

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 10, 2005

SENATE JOURNAL
59TH LEGISLATURE
SIXTH LEGISLATIVE DAY

Helena, Montana
January 10, 2005

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Tester presiding. Invocation by Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cocchiarella and Grimes, excused. Quorum present.

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cocchiarella, Grimes.
Total 2

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 1/10/2005
Correctly printed: **SB 14, SB 17, SB 36, SB 51, SB 107, SB 132, SB 136, SB 188, SB 189, SB 190, SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SB 197, SB 198, SB 199, SB 200, SB 201.**
Correctly engrossed: **SB 37, SB 62.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman): 1/10/2005
SB 51, do pass. Report adopted.
SB 107, do pass. Report adopted.
SB 136, do pass. Report adopted.

JUDICIARY (Wheat, Chairman): 1/10/2005
SB 36, do pass. Report adopted.
SB 37, introduced bill, be amended as follows:

1. Title, line 7.

Following: "SECURITIES"

Strike: "WHILE"

Insert: "RESULTING FROM THE INTENTIONAL OR NEGLIGENT ACT OR OMISSION OF THE CUSTODIAN WHILE THE INSURER'S SECURITIES ARE"

2. Page 1, line 14.

Following: "custody"

Insert: "resulting from the intentional or negligent act or omission of the custodian or the employee, officer, or agent of the custodian"

And, as amended, do pass. Report adopted.

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SB 62, introduced bill, be amended as follows:

1. Page 3, line 12.
Following: "final"
Insert: "written"

2. Page 3, line 20.
Following: "final"
Insert: "written"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):
SB 14, do pass. Report adopted.
SB 17, do pass. Report adopted.

1/10/2005

FIRST READING AND COMMITMENT OF BILLS

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

SB 188, introduced by Cocchiarella, referred to Business and Labor.
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SB 190, introduced by Joe Balyeat, Joh. Balyeat, Barkus, Clark, Everett, Facey, Koopman, Mendenhall, Sales, Tropila, Warden, referred to Fish and Game.
SB 191, introduced by Grimes, referred to State Administration.
SB 192, introduced by Laible, referred to Business and Labor.
SB 193, introduced by Bales, Cohenour, Harrington, Lenhart, Maedje, McGee, McNutt, O'Neil, A. Olson, Perry, Peterson, Roush, Steinbeisser, Story, Tash, Waitschies, referred to Energy and Telecommunications.
SB 194, introduced by Laible, referred to Highways and Transportation.
SB 195, introduced by Wheat, referred to Local Government.
SB 196, introduced by Wheat, referred to Judiciary.
SB 197, introduced by Gebhardt, referred to State Administration.
SB 198, introduced by Kitzenberg, Cooney, Pease, Schmidt, referred to Education and Cultural Resources.
SB 199, introduced by Toole, Laslovich, Schmidt, referred to Judiciary.
SB 200, introduced by Wheat, McNutt referred to Judiciary.
SB 201, introduced by Smith, Wiseman, referred to Agriculture, Livestock and Irrigation.

**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 McGee in the chair.

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

SB 132 - Senator Cooney moved **SB 132** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, 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: None.

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Total 0

Absent or not voting: None.
Total 0

Excused: Grimes.
Total 1

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

SPECIAL ORDERS OF THE DAY

Senator Squires introduced the following pages for the week:

"Mark Eggensperger: Mark is 17, and is from Thompson Falls. Senator Ellingson sponsors him. For the last nine years he has been a member of 4-H and is currently his county's ambassador; hopefully he'll be elected as a state officer this year. At school he is involved in Student Council, National Honors Society, Brain Busters, Journalism and a tutor for math class. At the moment he works as a sign shop manager at the Sanders County Ledger. After graduating Mark plans on attending MSU to study mathematics and will hopefully be a college professor, however, he is aspiring to attain his dream job: being a late night talk show host of his own show called 'After Dark with Mark'."

"Jonathan Nelson: Jonathan is a senior at Helena Capital High School. Senator Tash is his sponsor. He is the President of the Capital High chapter of Skills USA, a vocational education club, and is an Eagle Scout. He also participates in Symphonic Winds, playing the trumpet. Jonathan is a member of the Tennis team, and National Honor Society."

"Paul Foster: Paul is sponsored by Senator Cromley. He is a senior at Billings Skyview High School. He works on a cattle ranch north of Custer, and is a coach for a 5th and 6th grade basketball team. He attended Boys State in 2004 and plans on attending Sheridan College in Wyoming, and eventually transferring to a Montana University to study engineering."

"Emily Cossitt: Emily is Sponsored by Senator Moss. She is a senior at Laurel High School. Emily loves to snowboard, paint, and she teaches swim lessons at Rocky Mountain College. She is involved in nearly every club that Laurel High has to offer, including: Speech and Drama, Key Club, Art Club, Pep Club, Outdoors Club, Golf and Student Council. She plans on attending U of M in the fall of 2005 and would love to study abroad in Ireland."

"Sandra Keck: Sandra is sponsored by Jerry Black. She is a senior at Shelby High School, and is involved in Key Club, Toole County community theatre, and other theatre groups. She manages boys basketball, and sings in choir. After graduation Sandra would like to attend the University of Montana, where she would like to study anthropology or archeology."

President Tester announced that flu shots would be made available for Senators. Senators were instructed to sign up in the Sergeant-at-Arms office.

President Tester also announced that the Senate would convene at 1:30 p.m. on the 7th Legislative Day instead of convening at the typical 1:00 p.m. time.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Ellingson moved that the Senate adjourn until 1:30 p.m., Tuesday, January 11, 2005. Motion carried.

Senate adjourned at 1:23 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate