

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

SENATE JOURNAL
59TH LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 12, 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 Black, Brueggeman, and Grimes, excused. Quorum present.

Yeas: Bales, Barkus, 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, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Balyeat, O'Neil, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Black, Brueggeman, Grimes.
Total 3

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 2/12/2005
Correctly printed: **SB 5, SB 41, SB 108, SB 116, SB 126, SB 194, SB 195, SB 205, SB 222, SB 225, SB 233, SB 282, SB 288, SB 298, SB 312, SB 322, SB 325, SB 326, SB 328, SB 342, SB 457, SB 458, SB 459, SB 460, SB 461, SB 462, SB 463, SB 464, SB 465, SB 466, SB 467, SB 468, SB 469, SB 470, SJR 20, SR 3, HB 84, HB 115, HB 193, HB 194.**
Correctly engrossed: **SB 184, SB 238, SB 239, SB 264.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 2/12/2005
SB 238, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "fund"
Insert: "-- expenditure limitations"

2. Page 1.
Following: line 28
Insert: "(3) Material printed for the purposes of this section may include the address, telephone number, and electronic contact information for the commissioner but may not include an official's name.
(4) Travel expenses under this section may not be used to cover the costs of travel or per diem for the commissioner.
(5) The insurance consumer education fund is not intended to endorse or create bias against any insurance producers or insurance products that comply with the requirements in this code."

3. Page 2, line 21.
Strike: "Ten percent"
Insert: "Each fiscal year, \$100,000"

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

4. Page 2, lines 25 through 26.

Following: "(ii)" on line 25

Strike: "If"

Insert: "For fiscal year 2005, \$100,000 must be deposited prior to the end of the fiscal year pursuant to subsection (2)(b)(i). Beginning July 1, 2006,"

Following: "year" on line 25

Insert: ", "

Following: "fund" on line 25

Strike: "exceeds" on line 25 through "excess" on line 26

5. Page 4.

Following: line 24

Insert: "NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 33, chapter 1, and the provisions of Title 33, chapter 1, apply to [section 1]."

Insert: "NEW SECTION. Section 5. Saving clause. [Section 1(4) of this act] does not affect material that was printed before [the effective date of this act]."

Renumber: subsequent section

6. Page 4, line 26.

Strike: "July"

Insert: "June"

And, as amended, do pass. Report adopted.

SB 239, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "fund"

Insert: "-- expenditure limitations"

2. Page 1.

Following: line 29

Insert: "(3) Material printed for the purposes of this section may include the address, telephone number, and electronic contact information for the commissioner but may not include an official's name."

(4) Travel expenses under this section may not be used to cover the costs of travel or per diem for the commissioner.

(5) The investor education fund may not promote or hinder the offer, sale, or competitive marketing of any specific product by a licensed securities professional.

3. Page 2, line 2.

Following: "(1)"

Strike: "All"

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

4. Page 2, lines 3 through 5.

Following: "chapter"

Strike: ", except" on line 3 through "section," on line 5

5. Page 2, line 12.

Following: "(b) (i)"

Strike: "Fifty percent"

Insert: "Each fiscal year, \$100,000"

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

6. Page 2, lines 16 through 17.

Strike: "If" on line 16

Insert: "For fiscal year 2005, \$100,000 must be deposited prior to the end of the fiscal year pursuant to subsection (2)(b)(i). Beginning July 1, 2006,"

Following: "year" on line 16

Insert: ", "

Following: "fund" on line 16

Strike: "exceeds" on line 16 through "excess" on line 17

7. Page 2.

Following: line 20

Insert: "NEW SECTION. Section 4. Saving clause. [Section 1(3) of this act] does not affect material that was printed before [the effective date of this act]."

Renumber: subsequent section

8. Page 2, line 22.

Strike: "July"

Insert: "June"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/12/2005

HB 64, introduced by R. Brown
HB 186, introduced by Bergren
HB 280, introduced by Wagman
HB 349, introduced by A. Olson
HB 370, introduced by Gallik
HB 390, introduced by Villa
HB 401, introduced by Keane
HB 427, introduced by Grinde

Senate bill concurred in and returned to the Senate: 2/12/2005

SB 240, introduced by Cooney

Senate joint resolution concurred in and returned to the Senate: 2/12/2005

SJR 1, introduced by Ellingson

MOTIONS

Senator Cooney moved **SB 273** be referred to Senate Finance and Claims. Motion carried.

Senator Squires moved **SB 448** be taken from Senate State Administration and placed in Senator Public Health, Welfare, and Safety. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

SB 457, introduced by Gebhardt, referred to Business, Labor, and Economic Affairs.
SB 458, introduced by Gillan, Williams, referred to Local Government.
SB 459, introduced by Tropila, Gebhardt, Jent, Lenhart, Wheat, referred to Highways and Transportation.
SB 460, introduced by Weinberg, referred to Education and Cultural Resources.
SB 461, introduced by Steinbeisser, Bales, Brueggeman, Klock, Lange, Smith, referred to Natural Resources.
SB 462, introduced by Bales, referred to Judiciary.
SB 463, introduced by Story, referred to Taxation.
SB 464, introduced by O'Neil, Curtiss, Everett, Gebhardt, Hendrick, Wagman, Wells, referred to Judiciary.
SB 465, introduced by Laslovich, referred to Highways and Transportation.

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

SJR 20, introduced by Curtiss, Bales, Barkus, Everett, Keenan, Story, referred to Taxation.

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

SR 3, introduced by Kitzenberg, referred to Highways and Transportation.
SR 466, introduced by Esp, referred to Business, Labor, and Economic Affairs.
SR 467, introduced by Esp, referred to Public Health, Welfare and Safety.
SR 468, introduced by Mangan, referred to Education and Cultural Resources.
SR 469, introduced by Grimes, Cooney, referred to State Administration.
SR 470, introduced by Harrington, Wanzenried, referred to Judiciary.

**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 Tester in the chair.

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

SB 195 - Senator Wheat moved **SB 195** do pass. Motion carried with Senators Joe Balyeat, Curtiss, and O'Neil voting nay.

SB 5 - Senator Wheat assumed the chair.

SB 5 - Senator Hansen moved **SB 5** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Grimes, Hansen, Harrington, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Williams, Mr. President.

Total 40

Nays: Barkus, Brueggeman, Cobb, Gallus, Gillan, Hawks, Lind, Perry, Weinberg.

Total 9

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

SB 41 - Senator Keenan moved **SB 41** do pass. Motion carried unanimously.

SB 108 - Senator Lewis moved **SB 108** do pass. Motion carried with Senators Joe Balyeat and Gebhardt voting nay.

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

SB 233 - Senator Kitzenberg moved **SB 233** do pass. Motion carried unanimously.

SB 116 - Senator Laible moved **SB 116** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 35

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Grimes, Keenan, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.
Total 14

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 184 - Senator Mangan moved **SB 184** do pass.

SB 184 - Senator Esp moved **SB 184**, second reading copy, be amended as follows:

1. Page 7, line 18.

Following: "ITEM."

Insert: "However, a municipality within a county may impose a local option sales tax on items that are not subject to the county local option sales tax, and the rate of tax imposed by the municipality may be 4% on those items. If a county adopts a 4% sales tax, a municipality within the county shall repeal or amend the municipal tax without a vote of the electorate."

Amendment adopted as follows:

Yeas: Bales, Barkus, 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, Pease, Perry, Roush, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Wheat, Williams, Mr. President.
Total 42

Nays: Balyeat, McGee, O'Neil, Ryan, Smith, Tropila, Weinberg.
Total 7

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 184 - Senator Stapleton moved **SB 184**, second reading copy, be further amended as follows:

1. Page 3, line 11.

Strike: "20"

Insert: "10"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis,

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Wheat, Williams.
Total 42

Nays: Cromley, Gillan, Lind, Moss, Toole, Weinberg, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 184 - Senator Mangan moved **SB 184**, as amended, do pass. Motion carried as follows:

Yeas: Barkus, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Esp, Essmann, Gebhardt, Gillan, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Schmidt, Smith, Stapleton, Steinbeisser, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Cobb, Curtiss, Elliott, Gallus, Grimes, Hansen, Keenan, McGee, O'Neil, Perry, Roush, Ryan, Shockley, Squires, Story, Tash, Tropila.
Total 19

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

Senator Ellingson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Ellingson moved the Committee of the Whole report be adopted. Report adopted unanimously.

SB 194 - Senator Laible moved **SB 194** do pass. Motion carried unanimously.

SB 205 - Senator Shockley moved **SB 205** do pass. Motion carried unanimously.

SB 222 - Senator Barkus moved **SB 222** do pass. Motion carried unanimously.

SB 225 - Senator Cocchiarella moved **SB 225** do pass. Motion carried unanimously.

SB 264 - Senator Smith moved **SB 264** do pass.

SB 264 - Senator Mangan moved **SB 264**, second reading copy, be amended as follows:

1. Page 1, line 9.
Following: "prohibited."
Insert: "(1)"

2. Page 1, line 14.
Following: line 13
Insert: "(2)(a) For purposes of this section, "quota" means a specific number of arrests or citations.
(b) The term does not include the use of generally accepted management techniques that employ performance objectives as part of an overall employee evaluation."

Amendment adopted as follows:

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

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

Nays: Harrington, Laslovich, Lewis, McGee, O'Neil, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: Black, Schmidt.
Total 2

SB 264 - Senator Smith moved **SB 264**, as amended, do pass. Motion carried with Senators Barkus and Lind voting nay.

SB 282 - Senator Smith moved **SB 282** do pass. Motion carried with Senators Curtiss and McGee voting nay.

SB 298 - Senator Tropila moved **SB 298** do pass. Motion carried unanimously.

SB 312 - Senator Bales moved **SB 312** do pass. Motion carried with Senators Joe Balyeat, Larson, Shockley, and Steinbeisser voting nay.

SB 322 - Senator Gillan moved **SB 322** do pass. Motion carried unanimously.

SB 328 - Senator Squires moved **SB 328** do pass. Motion carried with Senators Cromley, Esp, McGee, and O'Neil voting nay.

SB 342 - Senator Laslovich moved **SB 342** do pass. Motion carried unanimously.

SB 126 - Senator Brueggeman moved **SB 126** do pass. Motion carried as follows:

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

Nays: None.
Total 0

Absent or not voting: Elliott, Gallus.
Total 2

Excused: Black.
Total 1

SB 211 - Senator Hansen moved **SB 211** do pass. Motion **failed** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Lind, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.
Total 24

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Mr. President.
Total 25

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 211 - Senator Esp moved **SB 211** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cobb, Cromley, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Lind, McGee, O'Neil, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Williams, Mr. President.
Total 29

Nays: Cocchiarella, Cooney, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Mangan, Moss, Pease, Roush, Schmidt, Smith, Squires, Tropila, Wheat.
Total 20

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 273 - Senator Stapleton moved **SB 273** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cooney, Cromley, Curtiss, Esp, Essmann, Gebhardt, Hansen, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, Pease, Shockley, Stapleton, Steinbeisser, Story, Tropila, Mr. President.
Total 25

Nays: Balyeat, Cocchiarella, Ellingson, Elliott, Gallus, Gillan, Grimes, Harrington, Hawks, Laslovich, Lind, Moss, O'Neil, Perry, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Weinberg, Wheat, Williams.
Total 24

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 288 - Senator Cooney moved **SB 288** do pass. Motion carried unanimously.

SB 325 - Senator Gebhardt moved **SB 325** do pass. Motion carried unanimously.

SB 326 - Senator Laslovich moved **SB 326** do pass.

SB 326 - Senator Grimes moved **SB 326**, second reading copy, be amended as follows:

1. Page 2, line 2.
Following: "(7)"
Insert: "(a)"

2. Page 2.
Following: line 4
Insert: "(b) The term does not include a violation of the provisions of 69-4-503(1) on property owned by the excavator if damage results to an underground facility but does not result in damage to the property of a third party or bodily injury or death to any person."

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

Amendment **not** adopted as follows:

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

Nays: Cocchiarella, Cooney, Ellingson, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Black, Cromley, Gillan.
Total 3

SB 326 - Senator Laslovich moved **SB 326** do pass. Motion carried as follows:

Yeas: Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Esp, Essmann, Gallus, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 37

Nays: Bales, Balyeat, Curtiss, Gebhardt, Laible, McGee, O'Neil, Steinbeisser, Story, Tash.
Total 10

Absent or not voting: None.
Total 0

Excused: Black, Cromley, Gillan.
Total 3

HB 84 - Senator Story moved **HB 84** be concurred in. Motion carried unanimously.

HB 115 - Senator Essmann moved **HB 115** be concurred in. Motion carried unanimously.

HB 193 - Senator Elliott moved **HB 193** be concurred in. Motion carried unanimously.

HB 194 - Senator Gebhardt moved **HB 194** be concurred in. Motion carried unanimously.

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Wheat 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 278 passed as follows:

Yeas: Bales, Balyeat, Barkus, 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 49

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 73 passed as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, 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, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 91 passed as follows:

Yeas: Balyeat, 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, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

Nays: Bales, Barkus, Brueggeman, McGee, Perry, Story.
Total 6

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 103 passed as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Roush, Ryan, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 34

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Gebhardt, Laible, Mangan, McGee, O'Neil, Schmidt, Shockley, Steinbeisser, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

SPECIAL ORDERS OF THE DAY

Senator Squires rose and thanked the pages for the week.

Senator Weinberg won the Ugly Tie Contest for the week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:00 p.m., Monday, February 14, 2005. Motion carried.

Senate adjourned at 1:08 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate