

SENATE JOURNAL
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2005

SENATE JOURNAL
59TH LEGISLATURE
SEVENTH LEGISLATIVE DAY

Helena, Montana
January 11, 2005

Senate Chambers
State Capitol

Senate convened at 1:30 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

BILLS AND JOURNAL:

1/11/2005

Correctly printed: **SB 6, SB 14, SB 17, SB 26, SB 30, SB 33, SB 36, SB 37, SB 51, SB 53, SB 61, SB 62, SB 92, SB 93, SB 107, SB 136, SB 138, SB 202, SB 203, SB 204, SB 205, SB 206, SB 207, SB 208, SB 209, SB 210, SB 211, SB 212, SB 213, SJR 7.**

Correctly engrossed: **SB 58, SB 99, SB 100, SB 135, SJR 3, SJR 6.**

BUSINESS AND LABOR (Cocchiarella, Chairman):

1/11/2005

SB 53, do pass. Report adopted.

SB 61, do pass. Report adopted.

SB 99, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "FRAUD OR"

Insert: "FINANCIAL"

2. Title, page 1, line 10.

Following: "DISHONEST"

Insert: "FINANCIAL"

3. Page 1, line 29.

Following: "fraud or"

Insert: "financial"

4. Page 1, line 30.

Following: "dishonest"

Insert: "financial"

And, as amended, do pass. Report adopted.

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SB 100, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "FRAUD OR"

Insert: "FINANCIAL"

2. Title, page 1, line 9.

Following: "DISHONEST"

Insert: "FINANCIAL"

3. Page 1, line 28.

Following: "fraud or"

Insert: "financial"

4. Page 1, line 29.

Following: "dishonest"

Insert: "financial"

And, as amended, do pass. Report adopted.

SB 135, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 2, line 12.

Strike: "insurance producer"

Insert: "agent"

3. Page 2, line 20.

Following: "date"

Insert: "-- applicability"

Following: "2005"

Insert: ", and applies to all filings due on or after July 1, 2005"

And, as amended, do pass. Report adopted.

SJR 3, introduced joint resolution, be amended as follows:

1. Page 2, line 1.

Strike: "educating"

Insert: "providing information about investment opportunities"

Following: "Montana"

Insert: "to"

And, as amended, be adopted. Report adopted.

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FINANCE AND CLAIMS (Cooney, Chairman):
SB 58, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

Following: the first "PROVISIONS"

Insert: "AND PROVIDING ADDITIONAL FLEXIBILITY"

2. Title, page 1, line 8.

Following: "17-5-803,"

Insert: "17-5-805,"

3. Page 3, following line 20.

Insert: "**Section 5.** Section 17-5-805, MCA, is amended to read:

"17-5-805. Bond anticipation notes -- when issued -- payment of principal and interest. (1) When the board has been authorized to issue and sell bonds under this part, it may, pending the issuance of the bonds, issue in the name of the state temporary notes in anticipation of the money to be derived from the sale of the bonds. The notes must be designated as "bond anticipation notes". The proceeds of the sale of the bond anticipation notes may be used only for the purposes for which the proceeds of the bonds could be used, including costs of issuance. If, prior to the issuance of the bonds, it becomes necessary to redeem outstanding notes, additional bond anticipation notes may be issued to redeem the outstanding notes. No renewal of any note may be issued after the sale of bonds in anticipation of which the original notes were issued.

(2) Bond anticipation notes or other short-term evidences of indebtedness maturing not more than ~~1 year~~ 3 years after the date of issue may be issued from time to time as the proceeds ~~thereof~~ are needed. ~~Such~~ The notes must be authorized by the board and must have ~~such~~ terms and details ~~as~~ that may be provided by resolution of the board. However, each resolution of the board authorizing notes must:

(a) describe the need for the proceeds of the notes to be issued; and

(b) specify:

(i) the principal amount of the notes or maximum principal amount of the notes that may be outstanding at any one time;

(ii) the rate or rates of interest, the maximum rate of interest, or the interest rate formula (to be determined in the manner specified in the resolution authorizing the notes) to be incurred through the issuance of ~~such~~ the notes; and

(iii) the maturity date or maximum maturity date of the notes.

(3) Subject to the limitations contained in this section and the standards and limitations prescribed in the authorizing resolution, the board in its discretion may provide for the notes described in subsection (2) to be issued and sold, in whole or in part, from time to time, and may delegate to the state treasurer the power to determine the time or times of sale, the manner of sale, the amounts, the maturities, the rate or rates of interest, and ~~such~~ other terms and details of the notes ~~as~~ that may be considered appropriate by the board, or the state treasurer in the event of ~~such~~ a delegation. The board in its discretion, but subject to the limitations contained in this section, may also provide in the resolution authorizing the issuance of notes for:

(a) the employment of one or more persons or firms to assist the board in the sale of the notes;

(b) the appointment of one or more banks or trust companies, either in or outside of the state, as depository for safekeeping and as agent for the delivery and payment of the notes;

(c) the refunding of the notes, from time to time, without further action by the board, unless ~~and until~~ the board revokes ~~such~~ the authority to refund; and

(d) such other terms and conditions ~~as~~ that the board may consider appropriate.

(4) In connection with the issuance and sale of notes as provided in this section, the board may arrange for lines of credit with any bank, firm, or person for the purpose of providing an additional source of repayment for notes issued pursuant to this section. Amounts drawn on ~~such~~ lines of credit may be evidenced by negotiable or nonnegotiable notes or other evidences of indebtedness, containing ~~such~~ terms and conditions ~~as~~ that the board may authorize in the resolution approving them.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 93, do pass. Report adopted.

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JUDICIARY (Wheat, Chairman): 1/11/2005
SB 30, do pass. Report adopted.
SJR 6, introduced joint resolution, be amended as follows:

1. Title, lines 8 and 9.

Following: "CHANGES" on line 8

Strike: "IN" on line 8 through "IS" on line 9

Insert: "ARE"

2. Page 2, line 27.

Following: "appropriated;"

Strike: "and"

Insert: "(8) a determination of the types and numbers of civil cases in which legal services or resources are provided to low-income Montanans through public or private sources;

(9) a review of and recommendation regarding possible alternative methods of providing needed legal services and resources to low-income Montanans other than by direct representation by attorneys; and"

Renumber: subsequent subsection

And, as amended, be adopted. Report adopted.

NATURAL RESOURCES (Roush, Chairman): 1/11/2005
SB 138, do pass. Report adopted.
SJR 7, be adopted. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Cromley, Chairman): 1/11/2005
SB 6, do pass. Report adopted.
SB 33, do pass. Report adopted.

TAXATION (Elliott, Chairman): 1/11/2005
SB 26, do pass. Report adopted.
SB 74, introduced bill, be amended as follows:

1. Page 3, line 18 through line 19.

Strike: "is" on line 18 through "it" on line 19

2. Page 3, line 19 through line 20.

Strike: "in whole" on line 19 through "part" on line 20

3. Page 3, line 20 through line 21.

Strike: "For" on line 20 through "purposes." on line 21

And, as amended, do pass. Report adopted.

SB 92, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 202, introduced by Toole, Mangan, referred to Judiciary.

SB 203, introduced by Lind, Becker, Henry, Kaufmann, referred to Public Health, Welfare and Safety.

SB 204, introduced by Shockley, referred to Judiciary.

SB 205, introduced by Shockley, referred to Judiciary.

SB 206, introduced by Lewis, Keenan, Ward, referred to State Administration.

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SB 207, introduced by Perry, referred to Judiciary.

SB 208, introduced by Perry, referred to Judiciary.

SB 209, introduced by Wheat, referred to Business and Labor.

SB 210, introduced by Cooney, referred to Natural Resources.

SB 211, introduced by Hansen, referred to Business and Labor.

SB 212, introduced by Esp, Bales, Cooney, Gebhardt, Glaser, Klock, Lambert, Larson, Lewis, Lindeen, Maedje, Matthews, McNutt, Raser, Ripley, Ross, Smith, Steinbeisser, Stoker, Wanzenried, Witt, referred to Natural Resources.

SB 213, introduced by Story, Bergren, Gillan, Peterson, referred to Taxation.

**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 Tropila in the chair.

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

SB 14 - Senator Cooney moved **SB 14** do pass. Motion carried unanimously.

SB 17 - Senator Cooney moved **SB 17** do pass. Motion carried as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Bales, Barkus, Black, Curtiss, Esp, Essmann, Keenan, McGee, Perry, Shockley, Stapleton, Story, Tash.
Total 13

Absent or not voting: Steinbeisser.
Total 1

Excused: None.
Total 0

SB 36 - Senator Esp moved **SB 36** do pass. Motion carried unanimously.

SB 37 - Senator Schmidt moved **SB 37** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, 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, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Cobb, Gebhardt, O'Neil.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 51 - Senator Hansen moved **SB 51** do pass. Motion carried unanimously.

SB 62 - Senator Perry moved **SB 62** do pass. Motion carried unanimously.

SB 107 - Senator Smith moved **SB 107** do pass. Motion carried as follows:

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

Total 38

Nays: Balyeat, Barkus, Cobb, Curtiss, Esp, Gebhardt, Keenan, Laible, McGee, O'Neil, Story, Tash.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 136 - Senator Steinbeisser moved **SB 136** do pass. 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 Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Tropila 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:

SB 132 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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Wednesday, January 12, 2005. Motion carried.

Senate adjourned at 2:26 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate