

SENATE JOURNAL
THIRD LEGISLATIVE DAY - JANUARY 5, 2005

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

Helena, Montana
January 5, 2005

Senate Chambers
State Capitol

Senate convened at 1:02 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Kitzenberg. Quorum present.

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essman, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Kitzenberg.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

1/5/2005

Correctly printed: **SB 24, SB 141, SB 157, SB 158, SB 159, SB 160, SJR 7.**
Correctly engrossed: **SB 43, SB 69, SB 72, SB 102.**

MOTIONS

Senator Wheat moved that SB 70 be moved from the Senate Judiciary committee to the Senate Taxation committee. Motion carried.

Senator Mangan moved that additional sponsors be added to SB 72. Motion carried.

Senator Cooney moved that Senator Lind be added as an additional sponsor to SB 43. Motion carried.

Senator Cobb moved that additional sponsors be added to SB 69. Motion carried.

Senator Black moved that SB 131 be moved from the Senate Energy committee to the Senate Highways and Transportation committee. Motion carried.

Senator Cromley moved that additional sponsors be added to SB 102. Motion carried.

Senator Weinberg moved that his vote be recorded as "Aye" on SB 24. Sensing division, President Tester called for a vote on the board. Motion carried as follows:

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

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Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

SB 157, introduced by Kitzenberg, referred to Local Government.
SB 158, introduced by Laible, referred to Local Government.
SB 159, introduced by Cobb, referred to Taxation.
SB 160, introduced by Wheat, referred to Judiciary.

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

SJR 7, introduced by Weinberg, referred to Natural Resources.

**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 Harrington in the chair. Senator Cromley opened business with the following rhyming remarks concerning SB 24:

The board is quite empty, and we have some small time.
So on this first bill, I will open in rhyme.

To become poet laureate, one must apply for the job.
So listen quite carefully, Senator Sam, Senator Cobb.

Occasionally our laws, need some small correction.
Greg Petesch, quite deftly, provides this protection.

Perhaps in citation, there may be some flaw.
Or a reference to statute, that's no longer law.

Names are corrected, to make the law clear.
We remove laws outdated, by more than a year.

Into each Senate session, comes this Commissioner's Bill,
And a housekeeping need, it certainly does fill.

It sailed through Committee; we didn't skip a beat.
"It's the right thing to do," commented, Chairman Mike Wheat.

Senator Perry announced, "It's okay."
Added Senator Curtiss, "Let's pass it today."

Both Senator Mangan and Senator Pease,
Said, "With this legislation, we couldn't be more pleased."

"No fiscal impact," commented young Laslovich.

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"So it won't make us poor, and it won't make us rich."

Now Senator Shockley wanted to deal,
He okayed it, on condition, that so would O'Neil.

"If every "i" has a dot, and every "t" has a cross.
"I'll vote thumbs up," stated Senator Moss.

So we had all the ayes, with one still to vote.
I looked up, and grimaced, as he started to gloat.

But the acid test came, as I'm sure you'll agree,
When this bill was approved, by Senator McGee.

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

SB 24 - Senator Cromley moved **SB 24** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essman, 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, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 47

Nays: McGee, Story, Wheat.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 141 - Senator Laible moved **SB 141** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essman, 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 Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Ellingson moved the Committee of the Whole report be adopted. Report adopted unanimously.

UNFINISHED BUSINESS

President Tester announced that Senators needed to empty their mailboxes so that new mail could be added.

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President Tester announced that Senator computer connections in the Chamber would not be functional for about a week.

SPECIAL ORDERS OF THE DAY

President Tester announced that Senators and guests are invited to the 2005 Governor's Arts Awards, Wednesday, January 5, 2005. The ceremony is to include Governor Schweitzer recognizing outstanding citizens in the Arts.

President Tester announced that the Senate would be in joint session tomorrow (January 6, 2005) with the House of Representatives as U.S. Senator Conrad Burns would be speaking.

President Tester announced that flags were being flown at half-staff in honor of victims and families of victims of the recent tsunami in Asia.

Senator Laslovich announced that, at the request of a constituent, he would be passing the hat to collect donations for tsunami victims. He then challenged the body to donate more than both the lobbyist participants as well as the body across the hall. Senator Laslovich remarked that donations would then be compiled and donated to a charity of choice on behalf of the Montana Legislature.

Senator Schmidt introduced the pages for the week:

"Tony Brockman: Tony is sponsored by Sen. Barkus. He is 18, and loves politics. This past year he was able to work on a couple campaigns and enjoyed every minute of it. He also enjoys school, and being with friends and family. He would like to thank all the Senators for this wonderful opportunity; hopefully it won't be long until he is in the same place."

"Erik Ellingson: Erik is sponsored by his dad, Jon Ellingson and is an 8th grader at Sussex school in Missoula. He enjoys playing video games and reading. He is a voracious reader, reading five books at the moment."

"Clint Curtiss: His Aunt, Aubyn Curtiss, sponsored Clint. He is a junior at Lincoln County high school in Eureka. Clint enjoys snowcatting, scuba diving, playing guitars, and working. After graduation he plans to attend the Commercial Dive School of Seattle. Later he plans to pursue a career in contracting under-water construction."

"Christopher Steinle: Christopher, known as Andy, is sponsored by Sen. Tash. He is a junior at Beaverhead County high school. He is currently a member of Key Club, Honors Society, and B club- a club for students who have lettered. Andy plays football and runs track. His primary interest is snowboarding and he is a snowboard instructor at Maverick Mountain. After high school Andy would like to attend the Air Force Academy, and study Aerospace Engineering, if that doesn't work out, he'll be a professional snowboarder."

"Joe Yeakel: Joe is a junior at Capital high school, and is sponsored by Sen. Cooney. He plays varsity soccer, and club soccer in the spring. He enjoys reading, music, and traveling. He is an honor student and currently is looking for prospective colleges on the East Coast. He hopes to major in English, and perhaps law school beyond that. As of now, he is focusing on school, music, and finding a job."

Senator Schmidt then remarked that the introduction of pages would, henceforth, occur on the Monday beginning each new page term. Senator Schmidt further remarked that pages would also be honored either on the Friday or the Saturday of the end of the page term.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Thursday, January 6, 2005. Motion carried.

Senate adjourned at 1:35 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate