

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

SENATE JOURNAL
59TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 22, 2005

Senate Chambers
State Capitol

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

Roll Call. All members present, except Senators Cobb, Gillan, and Grimes, excused. Quorum present.

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

Total 45

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb, Gillan, Grimes.
Total 3

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

2/22/2005

Correctly printed: **SB 263, SB 302, SB 311, SB 359, SB 363, SB 364, SB 396, SB 431, SB 435, SB 440, SB 449, SB 452, SB 457, SB 458, SB 460, SB 468, SB 494, SB 495, SB 497, SB 500, SB 503, SJR 12, SJR 24, SJR 26, SJR 27, SJR 28.**

Correctly engrossed: **SB 2, SB 34, SB 419.**

Examined by the sponsor and found to be correct: **SR 3.**

Signed by the President at 4:24 p.m., February 22, 2005: **SR 3.**

Signed by the Secretary of the Senate at 4:20 p.m., February 22, 2005: **SR 3.**

Delivered to the Secretary of State at 1:25 p.m., February 22, 2005: **SR 3.**

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/22/2005

HB 376, introduced by Harris
HB 418, introduced by Keane
HB 429, introduced by Gutsche
HB 450, introduced by Jopek
HB 492, introduced by Morgan
HB 520, introduced by Furey
HB 537, introduced by Wanzenried
HB 556, introduced by Noonan
HB 557, introduced by Butcher
HB 559, introduced by Lake
HB 564, introduced by Witt
HB 567, introduced by Windham
HB 574, introduced by Branae
HB 590, introduced by Buzzas
HB 598, introduced by Gallik

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

HB 612, introduced by Maedje
HB 615, introduced by Harris
HB 623, introduced by MacLaren
HB 631, introduced by Stahl
HB 636, introduced by Stahl
HB 638, introduced by Arntzen
HB 647, introduced by Mendenhall
HB 684, introduced by Maedje
HB 701, introduced by Noennig
HB 709, introduced by Raser
HB 743, introduced by Harris

House joint resolutions passed and transmitted to the Senate for concurrence:

2/22/2005

HJR 13, introduced by Clark
HJR 16, introduced by Groesbeck
HJR 17, introduced by McAlpin
HJR 18, introduced by Himmelberger
HJR 19, introduced by Matthews
HJR 24, introduced by Bergren

House bills passed and transmitted to the Senate for concurrence:

2/22/2005

HB 310, introduced by Glaser
HB 420, introduced by Wagman
HB 454, introduced by Peterson
HB 474, introduced by Buzzas
HB 630, introduced by Mendenhall
HB 653, introduced by Becker
HB 668, introduced by Noonan
HB 678, introduced by Cohenour
HB 681, introduced by Raser
HB 702, introduced by Malcolm
HB 712, introduced by Heinert
HB 726, introduced by Gutsche
HB 730, introduced by Lange
HB 746, introduced by Klock
HB 747, introduced by Driscoll

House joint resolutions passed and transmitted to the Senate for concurrence:

2/22/2005

HJR 11, introduced by Windy Boy
HJR 22, introduced by Peterson
HJR 29, introduced by Rice

MOTIONS

Senator Weinberg moved that the Senate Rules be suspended for the purpose of late introduction of a resolution.
Motion carried 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, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 48

Nays: Story.
Total 1

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Absent or not voting: Williams.
Total 1

Excused: None.
Total 0

Senator Larson moved his vote on **SB 470** be changed from "nay" to "aye". Motion carried.

Senator Grimes moved **SB 495** be blasted from Senate State Administration to 2nd Reading. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Keenan, Laible, Larson, Lewis, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Weinberg, Mr. President.
Total 34

Nays: Cocchiarella, Cromley, Elliott, Hansen, Hawks, Kitzenberg, Laslovich, Lind, Mangan, Ryan, Squires, Toole, Tropila, Wheat, Williams.
Total 15

Absent or not voting: McGee.
Total 1

Excused: None.
Total 0

Senator Lind moved **SB 364** be blasted from Senate Energy and Telecommunications to 2nd Reading. Motion carried as follows:

Yeas: Balyeat, Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 26

Nays: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, O'Neil, Perry, Roush, Ryan, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: McGee.
Total 1

Excused: None.
Total 0

Senator Shockley moved **SB 400** be blasted from Senate Judiciary to 2nd Reading. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 25

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Senator Squires moved her vote on **SB 462** be changed from "ay" to "nay". Motion carried.

Majority Leader Ellingson moved the Senate recess for the purpose of caucus and reconvene at 9:00 a.m. Motion carried.

Senate recessed 8:40 a.m.
Senate reconvened 9:10 a.m.

Roll Call. All members present except, Cromley, Ellingson, Gallus, Grimes, Schmidt, Williams. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 41

Nays: Balyeat, Essmann, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Cromley, Ellingson, Gallus, Grimes, Schmidt, Williams.
Total 6

Senator Squires moved to blast **SB 263** from Senate Education and Cultural Resources to 2nd Reading. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Essmann, Grimes, Keenan, Laible, Lewis, McGee, Perry, Shockley, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

Majority Leader Ellingson moved that the Senate recess until 3:00 p.m. Motion carried.

Senate recessed 12:53 p.m.
Senate reconvened 3:02 p.m.

Roll Call. All members present. Quorum present.

Yeas: Bales, 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat, Shockley.
Total 2

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Ellingson moved the Senate recess for twenty minutes to caucus. Motion carried.

Senate recessed 3:05p.m.
Senate reconvened 3:25 p.m.

Roll Call. All members present, except Curtiss, Elliott, Williams. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 45

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Curtiss, Elliott, Williams.
Total 3

Senator Cooney moved that **SB 439** and **SB 445** be referred to Senate Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 14, introduced by Golie, referred to Fish and Game.
HB 16, introduced by Ripley, referred to Education and Cultural Resources.
HB 24, introduced by Golie, referred to Judiciary.
HB 25, introduced by Roberts, referred to Judiciary.
HB 26, introduced by Golie, referred to Judiciary.
HB 44, introduced by Dickenson, referred to Finance and Claims.
HB 46, introduced by Parker, referred to Judiciary.
HB 63, introduced by Villa, referred to Education and Cultural Resources.
HB 64, introduced by R. Brown, referred to Judiciary.
HB 70, introduced by Stahl, referred to Local Government.
HB 71, introduced by Lake, referred to Business, Labor, and Economic Affairs.
HB 73, introduced by Buzzas, referred to Local Government.
HB 79, introduced by Golie, referred to Fish and Game.
HB 80, introduced by Campbell, referred to Judiciary.
HB 97, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.
HB 98, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.
HB 100, introduced by Maedje, referred to Judiciary.
HB 104, introduced by Lenhart, referred to State Administration.
HB 105, introduced by Parker, referred to Local Government.
HB 116, introduced by Barrett, referred to Finance and Claims.
HB 127, introduced by Mendenhall, referred to Judiciary.
HB 153, introduced by Noennig, referred to Energy and Telecommunications.
HB 156, introduced by Henry, referred to Business, Labor, and Economic Affairs.
HB 171, introduced by Cohenour, referred to Taxation.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

HB 177, introduced by A. Olson, referred to State Administration.
HB 182, introduced by Roberts, referred to Business, Labor, and Economic Affairs.
HB 183, introduced by Franklin, referred to Public Health, Welfare and Safety.
HB 184, introduced by McAlpin, referred to Education and Cultural Resources.
HB 186, introduced by Bergren, referred to Highways and Transportation.
HB 187, introduced by Bergren, referred to Highways and Transportation.
HB 192, introduced by Waitschies, referred to Highways and Transportation.
HB 197, introduced by Jayne, referred to Judiciary.
HB 199, introduced by A. Olson, referred to Energy and Telecommunications.
HB 203, introduced by Roberts, referred to Business, Labor, and Economic Affairs.
HB 206, introduced by Noonan, referred to Natural Resources.
HB 208, introduced by Kaufmann, referred to Fish and Game.
HB 211, introduced by Parker, referred to State Administration.
HB 213, introduced by Gallik, referred to Business, Labor, and Economic Affairs.
HB 215, introduced by Caferro, referred to Public Health, Welfare and Safety.
HB 216, introduced by Caferro, referred to Judiciary.
HB 218, introduced by B. Olson, referred to Local Government.
HB 220, introduced by Lake, referred to Local Government.
HB 222, introduced by Roberts, referred to Judiciary.
HB 224, introduced by Ross, referred to Highways and Transportation.
HB 227, introduced by Galvin-Halcro, referred to Taxation.
HB 230, introduced by Jacobson, referred to Local Government.
HB 232, introduced by Noennig, referred to Judiciary.
HB 234, introduced by Lange, referred to Local Government.
HB 242, introduced by Lambert, referred to Fish and Game.
HB 244, introduced by Lambert, referred to State Administration.
HB 245, introduced by MacLaren, referred to Judiciary.
HB 254, introduced by Harris, referred to Public Health, Welfare and Safety.
HB 255, introduced by Roberts, referred to Public Health, Welfare and Safety.
HB 262, introduced by Lange, referred to Judiciary.
HB 266, introduced by Rice, referred to Highways and Transportation.
HB 269, introduced by Clark, referred to Fish and Game.
HB 273, introduced by Lambert, referred to Highways and Transportation.
HB 274, introduced by Peterson, referred to Agriculture, Livestock and Irrigation.
HB 275, introduced by Jacobson, referred to Highways and Transportation.
HB 280, introduced by Wagman, referred to Judiciary.
HB 281, introduced by Wagman, referred to Fish and Game.
HB 283, introduced by Jopek, referred to Local Government.
HB 285, introduced by Taylor, referred to Judiciary.
HB 295, introduced by Galvin-Halcro, referred to Judiciary.
HB 297, introduced by Wiseman, referred to State Administration.
HB 298, introduced by Clark, referred to Fish and Game.
HB 300, introduced by Gallik, referred to Business, Labor, and Economic Affairs.
HB 301, introduced by Galvin-Halcro, referred to Finance and Claims.
HB 304, introduced by Rice, referred to Judiciary.
HB 306, introduced by Gallik, referred to State Administration.
HB 307, introduced by Parker, referred to Judiciary.
HB 308, introduced by Malcolm, referred to Natural Resources.
HB 312, introduced by Golie, referred to Natural Resources.
HB 313, introduced by Sesso, referred to Public Health, Welfare and Safety.
HB 317, introduced by Hamilton, referred to Education and Cultural Resources.
HB 318, introduced by McKenney, referred to Public Health, Welfare and Safety.
HB 321, introduced by Facey, referred to Local Government.
HB 324, introduced by Driscoll, referred to Judiciary.
HB 331, introduced by Wanzenried, referred to Judiciary.
HB 345, introduced by Gallik, referred to Judiciary.
HB 346, introduced by Golie, referred to State Administration.
HB 347, introduced by Gutsche, referred to Natural Resources.
HB 348, introduced by Buzzas, referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

HB 349, introduced by A. Olson, referred to Judiciary.
HB 351, introduced by Butcher, referred to Agriculture, Livestock and Irrigation.
HB 354, introduced by Noennig, referred to Judiciary.
HB 356, introduced by Noonan, referred to Public Health, Welfare and Safety.
HB 359, introduced by Gutsche, referred to Local Government.
HB 363, introduced by Eaton, referred to Judiciary.
HB 365, introduced by Maedje, referred to Local Government.
HB 366, introduced by Koopman, referred to Judiciary.
HB 367, introduced by Parker, referred to Judiciary.
HB 370, introduced by Gallik, referred to Natural Resources.
HB 371, introduced by Lambert, referred to Local Government.
HB 377, introduced by Keane, referred to Highways and Transportation.
HB 381, introduced by Callahan, referred to Business, Labor, and Economic Affairs.
HB 386, introduced by Sinrud, referred to State Administration.
HB 390, introduced by Villa, referred to Fish and Game.
HB 396, introduced by Becker, referred to Public Health, Welfare and Safety.
HB 397, introduced by Jackson, referred to Education and Cultural Resources.
HB 400, introduced by Keane, referred to Business, Labor, and Economic Affairs.
HB 401, introduced by Keane, referred to Business, Labor, and Economic Affairs.
HB 409, introduced by Golie, referred to Judiciary.
HB 411, introduced by Wells, referred to State Administration.
HB 425, introduced by Parker, referred to Judiciary.
HB 427, introduced by Grinde, referred to State Administration.
HB 431, introduced by Raser, referred to Local Government.
HB 436, introduced by Himmelberger, referred to Education and Cultural Resources.
HB 437, introduced by Caferro, referred to Public Health, Welfare and Safety.
HB 439, introduced by Wiseman, referred to Taxation.
HB 451, introduced by Sonju, referred to Highways and Transportation.
HB 452, introduced by Windy Boy, referred to Finance and Claims.
HB 457, introduced by Noennig, referred to Public Health, Welfare and Safety.
HB 473, introduced by Parker, referred to Judiciary.
HB 478, introduced by Warden, referred to Highways and Transportation.
HB 483, introduced by Bergren, referred to Business, Labor, and Economic Affairs.
HB 493, introduced by Noonan, referred to Finance and Claims.
HB 508, introduced by Hendrick, referred to Local Government.
HB 530, introduced by Matthews, referred to State Administration.
HB 562, introduced by Franklin, referred to Judiciary.
HB 587, introduced by Bergren, referred to State Administration.

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

HJR 4, introduced by Peterson, referred to Natural Resources.
HJR 6, introduced by Windy Boy, referred to Agriculture, Livestock and Irrigation.
HJR 12, introduced by Hamilton, referred to Highways and Transportation.

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

HB 376, introduced by Harris, referred to State Administration.
HB 418, introduced by Keane, referred to Business, Labor, and Economic Affairs.
HB 429, introduced by Gutsche, referred to Judiciary.
HB 450, introduced by Jopek, referred to Education and Cultural Resources.
HB 492, introduced by Morgan, referred to Highways and Transportation.
HB 520, introduced by Furey, referred to Judiciary.
HB 537, introduced by Wanzenried, referred to Business, Labor, and Economic Affairs.
HB 556, introduced by Noonan, referred to Public Health, Welfare and Safety.
HB 557, introduced by Butcher, referred to Business, Labor, and Economic Affairs.
HB 559, introduced by Lake, referred to Business, Labor, and Economic Affairs.
HB 564, introduced by Witt, referred to Local Government.
HB 567, introduced by Windham, referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

HB 574, introduced by Branae, referred to Education and Cultural Resources.
HB 590, introduced by Buzzas, referred to State Administration.
HB 598, introduced by Gallik, referred to Judiciary.
HB 612, introduced by Maedje, referred to Natural Resources.
HB 615, introduced by Harris, referred to Judiciary.
HB 623, introduced by MacLaren, referred to Education and Cultural Resources.
HB 631, introduced by Stahl, referred to Business, Labor, and Economic Affairs.
HB 636, introduced by Stahl, referred to Local Government.
HB 638, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.
HB 647, introduced by Mendenhall, referred to Business, Labor, and Economic Affairs.
HB 684, introduced by Maedje, referred to Highways and Transportation.
HB 701, introduced by Noennig, referred to Judiciary.
HB 709, introduced by Raser, referred to State Administration.
HB 743, introduced by Harris, referred to Local Government.

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

HJR 13, introduced by Clark, referred to Natural Resources.
HJR 16, introduced by Groesbeck, referred to Business, Labor, and Economic Affairs.
HJR 17, introduced by McAlpin, referred to Education and Cultural Resources.
HJR 18, introduced by Himmelberger, referred to Natural Resources.
HJR 19, introduced by Matthews, referred to State Administration.
HJR 24, introduced by Bergren, referred to Agriculture, Livestock and Irrigation.

**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 McGee in the chair.

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

SB 458 - Senator Gillan moved **SB 458** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Esp, Gallus, Gebhardt, Gillan, Grimes, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Lind, Mangan, McGee, Perry, Ryan, Smith, Stapleton, Steinbeisser, Story, Williams.
Total 25

Nays: Balyeat, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Essmann, Hansen, Harrington, Laslovich, Moss, O'Neil, Pease, Roush, Schmidt, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 23

Absent or not voting: Cooney, Shockley.
Total 2

Excused: None.
Total 0

SB 500 - Senator Cobb moved **SB 500** do pass. Motion carried unanimously.

SB 503 - Senator Tropila moved **SB 503** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Keenan, Larson, Laslovich, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Williams.
Total 37

Nays: Black, Brueggeman, Cobb, Curtiss, Grimes, Harrington, Kitzenberg, Laible, Lewis, Lind, Moss, Weinberg, Mr.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 24 - Senator Barkus moved **SJR 24** be adopted. Motion carried with Senators Balyeat and Esp voting nay.

SJR 28 - Senator Squires moved **SJR 28** be adopted. Motion carried unanimously.

SB 371 - Senator Harrington moved **SB 371** do pass. Motion **failed** as follows:

Yeas: Cobb, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Lind, Moss, Pease, Roush, Schmidt, Toole, Tropila, Wheat, Williams, Mr. President.
Total 18

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, O'Neil, Perry, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Weinberg.
Total 30

Absent or not voting: None.
Total 0

Excused: Cooney, Laslovich.
Total 2

SB 371 - Senator Tash moved **SB 371** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Mr. President.
Total 33

Nays: Cooney, Cromley, Ellingson, Elliott, Gallus, Harrington, Lind, Moss, Pease, Schmidt, Smith, Toole, Tropila, Weinberg, Wheat, Williams.
Total 16

Absent or not voting: None.
Total 0

Excused: Laslovich.
Total 1

SB 405 - Senator Bales moved **SB 405** do pass. Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Curtiss, Esp, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 19

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

Absent or not voting: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Total 0

Excused: Shockley.

Total 1

SB 405 - Senator Laslovich moved **SB 405** be indefinitely postponed. Motion carried as follows:

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

Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

SB 449 - Senator Roush moved **SB 449** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Keenan, Kitzenberg, Laible, Lewis, Lind, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Tash, Tropila.

Total 35

Nays: Cooney, Ellingson, Harrington, Hawks, Larson, Laslovich, Moss, Shockley, Squires, Story, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 494 - Senator Bales moved **SB 494** do pass. Motion carried with Senators Smith, Toole, and Williams voting nay.

SB 302 - Senator Ellingson moved **SB 302** do pass. Motion carried unanimously.

SB 311 - Senator Grimes moved **SB 311** do pass. Motion carried unanimously.

SB 359 - Senator Story moved **SB 359** do pass. Motion carried unanimously.

SB 457 - Senator Gebhardt moved **SB 457** do pass. Motion carried unanimously.

SB 396 - Senator Ellingson moved consideration of **SB 396** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 497 - Senator Tropila moved **SB 497** do pass. Motion carried unanimously.

SB 363 - Senator Williams moved **SB 363** do pass. Motion carried unanimously.

SB 34 - Senator Cobb moved **SB 34** do pass.

SB 34 - Senator Toole moved **SB 34**, second reading copy, be amended as follows:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

1. Title, page 1, line 5.

Following: "2009;"

Insert: "MAKING DECEMBER 31, 2004, THE BASE DATE FOR CALCULATING UNIVERSAL SYSTEM BENEFITS FUNDING;"

2. Page 1, line 15.

Following: "1999"

Insert: ", through September 30, 2005"

3. Page 1, line 17.

Following: "programs."

Insert: "Beginning October 1, 2005, the funding level for universal system benefits programs is 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 2004."

Following: "basis"

Strike: "in 1999"

Amendment adopted as follows:

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

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Grimes.

Total 1

SB 34 - Senator Cobb moved **SB 34**, as amended, do pass. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 419 - Senator Ryan moved **SB 419** do pass.

SB 419 - Senator Ryan moved **SB 419**, second reading copy, be amended as follows:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

1. Page 1, line 17.

Strike: "35"

Insert: "40"

2. Page 1, line 18.

Strike: "AND"

3. Page 1.

Following: line 18

Insert: "(b) the trip from the nearest elementary school building to the nearest accessible high school is 60 minutes or more over the shortest passable route;

(c) periodically during the school year, the condition of the road makes it impractical to attend the nearest accessible high school; and"

Renumber: subsequent subsection

4. Page 1, line 19.

Strike: "25"

Insert: "50"

Following: "STUDENTS"

Insert: "within 3 years after the effective date of the creation of the new district"

Amendment adopted unanimously.

SB 419 - Senator Ryan moved **SB 419**, as amended, do pass. Motion carried unanimously.

SB 452 - Senator Perry moved **SB 452** do pass. Motion carried as follows:

Yeas: Barkus, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.

Total 39

Nays: Bales, Balyeat, Black, Cobb, Gallus, Laslovich, Lind, McGee, Ryan, Shockley.

Total 10

Absent or not voting: None.

Total 0

Excused: Williams.

Total 1

SB 460 - Senator Weinberg moved **SB 460** do pass. Motion carried unanimously.

SB 468 - Senator Mangan moved **SB 468** do pass. Motion carried with Senators Cromley and Gallus voting nay.

SJR 27 - Senator Harrington moved **SJR 27** be adopted. Motion carried unanimously.

SB 396 - Senator Joe Balyeat moved **SB 396** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Keenan, Laible, Laslovich, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, Mr. President.

Total 25

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

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

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

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

**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 Brueggeman in the chair.

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

SB 2 - Senator Laible moved **SB 2** do pass.

SB 2 - Senator Laible moved **SB 2**, second reading copy, be amended as follows:

1. Title, line 4.

Following: the second "AN ACT"

Strike: "ENCOURAGING"

Insert: "RECOGNIZING THE AUTHORITY OF"

2. Title, line 5.

Following: "GOVERNMENT"

Strike: "TO EXERCISE THEIR CONSTITUTIONAL AUTHORITY"

3. Page 1, line 15.

Following: "land"

Strike: "encouraged"

4. Page 1, line 15 through line 16.

Following: "(1)" on line 15

Strike: remainder of line 15 through "each" on line 16

Insert: "Subject to the provisions of subsection (3), a"

5. Page 1, line 16.

Following: "government"

Strike: "to exercise its constitutional right to"

Insert: "may"

Amendment adopted unanimously.

SB 2 - Senator Laible moved **SB 2**, as amended, do pass. Motion carried as follows:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Kitzenberg, Laible, Laslovich, Lewis, McGee, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Wheat.
Total 33

Nays: Cocchiarella, Cromley, Ellingson, Gallus, Gillan, Harrington, Hawks, Larson, Lind, Mangan, Moss, Ryan, Squires, Toole, Weinberg, Williams.
Total 16

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 364 - Senator Lind moved **SB 364** do pass.

SB 364 - Senator Lind moved **SB 364**, second reading copy, be amended as follows:

1. Page 1, line 23.

Following: "(2)"

Insert: "to the extent that it is practical,"

2. Page 1, line 30.

Following: "consumers"

Insert: "through publicly available data and utility data as long as it does not put an undue burden on consumers and the utility"

3. Page 7, line 11.

Following: "(a)"

Insert: "using public and utility data, "

Amendment adopted unanimously.

SB 364 - Senator Lind moved **SB 364**, second reading copy, be further amended as follows:

1. Page 2, line 5.

Following: "sales"

Insert: "to retail customers"

2. Page 2, line 22.

Following: "sales"

Insert: "to retail customers"

3. Page 3, line 13.

Following: "sales"

Insert: "to retail customers"

4. Page 3, line 17.

Strike: "2006"

Insert: "2007"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

5. Page 3, line 27.

Following: "customers"

Strike: "not less than four times each year"

Insert: "every sixth billing cycle or annually, whichever is more frequent"

6. Page 6, line 25.

Strike: "April"

Insert: "March"

7. Page 7, line 1.

Strike: "April"

Insert: "March"

8. Page 7, line 16.

Strike: "April"

Insert: "March"

Amendment adopted unanimously.

SB 364 - Senator Lind moved **SB 364**, as amended, do pass. Motion **failed** as follows:

Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.

Total 23

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Ryan, Stapleton, Steinbeisser, Story, Tash, Tropila.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 364 - Senator Bales moved **SB 364** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Kitzenberg, Laible, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Mr. President.

Total 33

Nays: Cooney, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Moss, Smith, Squires, Toole, Weinberg, Wheat, Williams.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 431 - Senator Barkus moved **SB 431** do pass. Motion carried unanimously.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

SB 435 - Senator Wheat moved **SB 435** do pass. Motion carried unanimously.

SB 439 - Senator Gebhardt moved **SB 439** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Smith, Squires, Tash, Toole, Tropila, Wheat, Williams.

Total 31

Nays: Balyeat, Cooney, Curtiss, Ellingson, Esp, Essmann, Grimes, Keenan, Lewis, McGee, O'Neil, Perry, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Weinberg, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 440 - Senator Harrington moved **SB 440** do pass. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Moss, Pease, Roush, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 32

Nays: Balyeat, Barkus, Black, Curtiss, Elliott, Essmann, Laible, Lind, Mangan, McGee, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: Perry.

Total 1

Excused: None.

Total 0

SB 445 - Senator McGee moved **SB 445** do pass. Motion carried with Senators Cobb, Cocchiarella, Hansen, Lind, O'Neil, Ryan, and Weinberg voting nay.

SB 495 - Senator Grimes moved **SB 495** do pass. Motion **failed** as follows:

Yeas: Balyeat, Barkus, Cobb, Cooney, Cromley, Curtiss, Ellingson, Essmann, Gallus, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Mr. President.

Total 21

Nays: Bales, Black, Brueggeman, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 495 - Senator Grimes moved **SB 495** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Cobb, Curtiss, Gillan, O'Neil.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 26 - Senator Curtiss moved **SJR 26** be adopted. Motion carried unanimously.

SB 263 - Senator Squires moved **SB 263** be indefinitely postponed. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, 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 48

Nays: Esp.
Total 1

Absent or not voting: Cooney.
Total 1

Excused: None.
Total 0

SB 258 - Senator Wheat moved **SB 258** do pass.

SB 258 - Senator Wheat moved **SB 258**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "~~REVISED DEFINITIONS;~~"

Insert: "REVISING CERTAIN DEFINITIONS; INCLUDING COAL BED METHANE OPERATIONS;"

2. Title, line 19.

Following: "~~AND~~"

Strike: "PAID THE SURFACE OWNER AND POSTED A BOND"

Insert: "FURNISHED A REASONABLE SECURITY DEPOSIT"

3. Title, line 23.

Following: "~~82-10-502;~~"

Insert: "82-10-502,"

4. Page 2, line 25.

Following: "AFTER"

Insert: "giving"

Following: "AND"

Strike: "POSTING A BOND"

Insert: "furnishing a security deposit"

5. Page 3, line 15.

Following: line 14

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Insert: "Section 2. Section 82-10-502, MCA, is amended to read:

"82-10-502. Definitions. As used in this part, the following definitions apply:

(1) "Agricultural production" means the production of any growing grass, crops, or trees attached to the surface of the land or farm animals with commercial value.

(2) "Board" means the board of oil and gas conservation provided for in 2-15-3303.

~~(2)~~(3) "Oil and gas developer or operator" means the person who acquires the oil and gas lease for the purpose of extracting oil and gas, including coal bed methane.

~~(3)~~(4) "Oil and gas estate" means an estate in or ownership of all or part of the oil and gas, including coal bed methane, underlying a specified tract of land.

~~(4)~~(5) "Oil and gas operations" means the exploration for or drilling of an oil and gas well or a coal bed methane well that requires entry upon the surface estate and is begun subsequent to June 1, 1981, and the production operations directly related to the exploration or drilling.

~~(5)~~(6) "Surface owner" means the person who holds record title to or has a purchaser's interest in the surface of the land.""

Renumber: subsequent sections

6. Page 4, line 2.

Strike: "45"

Insert: "30"

7. Page 5, line 21.

Following: "(3)"

Strike: "(A)"

8. Page 5, line 22 through line 30.

Following: "THEN THE" on line 22

Strike: remainder of line 22 through "[SECTION 9]" on line 30

Insert: "oil and gas developer or operator shall furnish a reasonable security deposit with the board under [section 9]"

9. Page 6, line 23 through line 24.

Following: "board" on line 23

Strike: remainder of line 23 through "chapter 11," on line 24

10. Page 6, line 29.

Following: "OPERATOR"

Strike: "PAYS THE SURFACE OWNER AND POSTS A BOND UNDER 82-10-504 AND"

Insert: "furnishes a reasonable security deposit under"

11. Page 7, line 7 through line 18.

Strike: section 6 in its entirety

Renumber: subsequent sections

12. Page 9, line 24.

Strike: "WRONGFULLY"

Insert: "intentionally"

13. Page 9, line 25.

Following: "82-10-503;"

Insert: "and"

14. Page 9, line 26.

Following: "owner"

Insert: "under 82-10-504"

15. Page 9, line 28.

Strike: subsection (c) in its entirety

Insert: "(c) furnishing a reasonable security deposit with the board under [section 9]."

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

16. Page 10, line 12 through line 13.

Following: "HAS" on line 12

Strike: remainder of line 12 through "82-10-504" on line 13

Insert: "furnished a reasonable security deposit with the board under [section 9]"

17. Page 10, line 15.

Following: "9."

Strike: "SURETY BOND OR GUARANTY"

Insert: "Security deposit"

18. Page 10, line 16.

Following: line 15

Strike: "SURETY BOND OR OTHER GUARANTY"

Insert: "security deposit"

Following: "BE"

Strike: "EXECUTED"

Insert: "furnished"

19. Page 10, line 17.

Following: "OPERATOR"

Strike: "OR A BONDING COMPANY"

Insert: "in a form"

Following: "BOARD"

Insert: ", as required under subsection (2)"

20. Page 10, line 18 through line 21.

Strike: subsection (2) in its entirety

Insert: "(2)(a) When the oil and gas developer or operator and surface owner are unable to agree on the amount of compensation for disruption and damages under 82-10-504, then the oil and gas developer or operator shall furnish a reasonable security deposit with the board.

(b) The security deposit must be in an amount not to exceed

(i) \$15,000 for each coal bed methane well;

(ii) \$6,500 for any other gas well deeper than 3,500 feet;

(iii) \$2,500 for any other gas well less than 3,500 feet.

(c) As used in this subsection (2), "reasonable security deposit" means a surety bond, a letter of credit from a banking institution, cash, or a certificate of deposit."

21. Page 10, line 22.

Following: the first "THE"

Strike: "SURETY BOND OR OTHER GUARANTY"

Insert: "security deposit"

22. Page 10, line 23.

Following: "THE"

Strike: "SURETY BOND OR OTHER ACCEPTABLE GUARANTY"

Insert: "security deposit"

23. Page 10, line 24.

Following: "OF THE"

Strike: "BOND OR GUARANTY"

Insert: "security deposit"

24. Page 10, line 26.

Following: "ACCEPTABLE"

Strike: "SURETY BOND OR OTHER GUARANTY"

Insert: "security deposit"

25. Page 10, line 30.

Following: "ANY"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Strike: "SURETY BOND OR OTHER GUARANTY"

Insert: "security deposit"

26. Page 11, line 4.

Following: "ANY"

Strike: "SURETY BOND OR GUARANTY EXECUTED"

Insert: "security deposit furnished"

Amendment adopted unanimously.

SB 258 - Senator Wheat moved **SB 258**, as amended, do pass. Motion **failed** as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 23

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 258 - Senator Bales moved **SB 258** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Laslovich, Lewis, Mangan, McGee, O'Neil, Perry, Roush, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Wheat.

Total 28

Nays: Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Lind, Moss, Pease, Smith, Squires, Toole, Tropila, Weinberg, Williams, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Brueggeman 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 43 passed as follows:

Yeas: Black, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gillan, Grimes, Harrington, Hawks, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Total 30

Nays: Bales, Balyeat, Barkus, Brueggeman, Cobb, Esp, Gallus, Gebhardt, Hansen, Keenan, Kitzenberg, McGee, O'Neil, Pease, Perry, Shockley, Stapleton, Steinbeisser, Story, Tropila.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 114 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 167 passed as follows:

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

Total 36

Nays: Bales, Balyeat, Black, Cobb, Curtiss, Elliott, Esp, Keenan, McGee, O'Neil, Shockley, Story, Tash, Toole.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 174 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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Excused: None.
Total 0

SB 281 passed as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 301 passed as follows:

Yeas: Bales, 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, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat, Cobb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Mangan, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

Nays: Barkus, Curtiss, Gebhardt, Laible, Lind, McGee, Ryan.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 350 passed as follows:

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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Total 48

Nays: Balyeat, Cobb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 370 passed as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 42

Nays: Balyeat, Black, Curtiss, Grimes, Laible, O'Neil, Shockley, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 378 passed as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 380 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, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: McGee, Story.
Total 2

Absent or not voting: None.
Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Excused: None.
Total 0

SB 383 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 384 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 385 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Williams, Mr. President.
Total 44

Nays: Cocchiarella, Gallus, Laslovich, Mangan, Ryan, Weinberg.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 388 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Hansen, Steinbeisser.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 402 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 42

Nays: Cocchiarella, Cromley, Gillan, Larson, Mangan, Moss, Ryan, Smith.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 407 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Cocchiarella, Cromley, Harrington, Mangan, Ryan, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 415 passed as follows:

Yeas: Brueggeman, Cobb, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 32

Nays: Bales, Balyeat, Barkus, Black, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.
Total 18

Absent or not voting: None.
Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Excused: None.
Total 0

SB 423 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 426 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 429 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, 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 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 443 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: O'Neil, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 447 passed as follows:

Yeas: Bales, Balyeat, Barkus, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, 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 45

Nays: Black, Brueggeman, Curtiss, Keenan, McGee.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 451 passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Balyeat, Curtiss, Lind, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 454 passed 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

Absent or not voting: None.
Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Excused: None.
Total 0

SB 459 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 461 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 462 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Harrington, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Pease, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg.
Total 29

Nays: Cobb, Cooney, Cromley, Ellingson, Gallus, Hansen, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Roush, Schmidt, Smith, Squires, Toole, Tropila, Wheat, Williams, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 465 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, 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,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Elliott.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 478 passed as follows:

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

Nays: Bales, Balyeat, Barkus, Curtiss, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 479 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 481 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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

Excused: None.
Total 0

SB 487 passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 38

Nays: Balyeat, Barkus, Cobb, Cromley, Gebhardt, Keenan, Laible, Mangan, O'Neil, Shockley, Stapleton, Steinbeisser.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 489 passed as follows:

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

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Hansen, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

President Tester appointed Senator Weinberg and Senator Esp to the newly formed Joint Select Committee on Mental Health.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 8:00 a.m., Wednesday, February 23, 2005. Motion carried.

Senate adjourned at 7:19 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate