HB 172, SB 120, HJR 26, HJR 32, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45** on 3rd reading this legislative day. Motion carried.

Senator Balyeat moved to change his vote on **SB 120** from "aye" to "nay". Motion carried.

Senator Brueggeman moved to change his vote on **HB 172** from "aye" to "nay". 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 Roush in the chair.

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

HB 531 - Conference Committee Report No. 1 - Senator Schmidt moved the Conference Committee report to **HB 531** be adopted. Motion **failed** as follows:

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Yeas: Cobb, Cocchiarella, Gallus, Harrington, Lind, Mangan, Roush, Ryan, Schmidt, Smith, Tropila, Wheat, Mr. President.
Total 13

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, O'Neil, Pease, Perry, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Williams.
Total 37

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 584 - Conference Committee Report No. 1 - Senator Hawks moved the Conference Committee report to **HB 584** be adopted. Motion carried unanimously.

SB 319 - Free Conference Committee Report No. 1 - Senator Ellingson moved the Free Conference Committee report to **SB 319** be adopted. Motion carried with Senators Bales, Barkus, McGee, and O'Neil voting nay.

SB 415 - Governor's Amendments - Senator Tester moved Governor's amendments to **SB 415** be concurred in. Motion **failed** as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Lewis, Lind, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Larson, Laslovich, Mangan, McGee, Perry, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

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

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

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Total 22

Absent or not voting: Gillan.

Total 1

Excused: None.

Total 0

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Roush 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 46 concurred in as follows:

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

Total 41

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

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 114 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

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Excused: None.
Total 0

SB 154 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, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Tash.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 175 passed as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 37

Nays: Bales, Barkus, Curtiss, Esp, Essmann, Keenan, Laible, McGee, Perry, Ryan, Steinbeisser, Story, Tash.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 287 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.

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Total 0

Excused: None.

Total 0

SB 339 passed 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, Mr. President.

Total 46

Nays: Barkus, Esp, Story, Williams.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 445 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, Wheat, Williams, Mr. President.

Total 49

Nays: Weinberg.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 489 passed as follows:

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

Total 31

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

Total 19

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 9, as amended by the Governor, concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

Nays: Balyeat, Barkus, Curtiss, Laible, O'Neil, Shockley, Steinbeisser.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 172, as amended by the Governor, concurred in as follows:

Yeas: Black, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 37

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Cocchiarella, Esp, Grimes, McGee, Pease, Shockley, Story, Tash.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120, as amended by the Governor, passed as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Gebhardt, Laible, O'Neil, Perry, Smith, Stapleton, Steinbeisser, Tash.
Total 15

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 26 concurred in as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Keenan, Lewis, McGee, Pease, Perry, Steinbeisser, Tropila.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 32 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, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Esp, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 41 concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Wheat, Williams, Mr. President.
Total 40

Nays: Bales, Barkus, Curtiss, Esp, Laible, McGee, Steinbeisser, Story, Tash, Weinberg.

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Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 42 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 48

Nays: Barkus, Esp.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 43 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, Wheat, Williams, Mr. President.

Total 48

Nays: Esp, Weinberg.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 44 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, 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, Williams, Mr. President.

Total 47

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Nays: Esp, Hawks, Wheat.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 45 concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, Toole, Tropila, Wheat, Williams, Mr. President.
Total 39

Nays: Bales, Barkus, Esp, Grimes, Laible, Lewis, McGee, O'Neil, Steinbeisser, Story, Weinberg.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 9:30 a.m., Wednesday, April 20, 2005. Motion carried.

Senate adjourned at 5:38 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate