

SENATE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana  
January 22, 2005

Senate Chambers  
State Capitol

Senate convened at 7:30 a.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

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

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, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Grimes, Ryan, Steinbeisser.  
Total 3

COMMUNICATIONS AND PETITIONS

January 22, 2005

Senate President Jon Tester  
Montana State Senate

Mr. President,

On behalf of the membership of this Senate body I petition for a report from the Committee on Committees concerning appointments made to fill vacancies as required by Montana statute. This action will allow the membership to implement Senate Rule 30-10 (4) if so desired.

Sincerely,

Bob Keenan  
Senate Minority Leader

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:** 1/22/2005  
Correctly printed: **SB 57, SB 95, SB 120, SB 129, SB 142, SB 175, SB 212, SB 282, SB 283, SB 284, SB 285, HB 1.**

MESSAGES FROM THE OTHER HOUSE

**House bills** passed and transmitted to the Senate for concurrence: 1/22/2005

**HB 198**, introduced by Villa

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**HB 212**, introduced by Sesso

**House joint resolution** passed and transmitted to the Senate for concurrence:

1/22/2005

**HJR 3**, introduced by Jackson

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 282**, introduced by Smith, Caferro, Cocchiarella, Cohenour, Ellingson, Gillan, Hansen, Kitzenberg, Mangan, Pease, Roush, Schmidt, Small-Eastman, Tester, Toole, Tropila, Williams, Windy Boy, referred to Judiciary.

**SB 283**, introduced by Williams, referred to Judiciary.

**SB 284**, introduced by Cocchiarella, Bergren, Branae, Callahan, Campbell, Cohenour, Dowell, Driscoll, Gallus, Gillan, Golie, Groesbeck, Jacobson, Kaufmann, Larson, Laslovich, Lindeen, Matthews, McAlpin, Moss, Noonan, Pease, Raser, Sesso, Small-Eastman, Smith, Squires, Toole, Tropila, Villa, Williams, referred to Taxation.

**SB 285**, introduced by Story, Bergren, 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 Hansen in the chair.

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

**HB 1** - Senator Cooney moved **HB 1** be concurred in. Motion carried with Senator Balyeat voting nay.

**SB 57** - Senator Laible moved **SB 57** do pass. Motion carried unanimously.

**SB 95** - Senator Roush moved **SB 95** do pass. Motion carried unanimously.

**SB 120** - Senator Keenan moved **SB 120** do pass. Motion carried with Senators Balyeat and Esp voting nay.

**SB 129** - Senator Wheat moved **SB 129** do pass. Motion carried with Senators Balyeat and Black voting nay.

**SB 142** - Senator Tash moved **SB 142** do pass. Motion carried with Senator Elliott voting nay.

**SB 175** - Senator Cromley moved **SB 175** do pass. Motion carried with Senators Essmann, McGee, and Story voting nay.

**SB 212** - Senator Esp moved **SB 212** do pass. Motion carried unanimously.

**SB 215** - Senator McGee moved **SB 215** do pass. Motion carried unanimously.

**SB 214** - Senator Gebhardt moved **SB 214** 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 Hansen 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 152** passed as follows:

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Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Paired: Ryan, Aye; Steinbeisser, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 49 failed** as follows:

Yeas: Bales, Balyeat, Black, Cromley, Curtiss, Esp, Essmann, Gebhardt, Hansen, Laible, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Shockley, Stapleton, Story, Tash.  
Total 21

Nays: Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Gallus, Gillan, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 28

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**SB 60 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**SB 82 passed** as follows:

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

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Nays: Balyeat, Esp.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**SB 85** 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**SB 87** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**SB 106** 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

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**SB 121** 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, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**SB 180** 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, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Barkus.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**UNFINISHED BUSINESS**

Majority Whip Senator Schmidt thanked the pages for the week and they were dismissed.

**SPECIAL ORDERS**

President Tester announced the Ugly Tie Contest contestants as Senators Roush, Wheat, Esp, and McGee. Senator Esp was proclaimed the winner.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Monday, January 24, 2005. Motion carried.

Senate adjourned at 8:42 a.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate