

SENATE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 5, 2005

SENATE JOURNAL
59TH LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 5, 2005

Senate Chambers
State Capitol

Senate convened at 7:30 a.m. President Pro Tempore Harrington presiding. Invocation by Fr. Moriarity. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Balyeat, Cobb, Pease, and Tester, excused. Quorum present.

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

Nays: Shockley.
Total 1

Absent or not voting: Harrington.
Total 1

Excused: Balyeat, Cobb, Pease, Mr. President.
Total 4

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/5/2005
Correctly printed: **HB 21, HB 27, HB 29, HB 37, HB 66, HB 144, HB 171, HB 301, HB 312, HB 347, HJR 4.**

NATURAL RESOURCES (Roush, Chairman): 3/5/2005
HB 144, be concurred in. Report adopted.
HB 178, be concurred in. Report adopted.
HB 308, be concurred in. Report adopted.
HB 312, be concurred in. Report adopted.
HB 347, be concurred in. Report adopted.
HJR 4, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House joint resolutions passed and transmitted to the Senate for concurrence: 3/5/2005

HJR 15, introduced by Juneau
HJR 28, introduced by Lange
HJR 30, introduced by Roberts

MOTIONS

Senator Mangan moved **HB 450** be taken from Senate Education and Cultural Resources and placed in Senate Local Government. Motion carried.

Senator Mangan moved **HB 436** be taken from Senate Education and Cultural Resources and placed in Senate Local Government. Motion carried.

Senator Cooney moved **HB 53** be referred from 3rd Reading to Senate Finance and Claims. Motion carried.

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**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 Grimes in the chair.

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

HB 21 - Senator Cooney moved **HB 21** be concurred in. Motion carried unanimously.

HB 27 - Senator Gillan moved **HB 27** be concurred in. Motion carried unanimously.

HB 29 - Senator Cocchiarella moved **HB 29** be concurred in. Motion carried unanimously.

HB 37 - Senator Bales moved **HB 37** be concurred in. Motion carried unanimously.

HB 53 - Senator Shockley moved **HB 53** be concurred in. Motion carried unanimously.

HB 66 - Senator Mangan moved **HB 66** be concurred in. Motion carried unanimously.

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Harrington in the chair. Chairman Grimes 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:

HB 71 concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Cobb, Pease, Mr. President.
Total 4

HB 77 concurred in as follows:

Yeas: Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Essmann, Gallus, Gillan, Grimes, Hansen, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.
Total 31

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Gebhardt, Keenan, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.
Total 14

Paired: Squires, Aye; Balyeat, No.

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Absent or not voting: Harrington.
Total 1

Excused: Cobb, Elliott, Pease, Mr. President.
Total 4

HB 108 concurred in 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, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Cobb, Pease, Mr. President.
Total 4

HB 118 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: Harrington.
Total 1

Excused: Balyeat, Cobb, Pease, Mr. President.
Total 4

SB 247 passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Roush, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Williams.
Total 38

Nays: Barkus, Cromley, Gillan, Larson, Lind, Perry, Ryan, Weinberg.
Total 8

Absent or not voting: None.
Total 0

Excused: Balyeat, Cobb, Pease, Mr. President.
Total 4

SPECIAL ORDERS OF THE DAY

Senator Schmidt thanked the pages for their service.

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Senator Laible was declared the winner of the Ugly Tie Contest.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Monday, March 7, 2005. Motion carried.

Senate adjourned at 8:03 a.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate