

SENATE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
February 1, 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, except Senator Esp, excused. Quorum present.

Yeas: Bales, Balyeat, 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, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:** 2/1/2005  
Correctly printed: **SB 134, SB 260, SB 348, SB 349, SB 350, SB 351, SB 352, SB 353, SJR 1, SJR 14.**  
Correctly engrossed: **SB 104, SB 112, SB 170, SB 176, SB 200, SB 231.**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 2/1/2005  
**SB 170**, introduced bill, be amended as follows:

1. Title, line 6.  
**Following:** "YEAR;"  
**Insert:** "DEFINING "MINIMUM AGGREGATE HOURS";"

2. Title, line 10.  
**Following:** "2-2-302,"  
**Insert:** "20-1-101,"

3. Page 2.  
**Following:** line 16  
**Insert:** "**Section 2.** Section 20-1-101, MCA, is amended to read:  
"**20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:  
(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.  
(2) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils attending the public schools of a district.

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(3) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.

(4) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

(5) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1506.

(6) "County superintendent" means the county government official who is the school officer of the county.

(7) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(8) "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

(9) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between classes.

(b) The term does not include lunch time and periods of unstructured recess.

~~(9)~~(10) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

~~(10)~~(11) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but has not yet reached 19 years of age and who is enrolled in a school established and maintained under the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

~~(11)~~(12) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

~~(12)~~(13) "Regents" means the board of regents of higher education.

~~(13)~~(14) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

~~(14)~~(15) "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

~~(15)~~(16) "State university" means Montana state university-Bozeman.

~~(16)~~(17) "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the Montana constitution.

~~(17)~~(18) "System" means the Montana university system.

~~(18)~~(19) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

~~(19)~~(20) "Textbook" means a book or manual used as a principal source of study material for a given class or group of students.

~~(20)~~(21) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

~~(21)~~(22) "Trustees" means the governing board of a district.

~~(22)~~(23) "University" means the university of Montana-Missoula.

~~(23)~~(24) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled community college, as designated by the board of regents."

**Renumber:** subsequent sections

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4. Page 3, line 7 through line 8.

**Strike:** "a" on line 7 through "district" on line 8

**Insert:** "two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed"

5. Page 11, line 25.

**Strike:** "3 days"

**Insert:** "12 hours for 1st through 3rd grades and 18 hours for 4th through 12th grades"

6. Page 12, line 4.

**Strike:** "For"

**Insert:** "Except as provided in 20-9-806(2), for"

7. Page 12, line 14.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "If"

**Insert:** "Except as provided in subsection (2), if"

8. Page 12, line 21.

**Strike:** "(2)"

**Insert:** "(b)"

9. Page 12.

**Following:** line 22

**Insert:** "(2) The board of trustees may close school for 1 school day each school year because of an unforeseen emergency and may not be required to reschedule the pupil-instruction time lost because of the unforeseen emergency."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Wheat, Chairman):

2/1/2005

**SB 196**, introduced bill, be amended as follows:

1. Title, lines 6 through 8.

**Following:** "HAZARD" on line 6

**Strike:** remainder of line 6 through "HAZARD" on line 8

2. Page 1, line 16.

**Following:** "means"

**Strike:** remainder of line 16

**Insert:** "a"

3. Page 1, line 17.

**Following:** the first "instrument,"

**Strike:** "procedure,"

**Following:** the first "or"

**Insert:** "manufactured"

**Following:** the second "instrument,"

**Strike:** "procedure,"

**Following:** the second "or"

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**Insert:** "manufactured"

4. Page 1, line 18.

**Following:** "caused"

**Strike:** "or is likely to cause"

5. Page 1, line 20.

**Following:** "hazard"

**Strike:** "or any information that is relevant to the protection of"

**Insert:** "that endangers"

6. Page 1, line 23 through line 24.

**Following:** "hazard" on line 23

**Strike:** remainder of line 23 through "of" on line 24

**Insert:** "that endangers"

7. Page 2, line 1 through line 4.

**Following:** "27-6-103"

**Strike:** ":" on line 1 through "care" on line 4

8. Page 2, line 12 through line 13.

**Following:** "hazard" on line 12

**Strike:** remainder of line 12 through "hazard" on line 13

And, as amended, do pass. Report adopted.

**SB 200**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "REQUIRING" on line 5 through "HELENA;" on line 6

2. Title, page 1, line 8.

**Following:** "3-7-202,"

**Insert:** "AND"

**Strike:** "AND 3-7-222,"

**Following:** "PROVIDING"

**Insert:** "AN IMMEDIATE"

3. Title, page 1, line 9.

**Strike:** "DATES"

**Insert:** "DATE"

4. Page 3, line 8 through line 14.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

5. Page 3, line 21.

**Strike:** "7"

**Insert:** "6"

6. Page 3, line 22.

**Following:** "[section"

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**Strike:** "7"  
**Insert:** "6"

7. Page 3, line 24.  
**Strike:** "dates"  
**Insert:** "date"  
**Strike:** "(1)" through "[this"  
**Insert:** "[This"

8. Page 3, line 26.  
**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**SB 231**, introduced bill, be amended as follows:

1. Title, line 16 through line 18.  
**Strike:** "PROVIDING" on line 16 through "ACCOUNT;" on line 18

2. Title, line 18.  
**Following:** "27-1-717,"  
**Insert:** "AND"

3. Title, line 19.  
**Following:** "28-1-1001,"  
**Strike:** "AND 72-6-211,"

4. Page 2, line 16.  
**Following:** "the"  
**Strike:** "district"

5. Page 2, line 27.  
**Following:** "envelope"  
**Insert:** ", postage prepaid, and deposit it in the post office"

6. Page 2, line 27 through line 28.  
**Following:** "sent it" on line 27  
**Strike:** remainder of line 27 through "prepaid" on line 28  
**Insert:** ", who shall return it to the clerk of court according to the provisions and timeframes of subsection (1)"

7. Page 6, line 4.  
**Following:** "section."  
**Insert:** "However, the statute of limitations may not extend beyond 6 years from the date of the original notice."

8. Page 6, line 13.  
**Following:** "**transferable.**"  
**Insert:** "(1)"

9. Page 6, line 15 through line 20.  
**Following:** "transfer." on line 15  
**Strike:** remainder of line 15 through "assignor." on line 20  
**Insert:** "(2) A person obligated to pay money may discharge the obligation by paying the person to whom the money is owed up to the time of a transfer of the right to receive the money. If, after a transfer of the right to receive the money, the debtor pays the assignor, payment of the original obligation to the assignor is a credit against the debt but does not abrogate or otherwise affect the assignee's remedies for penalties, collection costs, or other amounts owing. The provisions of this subsection (2) apply only if:  
(a) the payee or the payee's assignee has notified the debtor of the assignment and has made a written

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demand for payment as required under 27-1-717(2) not less than 10 days before commencing an action for payment; and

(b) the payee has failed to tender an amount of money equal to the amount demanded prior to the commencement of the action."

10. Page 6, line 22 through page 7, line 8.

**Strike:** section 8 in its entirety

And, as amended, do pass. Report adopted.

**SB 260**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 2/1/2005

**HB 199**, introduced by A. Olson

**HB 266**, introduced by Rice

**HB 273**, introduced by Lambert

**HB 274**, introduced by Peterson

**HB 317**, introduced by Hamilton

**HB 354**, introduced by Noennig

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/1/2005

**HJR 4**, introduced by Peterson

**MOTIONS**

Senator Mangan moved to re-refer **SB 72** to Senate State Administration Committee for the purpose of amendment. Motion carried.

Senator Laible moved that his vote be changed on **SB 18** from "nay" to "aye". Motion carried.

Senator Cooney moved **SB 18** be referred to Senate Finance and Claims. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 348**, introduced by Toole, referred to Taxation.

**SB 349**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.

**SB 350**, introduced by Cocchiarella, referred to Local Government.

**SB 351**, introduced by Grimes, referred to Judiciary.

**SB 352**, introduced by Grimes, referred to Judiciary.

**SB 353**, introduced by Pease, referred to Natural Resources.

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

**SJR 14**, introduced by Tropila, Roush, referred to State Administration.

**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 Gebhardt in the chair.

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

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recommend as follows:

**SB 119** - Senator Schmidt moved consideration of **SB 119** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SJR 1** - Senator Ellingson moved **SJR 1** be adopted. Motion carried unanimously.

**SJR 104** - Senator Gillan moved **SJR 104** be adopted.

**SJR 104** - Senator Gillan moved **SJR 104**, second reading copy, be amended as follows:

1. Page 2, line 8.

**Strike:** "SUBSECTIONS (1)(A) AND"

**Insert:** "subsection"

2. Page 3, line 9.

**Strike:** "EXCEPT" through "FOR"

**Insert:** "For"

3. Page 3, line 16.

**Strike:** "EXCEPT" through "FOR"

**Insert:** "For"

4. Page 3, line 23 through line 26.

**Strike:** subsection (1)(d) in its entirety

Amendment adopted unanimously.

**SJR 104** - Senator Gillan moved **SJR 104**, as amended, be adopted. Motion carried with Senators Gallus and Keenan voting nay.

**SJR 18** - Senator Wheat moved **SJR 18** be adopted. Motion carried unanimously.

**SJR 112** - Senator Harrington moved **SJR 112** be adopted.

**SJR 112** - Senator Esp moved **SJR 112**, second reading copy, be amended as follows:

1. Page 3, line 18.

**Following:** "IF"

**Insert:** "the full guardian alleges that"

**Following:** "IS"

**Insert:** " or if the ward has been determined to be"

Amendment adopted with Senators Joe Balyeat and O'Neil voting nay.

**SJR 112** - Senator Harrington moved **SJR 112**, as amended, be adopted. Motion carried as follows:

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

Total 40

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Grimes, McGee, O'Neil, Story.

Total 9

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Absent or not voting: None.  
Total 0

Excused: Shockley.  
Total 1

**SJR 134** - Senator Wheat moved **SJR 134** be adopted. Motion carried with Senator Elliott voting nay.

**SJR 143** - Senator Laible moved **SJR 143** be adopted. Motion **failed** as follows:

Yeas: Cocchiarella, Cromley, Elliott, Gillan, Grimes, Harrington, Hawks, Laible, Lind, Shockley, Squires, Toole, Weinberg, Wheat, Williams.  
Total 15

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Hansen, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Mr. President.  
Total 35

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 143** - Senator Barkus moved **SJR 143** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Keenan, Kitzenberg, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Smith, Stapleton, Steinbeisser, Tash, Tropila, Mr. President.  
Total 31

Nays: Cocchiarella, Cromley, Ellingson, Gillan, Grimes, Harrington, Hawks, Laible, Larson, Laslovich, Lind, Ryan, Shockley, Squires, Story, Toole, Weinberg, Wheat, Williams.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 18** - Senator Cooney made a **substitute motion** that **SJR 18** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Gebhardt 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 78** passed as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks,



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Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 31

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 67** passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 41

Nays: Balyeat, Barkus, Curtiss, Esp, Gebhardt, Keenan, McGee, O'Neil, Stapleton.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** 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 198** passed as follows:

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

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 204** 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, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Wheat, Mr. President.  
Total 46

Nays: Laslovich, Squires, Toole, Williams.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 208** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, 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 47

Nays: Cobb, Esp, Laible.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 209** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 44

Nays: Brueggeman, Gebhardt, Keenan, Lewis, McGee, Steinbeisser.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 223** passed as follows:

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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 240 failed** (due to 2/3 vote requirement) as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 243 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

**SJR 4 adopted** as follows:

Yeas: Bales, Balyeat, 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, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: Esp.  
Total 1

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 221** 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

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Wednesday, February 2, 2005. Motion carried.

Senate adjourned at 3:06 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate