

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 30, 2001

Senate Chambers  
State Capitol

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

Roll Call. All members present except Senators DePratu, Franklin and Mahlum, excused Quorum present.

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 1/30/2001  
Correctly printed: SB 50, SB 57, SB 90, SB 161, SB 162, SB 240, SB 262, HB 26, HB 34.  
Correctly engrossed: SB 35, SB 77, SB 82, SB 140, SB 179, SB 256, SB 275, SB 279.  
Signed by the President at 1:25 p.m., January 30, 2001: SR 4.  
Signed by the Secretary of Senate at 1:30 p.m., January 30, 2001: SR 4.

**JUDICIARY** (Grosfield, Chairman): 1/30/2001  
**SB 128**, introduced bill, be amended as follows:

1. Page 12, line 12.  
**Following:** "under"  
**Strike:** "16"  
**Insert:** "18"

And, as amended, do pass. Report adopted.

**TAXATION** (DePratu, Chairman): 1/30/2001  
**HB 36**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence: 1/29/2001

- HB 129**, introduced by Bales  
**HB 142**, introduced by Somerville  
**HB 148**, introduced by Jacobson  
**HB 175**, introduced by Jent  
**HB 223**, introduced by Schmidt  
**HB 249**, introduced by Laslovich  
**HB 267**, introduced by Juneau  
**HB 311**, introduced by Masolo

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House joint resolutions passed and transmitted to the Senate for concurrence: 1/29/2001  
**HJR 4**, introduced by Fuchs  
**HJR 8**, introduced by Jacobson

Senate bill concurred in and returned to the Senate: 1/29/2001  
**SB 87**, introduced by Waterman

**MOTIONS**

**SB 332** - Senator Waterman moved that **SB 332** be taken from the committee on Public Health, Welfare and Safety and rereferred to the committee on Finance. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 352**, introduced by R. Holden (by request of the Governor), referred to Taxation.  
**SB 353**, introduced by Taylor, referred to Fish and Game.  
**SB 354**, introduced by Crismore, Mood, Beck, Berry, Cole, Grimes, Keenan, Mahlum, Miller, Sliter, F. Thomas, referred to Natural Resources.  
**SB 355**, introduced by Crismore, referred to Highways and Transportation.  
**SB 356**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

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

**HB 129**, introduced by Bales (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.  
**HB 142**, introduced by Somerville (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.  
**HB 148**, introduced by Jacobson (by request of the Department of Transportation), referred to Highways and Transportation.  
**HB 175**, introduced by Jent (by request of the Attorney General), referred to Public Health, Welfare and Safety.  
**HB 223**, introduced by Schmidt, Cyr, Gillan, Halligan, Wanzenried, referred to Judiciary.  
**HB 249**, introduced by Laslovich, Harrington, Kitzenberg, Lawson, Lewis, Mahlum, D. Mood, Olson, Ripley, Tash, Tester, Wanzenried, referred to Education and Cultural Resources.  
**HB 267**, introduced by Juneau, Bixby, Buzzas, Cyr, Doherty, Eggers, Jayne, Kaufmann, Mangan, Pease, Smith, referred to Education and Cultural Resources.  
**HB 311**, introduced by Masolo, referred to State Administration.

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

**HJR 4**, introduced by Fuchs, Bales, Bitney, R. Brown, Brueggeman, Dale, Davies, Devlin, Esp, Facey, G. Forrester, Golie, Himmelberger, R. Holden, Jackson, Laszloffy, Lee, Masolo, Mood, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, B. Thomas, Tramelli, J. Whitaker, Wolery, referred to State Administration.  
**HJR 8**, introduced by Jacobson, Bixby, Christiaens, Golie, Hedges, Lenhart, Lindeen, Mangan, Schrupf, referred to State Administration.

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**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 Johnson in the chair.

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

**SB 168** - Senator Stonington moved SB 168 do pass. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman.

Total 25

Nays: Berry, Butcher, Cobb, Cole, Crismore, Ekegren, Ellis, Glaser, Grosfield, Holden, Keenan, McNutt, Miller, Mohl, O'Neil, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: DePratu, Franklin, Mahlum.

Total 3

**SB 269** - Senator McNutt moved SB 269 do pass. Motion carried unanimously.

**HB 29** - Senator Grosfield moved HB 29 be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 40

Nays: Butcher, Cobb, Keenan, Miller, Taylor, Wells.

Total 6

Absent or not voting: Glaser.

Total 1

Excused: DePratu, Franklin, Mahlum.

Total 3

**SB 27** - Senator R. Holden moved SB 27 do pass. Motion carried as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harrington, Holden, Keenan, McNutt, Miller, Mohl, O'Neil, Pease, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 28

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Grosfield, Halligan, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Roush, Ryan, Shea, Stonington, Toole, Waterman.

Total 19

Absent or not voting: None.

Total 0

Excused: DePratu, Franklin, Mahlum.

Total 3

**SB 56** - Senator McNutt moved SB 56 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 35

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Harrington, Pease, Shea, Stonington, Toole, Waterman.

Total 12

Absent or not voting: None.

Total 0

Excused: DePratu, Franklin, Mahlum.

Total 3

**SB 115** - Senator R. Holden moved SB 115 do pass. Motion carried unanimously.

**Senator Franklin present at this time.**

**SB 35** - Senator Bishop moved SB 35 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 29

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 19

Absent or not voting: None.

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Total 0

Excused: DePratu, Mahlum.

Total 2

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Johnson moved the Committee of the Whole report be adopted. **HB 29** - Senator Miller made a substitute motion that **HB 29 be segregated** from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

**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 50** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ekegren, Ellingson, Franklin, Glaser, Halligan, Hargrove, Harrington, Johnson, Keenan, Kitzenberg, McCarthy, Miller, Nelson, O'Neil, Pease, Roush, Shea, Stapleton, Stonington, Tester, Thomas, Toole, Waterman, Wells.

Total 33

Nays: Crismore, Elliott, Ellis, Grimes, Grosfield, Holden, Jergeson, McNutt, Mohl, Ryan, Sprague, Tash, Taylor, Zook, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: DePratu, Mahlum.

Total 2

**SB 57** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Mr. President.

Total 43

Nays: Glaser, Holden, McNutt, Nelson, Zook.

Total 5

Absent or not voting: None.

Total 0

Excused: DePratu, Mahlum.

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Total 2

**SB 90** passed as follows:

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

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: DePratu, Mahlum.

Total 2

**SB 161** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Ekegren, Ellingson, Elliott, Ellis, Franklin, Halligan, Hargrove, Harrington, Johnson, McCarthy, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook.

Total 31

Nays: Butcher, Crismore, DePratu, Doherty, Glaser, Grimes, Grosfield, Holden, Jergeson, Keenan, Kitzenberg, McNutt, Miller, Mohl, Nelson, O'Neil, Taylor, Mr. President.

Total 18

Paired: Berry, Aye; DePratu, No.

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**SB 162** passed as follows:

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

Total 48

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: DePratu, Mahlum.  
Total 2

**SB 240** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

Excused: DePratu, Mahlum.  
Total 2

**SB 262** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: Harrington.  
Total 1

Absent or not voting: None.  
Total 0

Excused: DePratu, Mahlum.  
Total 2

**SB 279** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague,

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Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: DePratu, Mahlum.  
Total 2

**MOTIONS**

**SB 50** - Senator Ellis moved that he be allowed to change his vote on **SB 50** on third reading this legislative day, from yea to nay. Motion carried

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, January 31, 2001. Motion carried.

Senate adjourned at 3:00 p.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate