

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
THIRTEENTH LEGISLATIVE DAY

Helena, Montana  
January 18, 2005

Senate Chambers  
State Capitol

Senate convened at 1:00 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

Senator Tester announced that the Senate would recess for thirty minutes to caucus. Minority Leader Keenan announced that Republican Senators would meet in room 317; while Majority Leader Ellingson announced that Democratic Senators would meet in room 335.

The Senate reconvened at 1:30 p.m.; roll call was taken a second time. 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

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL:** 1/18/2005  
Correctly printed: **SB 60, SB 68, SB 82, SB 85, SB 106, SB 121, SB 244, SB 245, SB 246, SB 247, SB 248, SB 249, SB 250, SJR 1, SR 2.**  
Correctly engrossed: **SB 87, SB 97, SB 118, SB 180.**

**NATURAL RESOURCES** (Roush, Chairman): 1/18/2005

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

**SB 97**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "LANDS"

**Insert:** "BY RESTRICTING ANY OR ALL RIGHTS TO CONSTRUCT IMPROVEMENTS UPON THE LAND OR TO SUBSTANTIALLY ALTER THE NATURAL CHARACTER OF THE LAND EXCEPT AS THESE RIGHTS ARE EXPRESSLY RESERVED IN THE INSTRUMENTS INDICATING THE RESTRICTION"

2. Page 1, line 30.

**Following:** "land"

**Insert:** "for the purpose of restricting any or all rights to construct improvements upon the land or to substantially alter the natural character of the land except as these rights are expressly reserved in the instruments indicating the restriction"

3. Page 2, line 1.

**Strike:** "partial, limited, fractional, or undivided"

**Following:** "interests"

**Strike:** "in"

**Insert:** "to restrict activities on"

4. Page 2, line 3.

**Following:** "ability to"

**Insert:** "manage,"

**Following:** "develop"

**Insert:** ", "

5. Page 2, line 4.

**Following:** "for"

**Insert:** "other purposes, other than residential, commercial, and industrial, including but not limited to recreation,"

6. Page 2.

**Following:** line 6

**Insert:** "(d) Before the board approves the restriction of rights to construct improvements upon the land or to substantially alter the natural character of the land, the department shall notify all persons holding a license or lease on the parcel.

(e) The grantee must be consulted pursuant to 75-1-201 and 75-1-208 prior to the future management of the land encumbered by the conveyance.

(f) Each conveyance document must contain provisions necessary to ensure that the grantee's rights are restricted."

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Cromley, Chairman):

1/18/2005

**SB 60**, do pass. Report adopted.

**SB 82**, do pass. Report adopted.

**SB 121**, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/18/2005

**SB 106**, do pass. Report adopted.

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

**SB 118**, introduced bill, be amended as follows:

1. Title, page 1, line 14.

**Following:** "AUTHORITY;"

**Insert:** "REVISING PROVISIONS RELATED TO PAID MILITARY LEAVE FOR PUBLIC EMPLOYEES;"

2. Title, page 1, line 16.

**Following:** "10-1-615,"

**Insert:** "19-2-707,"

3. Page 1, line 22.

**Strike:** "17"

**Insert:** "18"

4. Page 1.

**Following:** line 23

**Insert:** "NEW SECTION. **Section 2. Purpose -- legislative intent.** The purpose of [sections 1 through 18] is to recognize the importance of the service performed by Montana national guard members and to protect the employment rights of national guard members who may be called to state active duty when there is a state emergency or disaster. The legislature also supports the efforts and sacrifices of the employers of Montana national guard members and intends that [sections 1 through 18] will provide a means for national guard members and employers to work cooperatively to resolve any workplace issues."

**Renumber:** subsequent sections

5. Page 1, line 26.

**Strike:** "17"

**Insert:** "18"

6. Page 1, line 28.

**Strike:** "in"

**Insert:** "duly elected or appointed to"

**Following:** "executive"

**Insert:** "elective"

**Strike:** "filled"

7. Page 1, line 29.

**Strike:** "by a vote of people"

**Following:** "state,"

**Insert:** "a"

**Strike:** "appropriate"

**Insert:** "a"

**Following:** "subdivision of the state"

**Insert:** ", including a school district or any other local district"

8. Page 2, lines 2, 6, 11, and 13.

**Strike:** "active"

**Insert:** "military"

9. Page 2, line 4.

**Strike:** "active"

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

10. Page 2, line 23.

**Strike:** "17"

**Insert:** "18"

11. Page 3, line 1.

**Strike:** "Except as provided in subsection (2)"

**Insert:** "Subject to the provisions of this section"

12. Page 3, line 11 through line 13.

**Strike:** subsection (c) in its entirety

**Insert:** "(c) (i) An employer's health plan must provide that:

(A) a member may elect to not remain covered under the employer's health plan while the member is on state active duty but that when the member returns, the member may resume coverage under the plan without the plan considering the employee to have incurred a break in service; and

(B) a member may elect to remain on the employer's health plan while the member is on state active duty without being required to pay more than the regular employee share of the premium, except as provided in subsection (2)(c)(ii);

(ii) If a member's state active duty qualifies the member for coverage under the state of Montana's health insurance plan as an employee of the department, the employer's health plan may require the member to pay up to 102% of the full premium for continued coverage.

(iii) A health insurance plan covering an employee who is a member serving on state active duty is not required to cover any illness or injury caused or aggravated by state active duty.

(iv) If the member is a state employee prior to being ordered to state active duty, the member does not become qualified as a department employee for the purposes of health plan coverage until the member's state active duty qualifies the member to be considered a department employee pursuant to 2-18-701.

(d) An employer's pension plan must provide that when a member returns to employment from state active duty:

(i) the member's period of state active duty may constitute service with the employer or employers maintaining the plan for the purposes of determining the nonforfeitability of the member's accrued benefits and for the purposes of determining the accrual of benefits under the plan; and

(ii) if the member elects to receive credit and makes the contributions required to accrue the pension benefits that the member would have accrued if the member had not been absent for the state active duty, then the employer shall pay the amount of the employer contribution that would have been made for the member if the member had not been absent."

**Renumber:** subsequent subsection

13. Page 4, line 6.

**Strike:** "without pay"

14. Page 4.

**Following:** line 9

**Insert:** "(3) If an acting official is appointed pursuant to [section 9], the leave of absence must be without pay.

(4) An elected official ordered to military service is entitled to the employment rights and benefits that would be provided to any other employee under the official's employer if the employee were on a leave of absence subject to the provisions of [sections 1 through 18]."

**Renumber:** subsequent subsection

15. Page 4, line 10.

**Strike:** "an"

**Insert:** "if an acting official was appointed pursuant to [section 9], the returning"

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

16. Page 4, line 11.

**Strike:** "immediately"

**Following:** "term"

**Strike:** "without loss of benefits"

**Insert:** "immediately upon the official's request after being released from the military service"

17. Page 4, line 13.

**Strike:** "elected"

18. Page 4, line 14.

**Strike:** "on a leave of absence for"

**Insert:** "ordered to"

**Strike:** "elected"

**Strike:** "may"

**Insert:** "must"

**Following:** "section"

**Insert:** "if:

(a) the elected official is precluded pursuant to federal law from performing the official duties of the office;

or

(b) the elected official requests the appointment of an acting official.

(2) If an acting official is appointed, the acting official shall take any oath of office required to assume the office, shall exercise all the rights, powers, and duties vested in the office, and must be provided with all the employment rights and benefits associated with the position until the elected official is restored to office pursuant to [section 8(5)] or the elected official's term expires, whichever occurs first"

**Renumber:** subsequent subsections

19. Page 4, line 15, 19, 21, 23, and 24.

**Following:** "acting"

**Strike:** "elected"

20. Page 4, line 18.

**Strike:** "as provided"

**Insert:** "using the procedures"

21. Page 4, line 22.

**Strike:** "(2)"

**Insert:** "(3)"

22. Page 4, line 26.

**Strike:** "7"

**Insert:** "8(5)"

23. Page 4, lines 29 and 30.

**Strike:** "17"

**Insert:** "18"

24. Page 5, lines 4 and 11.

**Strike:** "17"

**Insert:** "18"

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

25. Page 5, line 13.

**Strike:** "9"

**Insert:** "10"

26. Page 5, lines 16, 17, and 20.

**Strike:** "17"

**Insert:** "18"

27. Page 5, line 23.

**Strike:** "12"

**Insert:** "13"

28. Page 5, lines 26 and 29.

**Strike:** "17"

**Insert:** "18"

29. Page 6, line 3.

**Strike:** "17"

**Insert:** "18"

30. Page 6, line 6.

**Strike:** "10"

**Insert:** "11"

31. Page 6, line 7.

**Strike:** "10(4)"

**Insert:** "11(4)"

32. Page 6, lines 21 and 22.

**Strike:** "17"

**Insert:** "18"

33. Page 6, line 23.

**Strike:** "9"

**Insert:** "10"

34. Page 6, line 24.

**Strike:** "10"

**Insert:** "11"

35. Page 6, line 28.

**Strike:** "17"

**Insert:** "18"

36. Page 6, line 29 through line 30.

**Strike:** the first "where" on line 29 through "occurred" on line 30

**Insert:** "in which the claimant's employer maintains a place of business"

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

37. Page 7, line 2.

**Strike:** "17"

**Insert:** "18"

**Strike:** "12"

**Insert:** "13"

38. Page 7, lines 6, 10, 11 and 21.

**Strike:** "17"

**Insert:** "18"

39. Page 7, line 14.

**Strike:** "willful"

**Insert:** "done willfully, as defined in 1-1-204"

**Following:** "compensation"

**Insert:** "under subsection (1)(b)"

40. Page 7, line 15.

**Strike:** "for" through "violation"

41. Page 7, line 17 through line 18.

**Strike:** "However" on line 17 through "." on line 18

42. Page 7, line 25.

**Strike:** "15"

**Insert:** "16"

43. Page 7, line 26.

**Strike:** "12"

**Insert:** "13"

44. Page 8, line 4.

**Strike:** "17"

**Insert:** "18"

45. Page 8, lines 7, 23, and 27.

**Strike:** "7"

**Insert:** "8"

46. Page 9, line 6.

**Strike:** "7"

**Insert:** "8"

47. Page 9, line 13 through line 20.

**Strike:** section 21 in its entirety

**Insert:** "Section 22. Section 10-1-604, MCA, is amended to read:

**"10-1-604. ~~Leave of absence of Paid military leave for public employees attending training camp or similar training program.~~ (1) A state, city, town, or county employee who is a member of the organized militia of this state or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least 6 months ~~shall~~ must be given leave of absence with pay ~~for a~~**

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

~~period of time not to exceed accruing at a rate of 15 working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States performing military service.~~

~~(2) This Military leave may not be charged against the employee's annual vacation time.~~

~~(3) Unused military leave must be carried over to the next calendar year, but may not exceed a total of 30 days in any calendar year."~~

48. Page 9.

**Following:** line 24

**Insert:** "Section 24. Section 19-2-707, MCA, is amended to read:

"19-2-707. **Qualified military service.** Notwithstanding any other provision of state law governing a retirement system, contributions, benefits, and service credit for qualified military service are governed by section 414(u) of the Internal Revenue Code and the federal Uniformed Services Employment and Reemployment Rights Act of 1994. Contributions, benefits, and service credit for state active duty are governed by the Montana Military Service Employment Rights Act provided in [sections 1 through 18]."

**Renumber:** subsequent sections

49. Page 10, lines 10 and 26.

**Strike:** "2"

**Insert:** "3"

50. Page 11, lines 10, 11, 13, and 15.

**Strike:** "17"

**Insert:** "18"

And, as amended, do pass. Report adopted.

**SB 180**, introduced bill, be amended as follows:

1. Page 1, line 9.

**Following:** "fee"

**Insert:** "-- state special revenue account"

2. Page 1.

**Following:** line 12

**Insert:** "(2) The fees collected pursuant to this section must be deposited into an account in the state special revenue fund.

(3) Money in the account may be used only to cover the costs of records storage and records management and the costs of providing permanent public access to records in the state archives."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

1/18/2005

**SB 85**, do pass. Report adopted.

**SB 87**, introduced bill, be amended as follows:

1. Page 2, line 2.

**Following:** "made."

**Insert:** "By November 1 of each year, the department shall mail a notice stating the requirements of this subsection (1)(c) to owners of property subject to central assessment under 15-23-101(1) and (2) who have filed a timely appeal under 15-1-211."



SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

2. Page 2, line 4.  
**Following:** "15-23-101"  
**Insert:** "(1) or (2)"

3. Page 2, line 23.  
**Following:** "levied"  
**Insert:** "for the university system"

4. Page 2, line 24.  
**Following:** "fund"  
**Insert:** "to the credit of the university system"

5. Page 2, line 25.  
**Following:** "fund."  
**Insert:** "(iii)"  
**Strike:** "of the remainder"

6. Page 2, line 26.  
**Following:** "funds"  
**Insert:** "remaining after the deposit of university system funds"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/18/2005

**HB 38**, introduced by McNutt  
**HB 55**, introduced by Wanzenried  
**HB 101**, introduced by Villa  
**HB 114**, introduced by Witt  
**HB 115**, introduced by McNutt  
**HB 150**, introduced by Galvin-Halcro  
**HB 180**, introduced by Lake

**MOTIONS**

Minority Leader Keenan moved that SB 152 be taken off the 2nd Reading calendar until the 15th Legislative Day.  
Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 244**, introduced by Squires, referred to Highways and Transportation.  
**SB 245**, introduced by Elliott, referred to Local Government.  
**SB 246**, introduced by Lewis, referred to Local Government.  
**SB 247**, introduced by Brueggeman, referred to Finance and Claims.  
**SB 248**, introduced by Joe Balyeat, John Balyeat, Hawk, Shockley, Wells, referred to Highways and Transportation.  
**SB 249**, introduced by Cobb, referred to Public Health, Welfare and Safety.  
**SB 250**, introduced by Ellingson, referred to Taxation.

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

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

**SR 2**, introduced by Kitzenberg, referred to Highways and Transportation.

**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 Cromley in the chair.

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

**SB 68** - Senator Joe Balyeat moved **SB 68** 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 Cromley 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 16** 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, 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: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 23** 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, 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: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

**SB 25** passed as follows:

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

Total 39

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 54** passed as follows:

Yeas: Bales, Balyeat, 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, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 47

Nays: Barkus, McGee, Steinbeisser.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 56** passed as follows:

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

Total 48

Nays: Gillan, Wheat.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 69** passed as follows:

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

Total 44

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

Nays: Bales, Barkus, Black, Esp, McGee, O'Neil.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 81** 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

Excused: None.  
Total 0

**SB 124** 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

Excused: None.  
Total 0

**SB 130** passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 42

Nays: Bales, Balyeat, Esp, Essmann, McGee, O'Neil, Steinbeisser, Tash.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

**SB 140** 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

Excused: None.  
Total 0

**SB 145** passed as follows:

Yeas: Balyeat, 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, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 45

Nays: Bales, Barkus, Gebhardt, McGee, O'Neil.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 166** 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

Excused: None.  
Total 0

**SB 169** passed as follows:

Yeas: Balyeat, Barkus, Brueggeman, Cobb, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 39

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2005

Nays: Bales, Black, Cocchiarella, Curtiss, Esp, Gebhardt, Keenan, O'Neil, Steinbeisser, Story, Tash.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 172** 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

Excused: None.  
Total 0

**SB 187** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, 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 49

Nays: Brueggeman.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

President Tester announced that the State of the State address will be tomorrow, January 19th, at 7:00 p.m. The Senate will convene at 6:40 p.m. then adjourn to attend the joint session with the House of Representatives.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Wednesday, January 19, 2005. Motion carried.

Senate adjourned at 2:21 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate