

SENATE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

SENATE JOURNAL
59TH LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 3, 2005

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Tester presiding. Invocation by Mr. Thomas George Christian. Pledge of Allegiance to the Flag. Mr. Thomas George Christian was then presented with a Resolution of Appreciation.

Roll Call. All members present, except Senators Cocchiarella, Mangan, and Story, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Cocchiarella, Mangan, Story.
Total 3

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/3/2005
Correctly printed: **SB 432, SB 438, SR 4, SR 5, SR 6, SR 7, SR 8, SR 9, SR 10, SR 11, SR 12, HB 21, HB 27, HB 29, HB 37, HB 53, HB 66, HB 80, HB 90, HB 126, HB 127, HB 128, HB 171, HB 175, HB 185, HB 190, HB 195, HB 197, HB 205, HB 274, HB 381, HJR 3.**
Correctly engrossed: **SB 501, HB 227.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman): 3/3/2005
HB 37, be concurred in. Report adopted.
HB 195, be concurred in. Report adopted.
HB 274, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 3/3/2005
HB 126, be concurred in. Report adopted.
HB 175, be concurred in. Report adopted.
HB 381, be concurred in. Report adopted.

JUDICIARY (Wheat, Chairman): 3/3/2005
HB 66, be concurred in. Report adopted.
HB 80, be concurred in. Report adopted.
HB 90, be concurred in. Report adopted.
HB 127, be concurred in. Report adopted.
HB 128, be concurred in. Report adopted.
HB 190, be concurred in. Report adopted.
HB 197, be concurred in. Report adopted.
HB 205, be concurred in. Report adopted.

NATURAL RESOURCES (Roush, Chairman): 3/3/2005
HB 185, be concurred in. Report adopted.

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HJR 3, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

3/3/2005

HB 21, be concurred in. Report adopted.

HB 27, be concurred in. Report adopted.

HB 29, be concurred in. Report adopted.

HB 53, be concurred in. Report adopted.

TAXATION (Elliott, Chairman):

3/3/2005

SB 432, do pass. Report adopted.

SB 438, do pass. Report adopted.

HB 171, be concurred in. Report adopted.

HB 227, be amended as follows:

1. Page 2, lines 5 and 6.

Following: "amended," on line 5

Insert: "while serving outside of Montana"

Strike: "WHILE" on line 5 through "7508" on line 6

2. Page 2, line 11.

Following: "~~7508~~,"

Insert: "as described in 10 U.S.C. 101(a)(13)"

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

HB 501, be amended as follows:

1. Title, lines 4 and 5.

Following: "OF THE" on line 4

Insert: "MONTANA"

Following: the first "OR" on line 5

Insert: "MONTANA RESERVISTS IN THE"

Following: "CORPS,"

Insert: "COAST GUARD,"

2. Title, line 9.

Following: THE

Insert: "MONTANA"

Following: the first "OR"

Insert: "MONTANA RESERVISTS IN THE"

Following: "CORPS,"

Insert: "COAST GUARD,"

3. Page 1, line 17.

Following: "the"

Insert: "Montana"

Following: the first "or"

Insert: "Montana reservists serving in the"

Following: "corps,"

Insert: "coast guard,"

4. Page 1, line 19.

Following: "the"

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Insert: "Montana"
Following: "or"
Insert: "a Montana reservist in the"

5. Page 1, line 20.
Following: "corps,"
Insert: "coast guard,"
Strike: "an"
Insert: "a qualified"

6. Page 1, line 21.
Strike: "member"

7. Page 1, line 24.
Following: "taxpayer's"
Insert: "qualified"

8. Page 1, line 25.
Following: "the"
Insert: "Montana"
Following: the first "or"
Insert: "Montana reservists serving in the"
Following: "corps,"
Insert: "coast guard,"

9. Page 1, lines 26 and 27.
Following: "of the" on line 26
Insert: "Montana"
Following: the first "or" on line 27
Insert: "a Montana reservist serving in the"
Following: "corps," on line 27
Insert: "coast guard,"

10. Page 1, line 28.
Strike: "To qualify for the credit, the"
Insert: "A qualified employee is an"
Following: "employee"
Insert: "who"

11. Page 1, line 29.
Following: "(i)"
Insert: "(A) is serving under Title 10 if a member of the Montana national guard or serving under Title 10 of the United States Code if the employee is a Montana reservist serving in the army, navy, marine corps, coast guard, or air force ready reserves;"
Renumber: subsequent subsections

12. Page 1, line 29.
Strike: "must have been"
Insert: "is"

13. Page 1, line 30.
Strike: "must have"

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Insert: "has"

14. Page 2, line 1.

Strike: "must have"

Insert: "has"

15. Page 2, line 8.

Strike: "a pass-through entity,"

Following: "to"

Insert: "the"

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

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/3/2005

HB 270, introduced by Lindeen

HB 271, introduced by Lindeen

HB 332, introduced by Buzzas

MOTIONS

Senator Wheat moved **HB 356** be taken from Senate Public Health, Welfare and Safety and placed in Senate Judiciary. Motion carried.

Senator Squires moved **HB 306** be taken from Senate State Administration and placed in Senate Business, Labor and Economic Affairs. Motion carried.

Senator Squires moved **HB 427** be taken from Senate State Administration and placed in Senate Business, Labor and Economic Affairs. Motion carried.

Senator Squires moved **HB 709** be taken from Senate State Administration and placed in Senate Business, Labor and Economic Affairs. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SR 4, introduced by Squires, referred to State Administration.

SR 5, introduced by Squires, referred to State Administration.

SR 6, introduced by Squires, referred to State Administration.

SR 7, introduced by Squires, referred to State Administration.

SR 8, introduced by Squires, referred to State Administration.

SR 9, introduced by Squires, referred to State Administration.

SR 10, introduced by Squires, referred to State Administration.

SR 11, introduced by Squires, referred to State Administration.

SR 12, introduced by Squires, referred to State Administration.

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

HB 270, introduced by Lindeen, Mangan, referred to Business, Labor, and Economic Affairs.

HB 271, introduced by Lindeen, referred to Business, Labor, and Economic Affairs.

HB 332, introduced by Buzzas, referred to Public Health, Welfare and Safety.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following

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manner:

SB 390 passed as follows:

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

Nays: Cooney, Gallus, Harrington, Larson, Lind, Moss, O'Neil, Roush, Ryan, Squires, Toole, Weinberg, Wheat, Williams.
Total 14

Paired: Story, Aye; Harrington, No.

Absent or not voting: None.
Total 0

Excused: Cocchiarella, Mangan.
Total 2

SB 485 passed as follows:

Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 28

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

Paired: Mangan, Aye; Story, No.

Absent or not voting: None.
Total 0

Excused: Cocchiarella.
Total 1

UNFINISHED BUSINESS

Senator Squires read a report regarding the progress, thus far, of examining gubernatorial appointments.

SPECIAL ORDERS OF THE DAY

President Tester ordered Sergeant-At-Arms Dick to escort the visiting delegation from Saskatchewan into the Chambers.

Minority Leader Keenan introduced every member of the delegation individually.

Majority Leader Ellingson thanked the delegation for visiting and presented each member with a Montana souvenir.

Minister Taylor (delegation of Saskatchewan member) addressed the body and thanked the Senate for its hospitality.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Friday, March 4, 2005. Motion carried.

Senate adjourned at 1:39 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate