

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2005

SENATE JOURNAL
59TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY

Helena, Montana
January 15, 2005

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Bales, Cobb, Cromley, Gallus, Grimes, Toole, and Wheat, excused. Quorum present.

Yeas: Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, 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, Tropila, Weinberg, Williams, Mr. President.
Total 43

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bales, Cobb, Cromley, Gallus, Grimes, Toole, Wheat.
Total 7

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 1/15/2005
Correctly printed: **SB 25, SB 35, SB 40, SB 50, SB 69, SB 83, SB 96, SB 98, SB 117, SB 235, SB 236, SB 237.**
Correctly engrossed: **SB 16, SB 23, SB 54, SB 56, SB 81.**
Correctly enrolled: **SR 1.**

HIGHWAYS AND TRANSPORTATION (Pease, Chairman): 1/15/2005
SB 56, introduced bill, be amended as follows:

1. Title, line 6.
Following: "BOARD;"
Insert: "CLARIFYING BOARD MEMBERSHIP;"

2. Page 1, line 20.
Following: "of"
Insert: "an association of"

3. Page 1, line 21.
Following: "of"
Insert: "an association of"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman): 1/15/2005

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SB 16, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "FEATURING"

Strike: "A STATE OFFICER WHO IS"

2. Page 2, line 12.

Following: "A"

Strike: "state officer who is a"

Following: "13-1-101"

Insert: "(6)(a)"

3. Page 2, line 14.

Strike: "state officer's"

Insert: "candidate's"

4. Page 2, line 15.

Strike: "that state officer's"

Insert: "the candidate's"

And, as amended, do pass. Report adopted.

SB 23, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 14.

Following: "of"

Insert: ": (i)"

Following: "~~new~~"

Insert: "new"

3. Page 1, line 15.

Following: "~~budget~~"

Insert: "contained in the state budget; and

(ii) proposed major information technology projects impacting another state agency or branch of government"

4. Page 1, line 16.

Strike: "or" through "and"

Insert: ", including"

5. Page 1, line 17.

Following: "systems."

Insert: "(b)"

6. Page 1, line 18.

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Following: "project."
Insert: "(2)"

7. Page 1, line 21.
Following: "projects"
Insert: "described in subsection (1)"

8. Page 1, line 24.
Strike: "resources"
Insert: "applications"

9. Page 1, line 27.
Strike: "resources"
Insert: "applications"

And, as amended, do pass. Report adopted.

SB 25, do pass. Report adopted.
SB 54, introduced bill, be amended as follows:

1. Page 1, line 19.
Strike: "52% of 3 cents less per mile than"
Insert: "48.15% of"

And, as amended, do pass. Report adopted.

SB 69, do pass. Report adopted.
SB 81, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "STATE"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/15/2005

HB 21, introduced by Gallik
HB 37, introduced by Lambert
HB 53, introduced by Jacobson
HB 85, introduced by Kaufmann
HB 118, introduced by McNutt
HB 138, introduced by Roberts
HB 194, introduced by Matthews

MOTIONS

Senator McGee moved that action on SB 49 be reconsidered. Motion carried.

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Furthermore, Senator McGee moved that SB 49 be moved from 3rd reading to 2nd reading. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 235, introduced by Mangan, Brueggeman, Curtiss, Golie, Himmelberger, Keane, Lewis, McGee, McNutt, Ripley, Roush, Ryan, Steinbeisser, Tash, Tropila, Wagman, Wilson, Witt, referred to Energy and Telecommunications.

SB 236, introduced by Lind, Cohenour, referred to Natural Resources.

SB 237, introduced by Weinberg, referred to Local Government.

**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 Cocchiarella in the chair.

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

SB 35 - Senator Esp moved **SB 35** do pass. Motion carried unanimously.

SB 40 - Senator McGee moved **SB 40** do pass. Motion carried unanimously.

SB 50 - Senator McGee moved **SB 50** do pass. Motion carried with Senators Joe Balyeat, Esp, O'Neil, and Story voting nay.

SB 83 - Senator Roush moved **SB 83** do pass. Motion carried with Senators Joe Balyeat, Curtiss, Essmann, and O'Neil voting nay.

SB 96 - Senator Gebhardt moved **SB 96** do pass. Motion carried unanimously.

SB 98 - Senator Tropila moved **SB 98** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Ellingson, Elliott, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Smith, Squires, Stapleton, Story, Tash, Tropila, Weinberg, Williams, Mr. President.

Total 39

Nays: Balyeat, Curtiss, Esp, Keenan, Steinbeisser.

Total 5

Absent or not voting: None.

Total 0

Excused: Cobb, Cromley, Gallus, Schmidt, Toole, Wheat.

Total 6

SB 117 - Senator Larson assumed the chair.

SB 117 - Senator Cocchiarella moved **SB 117** do pass. Motion carried unanimously.

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

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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 70 passed as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, 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, Tropila, Weinberg, Williams, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bales, Cobb, Cromley, Gallus, Toole, Wheat.
Total 6

SB 84 passed as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Ellingson, Elliott, Esp, Essmann, 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, Tropila, Weinberg, Williams, Mr. President.
Total 43

Nays: Curtiss.
Total 1

Absent or not voting: None.
Total 0

Excused: Bales, Cobb, Cromley, Gallus, Toole, Wheat.
Total 6

SB 122 passed as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, 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, Tropila, Weinberg, Williams, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bales, Cobb, Cromley, Gallus, Toole, Wheat.
Total 6

SB 139 passed as follows:

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Yeas: Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Ellingson, Elliott, Esp, Essmann, 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, Tropila, Weinberg, Williams, Mr. President.
Total 43

Nays: Curtiss.
Total 1

Absent or not voting: None.
Total 0

Excused: Bales, Cobb, Cromley, Gallus, Toole, Wheat.
Total 6

SB 160 passed as follows:

Yeas: Brueggeman, Cocchiarella, Cooney, Ellingson, Elliott, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, Tropila, Weinberg, Williams, Mr. President.
Total 31

Nays: Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Grimes, Laible, McGee, O'Neil, Stapleton, Steinbeisser.
Total 13

Absent or not voting: None.
Total 0

Excused: Bales, Cobb, Cromley, Gallus, Toole, Wheat.
Total 6

SR 1 adopted as follows:

Yeas: Cocchiarella, Cooney, Ellingson, Elliott, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Tropila, Weinberg, Williams, Mr. President.
Total 25

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

Absent or not voting: None.
Total 0

Excused: Bales, Cobb, Cromley, Gallus, Toole, Wheat.
Total 6

UNFINISHED BUSINESS

President Tester announced the ugly tie contest. Four contestants were announced and Senator Balyeat was declared the winner by vote of rostrum staff.

SPECIAL ORDERS OF THE DAY

Senator Squires recognized each of the pages individually and thanked them for their service.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 a.m., Monday, January 17, 2005. Motion carried.

Senate adjourned at 2:16 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate