

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

Helena, Montana  
February 3, 2001

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Beck presiding. Invocation by Reverend Sam Hughes of Calvary Baptist Church in Helena. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, and Taylor, excused. Quorum present.

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 2/3/2001  
Correctly printed: SB 25, SB 78, SB 107, SB 129, SB 140, SB 169, SB 171, SB 219, SB 253, SB 280, SB 328, SB 386, SB 387, SB 388, SB 389, SB 391, SB 392, HB 99, HB 194.  
Correctly engrossed: SB 96, SB 97, SB 285, HB 19, HB 24, HB 51, HB 91, HB 104, HB 115, HB 117, HB 132.  
Correctly enrolled: SR 6, SR 8, SR 10.  
Examined by the sponsor and found to be correct: SR 6, SR 8, SR 10.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence: 2/2/2001

**HB 46**, introduced by Dale  
**HB 95**, introduced by Matthews  
**HB 147**, introduced by Dale  
**HB 224**, introduced by Hurdle  
**HB 238**, introduced by B. Thomas  
**HB 325**, introduced by Laible  
**HB 329**, introduced by Somerville

House joint resolution passed and transmitted to the Senate for concurrence: 2/2/2001

**HJR 1**, introduced by McCann

**MOTIONS**

**SB 390** - Senator Cobb moved that the joint rules be suspended to allow "by request of the Office of Public Instruction" to be added to **SB 390**, which was introduced the previous legislative day, as the request line was inadvertently left off the original bill. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg,

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Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 393**, introduced by F. Thomas, Beck, Berry, Cocchiarella, DePratu, Doherty, Grosfield, Hargrove, Harrington, Jergeson, Juneau, Keane, Kitzenberg, Lenhart, McGee, McNutt, Sliter, Tester, Witt, referred to Highways and Transportation.

**SB 394**, introduced by Shea, referred to Education and Cultural Resources.

**SB 395**, introduced by Grosfield, Beck, Berry, Grimes, Hargrove, Hedges, Mangan, Masolo, McCann, McGee, McNutt, D. Mood, Olson, Roush, Shea, Sliter, Tester, F. Thomas, referred to State Administration.

**SB 396**, introduced by Grosfield, Beck, Berry, Grimes, Hargrove, Hedges, Mangan, Masolo, McCann, McGee, McNutt, D. Mood, Olson, Roush, Shea, Sliter, Tester, F. Thomas, referred to State Administration.

**SB 397**, introduced by Grosfield, Beck, Berry, Grimes, Hargrove, Hedges, Mangan, Masolo, McCann, McGee, McNutt, D. Mood, Olson, Roush, Shea, Sliter, Tester, F. Thomas, referred to State Administration.

**SB 398**, introduced by K. Miller, F. Thomas, referred to Energy and Telecommunications.

**SB 399**, introduced by R. Holden, Adams, Butcher, Grimes, Laszloffy, K. Peterson, Walters, J. Wells, referred to Judiciary.

**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 Stapleton in the chair.

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

**SB 96** - Senator Mahlum moved SB 96 do pass. Motion carried unanimously.

**SB 97** - Senator Mahlum moved SB 97 do pass. Motion carried unanimously.

**SB 280** - Senator McNutt moved SB 280 do pass. Motion carried unanimously.

**HB 99** - Senator Crismore moved HB 99 be concurred in. Motion carried as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**HB 132** - Senator J. Wells moved HB 132 be concurred in. Motion carried unanimously.

**HB 194** - Senator Mahlum moved HB 194 be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Stapleton 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 78** passed as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**SB 107** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott,

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Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**SB 129** passed as follows:

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

Total 41

Nays: Miller.

Total 1

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**SB 169** passed as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

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**SB 171** passed as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**SB 219** passed as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**SB 253** passed as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.  
Total 8

**SB 328** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 42

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.  
Total 8

**HB 19, as amended by the Senate**, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 42

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.  
Total 8

**HB 24** concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 42

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**HB 51** concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**HB 91** concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.

Total 8

**HB 104, as amended by the Senate**, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tester, Thomas, Toole,

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Waterman, Wells, Zook, Mr. President.  
Total 42

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.  
Total 8

**HB 115** concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Sprague, Stapleton, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 42

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.  
Total 8

**HB 117** concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Roush, Sprague, Stapleton, Tester, Thomas, Toole, Wells, Zook, Mr. President.  
Total 37

Nays: Cobb, Cocchiarella, Nelson, Ryan, Waterman.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Christiaens, Ellingson, Ellis, Pease, Shea, Stonington, Tash, Taylor.  
Total 8

**MOTIONS**



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**SB 297** - Senator Elliott moved that **SB 297** be taken from the committee on Business and Labor and rereferred to the committee on State Administration. Motion carried.

**SB 96** - Senator Keenan moved that **SB 96** be taken from third reading and rereferred to the committee on Finance. Motion carried.

**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 1:00 p.m., Monday, February 5, 2001. Motion carried.

Senate adjourned at 9:01 a.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate