

SENATE JOURNAL
FORTY-SIXTH LEGISLATIVE DAY - MARCH 2, 2005

SENATE JOURNAL
59TH LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 2, 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 Cromley, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, 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 47

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Cromley.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/2/2005
Correctly printed: **SB 247, SB 390, SB 485, SB 506, HB 77, HB 108, HB 118.**
Correctly engrossed: **HB 71.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 3/2/2005
HB 71, be amended as follows:

1. Title, page 1, line 10.
Strike: the first "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 15
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 77, be concurred in. Report adopted.
HB 108, be concurred in. Report adopted.
HB 118, be concurred in. Report adopted.

FINANCE AND CLAIMS (Cooney, Chairman): 3/2/2005
SB 247, do pass. Report adopted.

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MOTIONS

Senator Pease moved **HB 266** be taken from Senate Highways and Transportation and placed in Senate Agriculture. Motion carried.

Senator Cocchiarella moved **HB 213** be taken from Senate Business, Labor and Economic Affairs and placed in Senate State Administration. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 506, introduced by Cobb, referred to Taxation.

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

HB 389, introduced by A. Olson, B. Olson, Lenhart, Mangan, Golie, Keane, Stahl, Klock, McNutt, referred to Energy and Telecommunications.

HB 502, introduced by Wiseman, Lenhart, Warden, Branae, Harris, A. Olson, Furey, Klock, Groesbeck, referred to Business, Labor, and Economic Affairs.

HB 507, introduced by L. Jones, referred to Local Government.

HB 555, introduced by Caferro, Henry, B. Olson, Roberts, referred to Public Health, Welfare and Safety.

HB 581, introduced by Gutsche, Harris, referred to Public Health, Welfare and Safety.

HB 591, introduced by Jopek, Dowell, Weinberg, referred to Local Government.

HB 609, introduced by Taylor, Jackson, Heinert, referred to Agriculture, Livestock and Irrigation.

HB 624, introduced by Villa, Cohenour, Parker, Noonan, Jopek, McAlpin, Jacobson, Facey, Sesso, Bixby, Musgrove, Wanzenried, Mangan, Groesbeck, Squires, Grinde, Gallik, Dowell, Cooney, A. Olson, Tropila, Driscoll, Furey, Hiner, Larson, Windy Boy, Ryan, Franklin, Schmidt, referred to Education and Cultural Resources.

HB 645, introduced by Clark, Gutsche, referred to Highways and Transportation.

HB 652, introduced by Cohenour, referred to Education and Cultural Resources.

HB 660, introduced by A. Olson, referred to Education and Cultural Resources.

HB 666, introduced by Bergren, Roush, A. Olson, Witt, Sinrud, Black, Musgrove, Brueggeman, referred to Local Government.

HB 683, introduced by D. Brown, referred to Highways and Transportation.

HB 685, introduced by R. Brown, Lange, Himmelberger, Barrett, Wagman, referred to Energy and Telecommunications.

HB 688, introduced by Franklin, Tropila, Groesbeck, Galvin-Halcro, Wilson, Parker, Golie, Dickenson, Villa, Lenhart, Hiner, Sesso, Keane, Noonan, Callahan, referred to Highways and Transportation.

HB 696, introduced by Jayne, Kaufmann, Caferro, Hiner, referred to Judiciary.

HB 732, introduced by Roberts, referred to Business, Labor, and Economic Affairs.

HB 737, introduced by McNutt, referred to Public Health, Welfare and Safety.

HB 738, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

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

HJR 7, introduced by Small-Eastman, referred to Agriculture, Livestock and Irrigation.

HJR 21, introduced by Sinrud, Buzzas, L. Jones, Jackson, Larson, Waitschies, Roush, Sesso, Peterson, A. Olson, Stahl, Heinert, Milburn, Andersen, Everett, W. Jones, Klock, referred to Natural Resources.

**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 390 - Senator Balyeat moved **SB 390** do pass. Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Mangan, McGee, Pease, Perry, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Wheat.
Total 34

Nays: Cooney, Gallus, Harrington, Larson, Lind, Moss, O'Neil, Roush, Ryan, Schmidt, Smith, Toole, Weinberg, Williams, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Cromley.
Total 1

SB 485 - Senator Ellingson moved **SB 485** do pass. Motion carried as follows:

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

Nays: Bales, Balyeat, Barkus, Cobb, Curtiss, Esp, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Stapleton, Steinbeisser, Story, Tash.
Total 17

Absent or not voting: None.
Total 0

Excused: Cromley.
Total 1

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Harrington moved the Committee of the Whole report be adopted. Report adopted unanimously.

UNFINISHED BUSINESS

Minority Leader Keenan inquired of Majority Leader Keenan regarding the Senate schedule for the remaining forty-four legislative days.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Thursday, March 3, 2005. Motion carried.

Senate adjourned at 1:51 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate