

SENATE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 7, 2005

SENATE JOURNAL
59TH LEGISLATURE
FIFTIETH LEGISLATIVE DAY

Helena, Montana
March 7, 2005

Senate Chambers
State Capitol

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

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

Yeas: Bales, Balyeat, 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, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Shockley.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb, McGee.
Total 2

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/7/2005
Correctly printed: **SB 432, SB 438, SB 507, HB 67, HB 80, HB 90, HB 107, HB 126, HB 127, HB 128, HB 138, HB 139, HB 168, HB 171, HB 175, HB 185, HB 190, HB 195, HB 205, HB 226, HB 227, HB 250, HB 255, HB 274, HB 300, HB 381, HJR 3, HJR 24.**
Correctly engrossed: **HB 318.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman): 3/7/2005
HJR 24, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Cromley, Chairman): 3/7/2005
HB 138, be concurred in. Report adopted.
HB 250, be concurred in. Report adopted.
HB 255, be concurred in. Report adopted.
HB 318, be amended as follows:

1. Page 2, line 14.
Strike: "education, treatment, services,"
Insert: "equipment"
Following: "33-22-129"
Insert: "(3)"

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

STATE ADMINISTRATION (Squires, Chairman): 3/7/2005
HB 67, be concurred in. Report adopted.

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HB 107, be concurred in. Report adopted.

HB 139, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

3/8/2005

HB 91, introduced by Harris

MOTIONS

Senator Gebhardt moved to suspend the rules for late introduction of a resolution. Motion carried as follows:

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

Total 45

Nays: Mangan.

Total 1

Absent or not voting: None.

Total 0

Excused: Brueggeman, Cobb, McGee, Toole.

Total 4

Senator Shockley moved that his vote on **SB 324** from "aye" to "nay". Motion carried.

Senator McGee moved that his vote on **HB 21** from "nay" to "aye". Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 507, introduced by Brueggeman, Hendrick, Jopek, referred to Highways and Transportation.

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

HB 91, introduced by Harris, referred to Judiciary.

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

HJR 15, introduced by Juneau, Jayne, Bixby, Small-Eastman, Campbell, Wanzenried, referred to Judiciary.

HJR 28, introduced by Lange, referred to Judiciary.

HJR 30, introduced by Roberts, Clark, referred to Fish and Game.

**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 Williams in the chair.

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

HB 80 - Senator Schmidt moved **HB 80** be concurred in. Motion carried unanimously.

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HB 90 - Senator Perry moved **HB 90** be concurred in. Motion carried unanimously.

HB 126 - Senator Roush moved **HB 126** be concurred in. Motion carried unanimously.

HB 127 - Senator Grimes moved **HB 127** be concurred in. Motion carried unanimously.

HB 128 - Senator Wheat moved **HB 128** be concurred in. Motion carried unanimously.

HB 168 - Senator Roush moved **HB 168** be concurred in. Motion carried unanimously.

HB 171 - Senator Harrington moved **HB 171** be concurred in. Motion carried unanimously.

HB 175 - Senator Cocchiarella moved **HB 175** be concurred in. Motion carried unanimously.

HB 185 - Senator Roush moved **HB 185** be concurred in. Motion carried unanimously.

HB 190 - Senator Ellingson moved **HB 190** be concurred in. Motion carried unanimously.

HB 195 - Senator Steinbeisser moved **HB 195** be concurred in. Motion carried unanimously.

HB 197 - Senator Cromley moved consideration of **HB 197** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 205 - Senator Keenan moved **HB 205** be concurred in. Motion carried unanimously.

HB 226 - Senator Squires moved **HB 226** be concurred in. Motion carried with Senators Ryan and Story voting nay.

HB 227 - Senator Harrington moved **HB 227** be concurred in. Motion carried unanimously.

HB 274 - Senator Brueggeman moved **HB 274** be concurred in. Motion carried unanimously.

HB 381 - Senator Cocchiarella moved **HB 381** be concurred in. Motion carried unanimously.

HB 300 - Senator Cocchiarella moved **HB 300** be concurred in. Motion carried as follows:

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

Total 32

Nays: Bales, Balyeat, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Laible, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

HJR 3 - Senator Perry moved **HJR 3** be concurred in. Motion carried with Senators Elliott, Esp, and Smith voting nay.

SB 432 - Senator Brueggeman moved **SB 432** do pass. Motion carried unanimously.

SB 438 - Senator Elliott moved **SB 438** do pass. Motion carried unanimously.

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

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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 324 passed as follows:

Yeas: Barkus, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 39

Nays: Bales, Balyeat, Curtiss, Keenan, McGee, O'Neil, Shockley, Steinbeisser, Story, Tash.
Total 10

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 21 concurred in as follows:

Yeas: Bales, Balyeat, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 27 concurred in as follows:

Yeas: Bales, Balyeat, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

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HB 29 concurred in as follows:

Yeas: Bales, Balyeat, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 37 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, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 66 concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, 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, Williams, Mr. President.
Total 45

Nays: Barkus, Esp, Keenan, Story.
Total 4

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Squires introduced the pages for the week:

"Claire Rosen: Claire is sponsored by her Mother Senator Gillan. She is a freshman at Robert Lewis Stephenson in Pebble Beach, CA. Whilst at school she participates in soccer, and field hockey. She also is a member of a political debate club."

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"Maia Aageson: Maia is a junior at Blue Sky School and is sponsored by Senator Tester. She is on the basketball, volleyball, track and field, and drill teams. She is a member of Aim Higher, Academic Challenge, and serves as student body vice president. Maia is also a member of Blue Sky School's Honor Choir."

"Heather Kessler: Heather is from Avon and is sponsored by Senator Lewis. She attends Powell County School, and participates on the basketball team. She also is involved with drama and choir."

"Ellie Webber: Ellie is a Senior at Great Falls High School. She is sponsored by Senator Ryan. She is a varsity soccer player, and participates in cross-country, swimming, and track. She is the Senior class vice president, and a life guard for the City of Great Falls. She is also a member of National Honors Society."

"Nora Webber: Nora is a member of the varsity and junior varsity soccer teams, as well as JV swimming and track. She is sponsored by Senator Ryan. She plays the trumpet, and piano and serves as volunteer referee for soccer."

"Evan Withrow: Evan is a student at Geraldine High School. He is sponsored by Senator Tester. He's the national honors society president, and a member of the Great Falls Youth Symphony. He plays various sports and is involved in a number of activities including Close-Up, Junior Law enforcement, Speech and Drama, and a Farmers' Union Camp Counselor."

"Katie Zerbe: Katie is sponsored by Senator Kitzenberg, and is a student at Lustre Christian High School. She is a member of the volleyball team, and basketball. She is involved in Band and Choir. She also leads Chapel worship at her church."

President Tester introduced the 2005 Lima High School Senior Class by reading a proclamation from the House of Representatives and the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 1:00 p.m., Tuesday, March 8, 2005. Motion carried.

Senate adjourned at 2:52 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate