

**SENATE JOURNAL
57TH LEGISLATURE
TENTH LEGISLATIVE DAY**

Helena, Montana
January 13, 2001

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Butcher, Cobb, Ekegren, Jergeson, Sprague, Stapleton, Stonington and Wells, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the fourth legislative day, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/13/2001
Correctly printed: SB 7, SB 8, SB 10, SB 32, SB 37, SB 38, SB 41, SB 63, SB 74, SB 89, SB 91, SB 93, SB 102, SB 112, SB 113, SB 166, SB 204, SB 243, SJR 5, HB 1.
Correctly engrossed: SB 4, SB 6, SB 26, SB 53, SB 114, SB 133, SB 172.
Examined by the sponsor and found to be correct: SJR 1.
Signed by the President at 8:15 a.m., January 13, 2001: SJR 1.

COMMITTEE ON COMMITTEES (Grosfield, Chairman): 1/13/2001
We your Committee on Committees recommend the following appointments:

Legislative Consulting Panel to Microbusiness Advisory Council:

Senator Dale Berry
Senator Don Ryan

Legislative Audit Committee

Senator Corey Stapleton
Senator Jim Elliott

FISH AND GAME (Sprague, Chairman): 1/13/2001
SR 2, be adopted. Report adopted.

MOTIONS

SB 173 - Senator Ellis moved that Bohlinger, Cocchiarella, Cole, DePratu, Ekegren, Glaser, Grosfield, Stonington, Taylor, F. Thomas be added as sponsors to **SB 173**. Motion carried.

SB 7 - Senator Cole moved consideration of **SB 7**, on second reading this legislative day, be passed until the eleventh legislative day, Monday, January 15, 2001. Motion carried.

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FIRST READING AND COMMITMENT OF BILLS

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

SB 238, introduced by Tester, Bishop, P. Clark, Facey, Franklin, Fuchs, Gallus, Laszloffy, Ripley, Sprague, Tash, referred to Fish and Game.

SB 239, introduced by Ryan, Facey, referred to Education and Cultural Resources.

SB 240, introduced by McNutt, Bales, Clancy, Cole, Devlin, G. Forrester, Hedges, R. Holden, Olson, referred to Taxation.

SB 241, introduced by J. Wells, Clancy, Dale, Hargrove, Harrington, Stonington, Walters, Wanzenried, C. Younkin, referred to Local Government.

SB 242, introduced by O'Neil, Keenan, referred to Judiciary.

SB 243, introduced by R. Johnson, referred to Energy and Telecommunications.

SB 244, introduced by Halligan, Bohlinger, Christiaens, Cocchiarella, Ellingson, Facey, Grosfield, Harrington, Jergeson, Lee, Mahlum, McCarthy, Pease, Ryan, Shea, Stonington, Wanzenried, Waterman, referred to Finance.

SB 245, introduced by R. Holden, Devlin, Ekegren, McNutt, Pease, referred to Agriculture, Livestock and Irrigation.

SB 246, introduced by Mahlum, referred to Finance.

SB 247, introduced by Cobb, referred to Judiciary.

SB 248, introduced by Grimes, referred to Public Health, Welfare and Safety.

SB 249, introduced by Toole, Bohlinger, Ellingson, Harrington, Jacobson, Kaufmann, Lee, Wanzenried, Waterman, referred to Local Government.

SB 250, introduced by Toole, Christiaens, Franklin, Harrington, referred to Energy and Telecommunications.

SB 251, introduced by Cocchiarella, referred to Business and Labor.

SB 252, introduced by Cocchiarella, referred to Business and Labor.

SB 253, introduced by Cocchiarella, DePratu, Himmelberger, Kitzenberg, Mahlum, Matthews, Olson, Taylor, C. Younkin, referred to Business and Labor.

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

HB 19, introduced by Lenhart, referred to Business and Labor.

HB 20, introduced by Shockley (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Local Government.

HB 26, introduced by E. Clark (by request of the Department of Commerce), referred to Business and Labor.

HB 34, introduced by Gallik (by request of the Department of Administration), referred to Business and Labor.

HB 56, introduced by Lawson, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

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

Senator Butcher present at this time.

HB 1 - Senator Keenan moved HB 1 be concurred in. Motion carried unanimously.

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SB 4 - Senator Grimes moved consideration of SB 4 be placed below SB 52 on the second reading board this legislative day for purpose of amendment. Motion carried.

Senator Jergeson present at this time.

SB 26 - Senator R. Holden moved SB 26 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Roush, Tash, Taylor, Tester, Thomas, Zook, Mr. President.

Total 28

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Ryan, Shea, Toole, Waterman.

Total 16

Absent or not voting: None.

Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 6

SB 102 - Senator Cole moved SB 102 do pass. Motion carried unanimously.

SB 52 - Senator Roush moved SB 52 do pass. Motion carried unanimously.

SB 4 - Senator Doherty moved SB 4, second reading copy, be amended as follows :

1. Page 2, line 8.

Strike: "12" on page 2, line 8

Insert: "6"

2. Page 2, line 9.

Strike: "2,080" on page 2, line 9

Insert: "1,040"

Amendment **not** adopted as follows:

Yeas: Christiaens, Cocchiarella, DePratu, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Roush, Ryan, Shea, Tester, Toole, Waterman.

Total 18

Nays: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Pease, Tash, Taylor, Thomas, Zook, Mr. President.

Total 26

Absent or not voting: None.

Total 0

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Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 4 - Senator Grimes moved SB 4 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cole, Crismore, DePratu, Doherty, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Waterman, Zook, Mr. President.
Total 39

Nays: Cocchiarella, Ellingson, Harrington, McCarthy, Toole.
Total 5

Absent or not voting: None.
Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 85 - Senator Grosfield moved SB 85, second reading copy, be amended as follows :

1. Page 4, line 28 through line 29.

Following: "jurors" on line 28

Strike: remainder of line 28 through "3-15-404(6)" on line 29

Insert: "drawn as jurors"

Amendment **adopted** unanimously.

SB 85 - Senator Tester moved SB 85, as amended, do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 34

Nays: Bishop, Butcher, DePratu, Glaser, Grimes, Holden, Johnson, Miller, O'Neil, Taylor.
Total 10

Absent or not voting: None.
Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 113 - Senator Nelson moved SB 113 do pass. Motion carried unanimously.

SB 172 - Senator R. Johnson moved SB 172 do pass. Motion carried unanimously.

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SJR 5 - Senator Roush moved SJR 5 be adopted. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Taylor 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:

SB 8 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 6

SB 10 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 6

SB 32 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson,

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Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 6

SB 37 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Ryan, Shea, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 34

Nays: Butcher, Cobb, Elliott, Ellis, Franklin, Johnson, Keenan, Miller, Nelson, O'Neil, Taylor.

Total 11

Paired: DePratu, Aye; Cobb, No.

Absent or not voting: None.

Total 0

Excused: Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 5

SB 38 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 6

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SB 41 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 40

Nays: Keenan, Miller, O'Neil, Taylor.

Total 4

Absent or not voting: None.

Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 6

SB 63 passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 42

Nays: Bishop, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.

Total 6

SB 74 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 43

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

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Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 89 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 91 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 93 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 44

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 112 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

SB 166 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ekegren, Sprague, Stapleton, Stonington, Wells.
Total 6

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/13/2001

HB 25, introduced by Sliter
HB 29, introduced by Noennig
HB 39, introduced by Fuchs
HB 84, introduced by Schmidt

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HB 104, introduced by P. Clark
HB 112, introduced by Brueggeman
HB 117, introduced by Andersen
HB 141, introduced by Somerville

ANNOUNCEMENTS

Senator Berry acknowledged the Senate pages, gave a brief overview of their future plans, and thanked them for their work for the Senate through the week.

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:30 p.m., Monday, January 15, 2001. Motion carried.

Senate adjourned at 10:20 a.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate