

SENATE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 4, 2005

SENATE JOURNAL
59TH LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 4, 2005

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Tester presiding. Invocation by Rev. Steve Moody. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Story, excused. 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, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: Story.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/4/2005
Correctly printed: **SB 247, SB 324, SR 13, HB 14, HB 43, HB 56, HB 70, HB 71, HB 77, HB 78, HB 87, HB 101, HB 108, HB 118, HB 119, HB 168, HB 226, HB 300.**
Correctly engrossed: **SB 498.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 3/4/2005
HB 168, be concurred in. Report adopted.
HB 300, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Toole, Chairman): 3/4/2005
HB 43, be concurred in. Report adopted.
HB 78, be concurred in. Report adopted.

FINANCE AND CLAIMS (Cooney, Chairman): 3/4/2005
SB 324, do pass. Report adopted.
SB 498, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "LIMIT TO"

Insert: "\$400,000 FOR A LOAN TO A PRIVATE PERSON THAT IS NOT A WATER USERS' ASSOCIATION OR DITCH COMPANY AND"

2. Title, page 1, line 7.

Following: "ACCOUNT;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING A TERMINATION DATE"

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3. Page 1, line 16.
Strike: "\$200,000"
Insert: "\$400,000"

4. Page 2, line 7.
Insert: "NEW SECTION. **Section 2. Termination.** The amendment to [section 1(2)] terminates June 30, 2007."

And, as amended, do pass. Report adopted.

FISH AND GAME (Tropila, Chairman): 3/4/2005
HB 14, be concurred in. Report adopted.
HB 56, be concurred in. Report adopted.
HB 119, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Pease, Chairman): 3/4/2005
HB 87, be concurred in. Report adopted.
HB 101, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mangan, Chairman): 3/4/2005
HB 70, be concurred in. Report adopted.
HB 226, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/4/2005

HB 18, introduced by Juneau
HB 28, introduced by Wanzenried
HB 201, introduced by Ripley
HB 350, introduced by Butcher
HB 399, introduced by Rice
HB 463, introduced by Facey
HB 481, introduced by Lindeen
HB 517, introduced by Wiseman
HB 693, introduced by Wells

MOTIONS

Senator Curtiss moved to suspend the rules for late introduction of a resolution regarding Bonneville power rate classification. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Essmann, Mangan, Ryan.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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FIRST READING AND COMMITMENT OF BILLS

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

SR 13, introduced by Squires, referred to State Administration.

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

HB 17, introduced by Buzzas (by request of the Montana Historical Society), referred to State Administration.

HB 28, introduced by Wanzenried (by request of the Legislative Council), referred to Finance and Claims.

HB 32, introduced by Cohenour (by request of the Department of Public Health and Human Services), referred to State Administration.

HB 49, introduced by Wilson (by request of the Department of Justice), referred to Judiciary.

HB 86, introduced by Kaufmann (by request of the Department of Revenue), referred to Agriculture, Livestock and Irrigation.

HB 88, introduced by Caferro (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

HB 113, introduced by Jent (by request of the Department of Justice), referred to Judiciary.

HB 147, introduced by Clark (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 157, introduced by McKenney (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 159, introduced by McKenney (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

HB 161, introduced by McNutt (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

HB 162, introduced by Henry (by request of the Office of Public Instruction), referred to Public Health, Welfare and Safety.

HB 174, introduced by Witt (by request of the Department of Fish, Wildlife, and Parks), referred to Natural Resources.

HB 179, introduced by Lake (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.

HB 191, introduced by Becker (by request of the Department of Justice), referred to Judiciary.

HB 196, introduced by Jayne (by request of the Department of Public Health and Human Services), referred to Judiciary.

HB 201, introduced by Ripley (by request of the Department of Justice), referred to Judiciary.

HB 209, introduced by McKenney, referred to Business, Labor, and Economic Affairs.

HB 225, introduced by Maedje, Andersen, Arntzen, Butcher, Everett, W. Jones, Lambert, Lenhart, Malcolm, Musgrove, Sonju, Taylor, Wagman, referred to Fish and Game.

HB 316, introduced by Callahan, referred to Energy and Telecommunications.

HB 350, introduced by Butcher, Barrett, Witt, Brueggman, Black, Roberts, Klock, Jones, Malcolm, Waitchies, Stahl, Stoker, Lambert, Ross, referred to Agriculture, Livestock and Irrigation.

HB 399, introduced by Rice, Butcher, Sales, Barrett, Waitsches, Peterson, referred to Natural Resources.

HB 463, introduced by Facey, referred to Taxation.

HB 481, introduced by Lindeen, referred to Business, Labor, and Economic Affairs.

HB 517, introduced by Wiseman, referred to Business, Labor, and Economic Affairs.

HB 693, introduced by Wells, Curtiss, Koopman, Hendrick, referred to Judiciary.

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

HJR 1, introduced by Hamilton, Furey, Dickenson, Buzzas, Henry, Bergren, Joh. Balyeat, Branae, McAlpin, Facey, B. Olson, Jacobson, Cohenour, referred to Public Health, Welfare and Safety.

**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 Schmidt in the chair.

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

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HB 71 - Senator Cocchiarella moved **HB 71** be concurred in. Motion carried unanimously.

HB 77 - Senator Smith moved **HB 77** be concurred in. Motion carried with Senators Curtiss, O'Neil, and Story voting nay.

HB 108 - Senator Squires moved **HB 108** be concurred in. Motion carried unanimously.

HB 118 - Senator Steinbeisser moved **HB 118** be concurred in. Motion carried unanimously.

SB 247 - Senator Brueggeman moved **SB 247** do pass. Motion carried as follows:

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

Total 41

Nays: Barkus, Cromley, Elliott, Gillan, Larson, Lind, Perry, Ryan, Weinberg.

Total 9

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 Schmidt moved the Committee of the Whole report be adopted. Report adopted unanimously.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 7:30 a.m., Saturday, March 5, 2005. Motion carried.

Senate adjourned at 2:16 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate