

**SENATE JOURNAL
57TH LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 9, 2001

Senate Chambers
State Capitol

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Chris Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced Senate President Beck, and yielded the chair to him.

Majority Leader Thomas moved that the body resolve itself into a joint session for the purpose of receiving the address from The Honorable Max Baucus, U. S. Senator from Montana. Motion carried.

Majority Leader Thomas moved that the president be authorized to appoint a committee of four to notify the Honorable Senator Baucus that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Holden, Senator Franklin, Representative Younkin and Representative Tramelli, and discharged the committee to escort the Honorable U. S. Senator into the House Chambers.

The committee escorted Senator Baucus into the chambers.

Pastor Keith Johnson of the Evangelical Covenant Church gave the invocation, followed by the Pledge of Allegiance.

President Beck introduced U. S. Senator Baucus, who gave the following speech to the joint session.

Thanks for welcoming me back to the Montana Legislature. It's been a long time since I've had the pleasure of serving with you. Yet, in so many ways, it feels like it was just yesterday. I spent time working right here, sitting in your desk, Gary Forrester. Actually, it's you who is sitting in my desk!

That time shaped my views and reinforced my dedication to public service. I'm lucky to still have such good working relationships with so many of you on both sides of the aisle. Having served here only deepens my respect for everything you do. How hard you work.

It's easy for folks to be critical. But, I know the huge amount of work each one of you does for our state. Not just during these 90 days, but between sessions as well. You are all working to make this fragile and animated place we live a little bit better.

I'd like to acknowledge Aubyn Curtiss, who I served with years ago. I still proudly read your update and look for your picture in the Tobacco Valley and Western News. I'm also pleased I've developed friendships with so many of you:

Walt McNutt - I appreciate your continuing interest in Economic Development. You've been a long-time champion of the issue, and I look forward to our continuing efforts and results.

Steve Gallus - I'm very interested in the bill you're drafting to promote high technology and economic development. That's exactly the way we should be moving as a state.

Mike Taylor - I like the bill you've sponsored to move job creation functions of the Department of Commerce over to Governor Martz's office. That's a great first step to start streamlining government.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Doug Mood - I've enjoyed our meetings and talks over the last few session, and look forward to continued discussions of economic development.

Sam Kitzenberg - You've been extremely helpful in our education discussions, and a great champion of Glasgow, the Hi-line and Montana.

Thank you all for your incredible service to Montana. Let's now take it to the next step. Let's reach our goals by working in unison at all levels of government – federal, state, and local. Working together is what I've done since I've been in public office, and what I will continue to do for as long as I'm lucky enough to serve Montana.

I feel there's real change in the air. I feel it in Washington and here in Montana, too. And it's an exciting feeling! We're changing by realizing we have to work together. We have to make the hard decisions if we ever want to reach our goals. Just this week Governor Martz met in a breakfast with the congressional delegation in D. C. I really appreciate that. It's east to talk the talk, but it's so nice when people walk the walk.

Conrad, Denny and I are working on putting together a Farm Bill right now. That's never happened before. The three of us sitting down at the table, talking about what we can do together to help Montanans. We're also planning on working on the next highway bill together. It's a new era with the Montana delegation.

Montanans gave me this job, just as they've given you yours, and we take that responsibility very seriously. Only by continuing to work together can we make sure that Montana is all we dream it can be.

Economic Development

As the old saying goes, "The more things change, the more they stay the same." I don't know of anywhere that saying is more fitting than Montana. Joseph Kinsey Howard's book, "Montana: High, Wide and Handsome," is a book we all should read again. Published in 1943, it's a story of Montana that could just as easily be told today.

"[Montana's] imbalance in population will affect all America; and that is the reason for singling out a state whose economy seems most precarious - in the hope that discussion of its experience may encourage sympathetic understanding of steps already taken to aid it, and help set in motion more such movements for all of the west."

Remember, that was in 1943, 58 years ago. "...a state whose economy seems most precarious." Can't you just see that as a headline in today's paper? That feeling of change I mentioned earlier - let's capture that. Move forward together and be open to change. It's what will lead us to the new, fresh solutions we need. Our goal: A headline that reads - "Montanans Embrace Change, Work Together, Reap Economic Bounty."

While embracing change, we will continue to honor the past. A past whose roots dig deep into agriculture and a land-based economy. Too often, the "Old Economy" is pitted against the new. This doesn't have to be an either/or situation.

For example, let's invest in research to develop new technologies for our basic industries combining the best of the old with the best of the new. Just look at what MSU's College of Agriculture is doing. Finding ways to apply technology to our basic industries, especially farming. They've created alternative crops--plants that produce fuels, oils, lubricants, pharmaceuticals.

Mark Semmens, a member of the Montana Board of Regents, recently said: "The factors that are adversely affecting our traditional industries are worldwide conditions that will not be changed by statewide policies. The reality is that if we want to gain competitive advantage with natural resource industries in Montana - or in the United States - we will

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

do so by applying innovative technologies to resource production, extraction, and processing. And again, this comes right back to university research and education."

Change is a tough thing, but it's always for the better. It requires us to be on our toes, nimble, creative and flexible. Just think of how many companies have gone under, and CEO's who have pulled the ripcord on the golden parachute because they wouldn't embrace new ideas. We can't let a similar fate happen to Montana. Change shouldn't be threatening. Being open, flexible and ready to seize new ideas and opportunities will lead us to the economic health we want and crave.

It's time we dig in our heels, roll up our sleeves. As author Sam Ewing once said, "Hard work spotlights the character of people: some turn up their sleeves, some turn up their noses, and some don't turn up at all."

We all know Montanans don't hesitate to roll up their sleeves and get to work. They pitch in and do the hard work. Awhile back I gave some of those hard working Montanans a call. We came up with the idea of holding an economic development summit.

We joined together last June in Great Falls with over 1,000 other hard working Montanans for an Economic Development Summit. The enthusiasm of that crowd proved to me that we were on the right track.

Boosting our state's economy and creating good-paying jobs is important to Montanans. Let's join together to make this an annual event.

Our second summit will be this June 29th and 30th at the University of Great Falls. I know Denny mentioned to you on Monday that economic development is his number one priority. I was very pleased to hear that. This is yet another opportunity for us all to work together.

The Economic Development Action Group, led by my friend and banker from Billings, Tom Scott, was a result of the first summit. EDAG's 16 members are from all walks of life, primarily from the private sector. They've been talking with Governor Martz and many of you, and have submitted recommendations on ways to boost the state's economy and create more good-paying jobs. Creating jobs is not a partisan issue. It's about taking care of our state.

Moving us up from the bottom rung of the national economic ladder. I hope that we can all work together—and I mean that—to create more good-paying jobs so our kids can stay home.

I'd like to ask for your help and your support. Because we're all red-blooded Montanans, we're all in this together. And, we all must work together - Democrat and Republican, Public and Private sector, State, Federal, local and tribal. Our kids' futures are just too important to let politics and partisanship get in the way. From the beginning of this economic development initiative, I've had three guiding principles:

All efforts must be non-partisan.

The initiative must be private-sector driven.

And, most importantly, nothing's off the table.

These are EDAG's building principles. They will drive us toward a real plan for economic development. While we're obviously not always going to agree on every single detail, we can agree on our goal to achieve real economic health. And, I think that's something we can all agree on. It should be a priority for us all.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Education

Economic development and education are linked. Education's got to be at the top of the list because you can't have one without the other.

Education is the fertile soil from which all success grows. Look at Mike Mansfield, a statesman we all admire:

Mike was a middle school dropout. He served as a soldier and toiled as a mine mucker. His wife, Maureen, was a powerful influence and turned his life around by encouraging him to further his education. From a man who had no employment options beyond manual labor to becoming a college professor, and then a Montana and American political leader. Throughout his career, Mike said simply, but with great sincerity, Maureen's support and her encouragement of education were the foundation of his success.

Statistics show that the average high school graduate earns up to 60 percent more than the high school dropout. A college graduate earns up to 80 to 90 percent more than a high school graduate. We've got to fund education. It's that simple. I've been keeping a very close eye on the proposals that have come forward here this year, and have been excited by what I've seen:

Bob Brown's and Linda McCulloch's Education Trust Plan, introduced by Majority Leader Fred Thomas.

Leveraging the Coal Tax Trust Fund - one way or another. This is an interesting idea.

Boosting tobacco taxes. It's been tossed around in the past, and I know you're looking at it.

We also have to help our teachers. There's no reason other states in our region can afford to pay their teachers what they're worth, and we can't. We should support legislation that encourages loan forgiveness and other incentives to teach in Montana schools.

Vocational education also is key to boosting our economy. Business knows that. Educators know that. We can't forget that when making funding decisions.

As we move boldly into the New Economy, we have to be prepared by adequately training new workers.

I implore you, as Montana's elected leaders, to give our children a world-class education so they can compete in the New Economy. Our kids - the future senator from Eureka or Representative from Sidney - deserve no less.

You have to invest before you can see a return. Education is not only an investment in our children today, but an investment that will still be delivering returns down the road so that we're not still in the same situation, the same cycle, 60 years from now.

Finance/Tax Cut/Budget

Just a quick update on the issues happening back in Washington -

In January I experienced 17 Glory Days as the Chairman of the Senate Finance Committee. But, being "demoted" to Top Democrat isn't half-bad either. The new Chairman, Chuck Grassley, is a great guy to be working with. He's from Iowa - a farm state. He is not only aware of the issues affecting rural areas. He truly understands them.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

President Bush has put forth a \$1.6 trillion across-the-board tax cut plan, which is the main focus on Capitol Hill right now. I can tell you today – Montanans are going to get a substantial tax cut. A SUBSTANTIAL TAX CUT - and they deserve it.

But, we must always protect Social Security, Medicare, and work to pay down the debt. The tax cut can only be considered in the context of those priorities.

I've met three times with President Bush on the tax cut plan. I've also met with Fed Chairman Alan Greenspan and Treasury Secretary Paul O'Neill. I've told them what I just told you - that I'm taking a cautious approach. I want to make sure that the substantial tax cut fits within the budget. We must ensure that we protect Medicare and Social Security so these programs will remain solvent for generations to come. And, we must create a universal prescription drug benefit for all seniors on Medicare. I intend to do that.

Energy

I'd like to talk about another arena where we need to see change. With our energy system. Let me again reference Howard's book to show another pattern that has emerged. One that we must get ahead of this time.

The year was 1937: "Now, however, a new frightening specter hung over the community and the state. Its name was power exhaustion. The same newspaper which reported a meager rain shower early in June also reported, less conspicuously, the closing of several units of the Anaconda Company's Great Falls zinc plant because of lack of power."

Several weeks ago I met with Steve Wright, acting administrator of the Bonneville Power Administration. BPA's proposed rate hike continues to grow. Some estimates say rates could jump 225 per cent. Wright got back to me this week and has some preliminary solutions. I'll be working with him; with the congressional delegation. And I'd really like to hear any and all ideas you have.

We're dealing with a power grid that was never meant for a deregulated market. Transmission is a large part of the problem. Even where there is enough power, getting it from where it is to where it needs to be is often impossible.

We have several options to explore. Including investing in generation, turbines, conservation practices, and increasing power transmission capacity. I want to make sure that we protect our jobs, our economy, and our consumers. As power rates go up, we must make sure Montanans don't suffer because other states want our power.

Conclusion

So where does this leave us? With a good base to work from.

Embracing change while valuing our heritage. A place to come together and concentrate on the big picture. Economic Development. New, good-paying JOBS. A great education. A tax cut that is rewarding yet protects our interests. And finding solutions for the energy shortage.

I do believe that all things can be achieved through hard work and by working together. And the more people and interests that are involved, the more work than can be accomplished.

In parting, I'd like to share some final words of Joseph Kinsey Howard's with you. He understood the privilege of being a Montanan. We must never forget what we're fighting for. Now listen very carefully to the words written a half-century ago.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

"The sunset holds infinite promise. Fire sweeps up from behind the Rockies to consume the universe, kindles the whole horizon, and all the great sky is flame; then suddenly it falters and fades atop the distant peaks and the lonely buttes, ebbs and is lost in secret coulees. The Montanan is both humbled and exalted by this blazing glory filling his world, yet so quickly dead; he cannot but marvel that such a puny creature as he should be privileged to stand here unharmed, and watch. But the sun's fierce ecstasy will return tomorrow night. And next year..."

Together, let's embrace change and the future. We hold the sunset's "infinite promise" in the palm of our hand. The time has come. Thank you.

The escort committee escorted Senator Baucus from the joint session.

Senator Thomas moved that the joint session of the 57th Legislature, convened to receive the address from Montana's U. S. Senator, The Honorable Max Baucus, be adjourned. Motion carried.

Joint Session adjourned at 1:44 p.m.

Senate convened at 1:48 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Holden and Ryan, excused. Quorum present.

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

Miller, Chairman

Senator Holden present at this time.

SPECIAL ORDERS OF THE DAY

The Heritage Signers , a group of 4th - 7th grade students from the Heritage Christian School in Bozeman, under the direction of Wendy Thiesen, entertained the Senate with two songs performed with sign language. Ms. Thiesen is a teacher and former member of the Theater of Silence. In 1999 Wendy's class was invited to participate in the closing ceremonies for the Montana Special Olympics. After this experience, many of the students wanted to continue to learn sign language. The students practice together 3 hours a week most of the school year.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

3/9/2001

Correctly printed: SB 497, HB 134, HB 267, HB 294, HB 393, HJR 14, HJR 22.

Correctly engrossed: HB 142, HB 156, HB 166, HB 175, HB 238, HB 268, HB 281, HB 286, HB 358, HB 390, HB 405, HB 458, HB 462, HB 469, HJR 9, HJR 11.

Correctly enrolled: SB 6, SB 7, SB 78, SB 80, SB 205, SB 211, SB 425.

Signed by the Speaker at 4:25 p.m., March 8, 2001: SB 180.

Examined by the sponsor and found to be correct: SB 29, SB 37, SB 41, SB 44, SB 59, SB 122, SB 142, SB 148, SB 149, SB 157.

Examined by the sponsor and found to be correct: SB 6, SB 7, SB 78, SB 80, SB 205, SB 211, SB 425.

Signed by the President at 2:50 p.m., March 9, 2001: SB 29, SB 37, SB 41, SB 44, SB 59, SB 122, SB 142, SB 148,

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

SB 149, SB 157.

Delivered to the Governor for approval at 3:50 p.m., March 8, 2001: SB 32, SB 45, SB 75.

Delivered to the Governor for approval at 10:00 a.m., March 9, 2001: SB 180.

BUSINESS AND LABOR (Taylor, Chairman):

3/9/2001

HB 218, be amended as follows:

1. Title, line 7.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, line 30.

Following: "¿"

Insert: "The term does not include a person engaged in transporting water for human consumption and use who does so on a not-for-profit basis."

3. Page 4, following line 21.

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

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

HB 230, be amended as follows:

1. Title, line 5.

Following: "REQUIREMENTS;"

Insert: "AND"

Strike: "50-74-101,"

Following: "50-74-209"

Strike: ","

2. Page 1, lines 10 through 21.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 8.

Following: "all boilers"

Insert: "and banks of boilers"

Strike: "an"

Insert: "a total"

4. Page 2, line 11.

Following: "years"

Insert: ", except that an automatically fired boiler in a school, daycare center, hospital, rest home, retirement center, or place of assembly with a capacity for more than 100 persons must be inspected once a year"

5. Page 2, lines 19 and 20.

Strike: "within" on line 19 through "months" on line 20

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

6. Page 2, line 20.

Strike: "within the 6-month period"

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

HB 399, be concurred in. Report adopted.

HB 479, be concurred in. Report adopted.

HB 489, be concurred in. Report adopted.

HB 493, be concurred in. Report adopted.

HB 500, be concurred in. Report adopted.

FISH AND GAME (Sprague, Chairman):

3/9/2001

HB 142, be amended as follows:

1. Title, line 7.

Strike: "IN REGION 1"

2. Page 2, line 22.

Strike: "IN REGION 1"

3. Page 2, line 24.

Strike: "IN REGION 1"

4. Page 2, line 26.

Strike: "if."

Insert: "for the purpose of providing for ethical and biologically sound hunting. The commission shall consider, but is not limited to consideration of, the following factors:

- (i) harvest of lions by resident and nonresident hunters;
- (ii) history of quota overruns;
- (iii) composition, including age and sex, of the lion harvest;
- (iv) historical outfitter use;
- (v) conflicts among hunter groups;
- (vi) availability of public and private lands; and"

5. Page 2, line 27 through line 30.

Strike: subsection (i) in its entirety

6. Page 3, line 1.

Strike: "(ii) the commission further determines that"

Insert: "(vii) whether"

7. Page 4, line 2.

Strike: "IN REGION 1"

8. Page 4, line 4.

Strike: "IN REGION 1"

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

9. Page 4, line 6.

Strike: "if."

Insert: "for the purpose of providing for ethical and biologically sound hunting. The commission shall consider, but is not limited to consideration of, the following factors:

- (i) harvest of lions by resident and nonresident hunters;
- (ii) history of quota overruns;
- (iii) composition, including age and sex, of the lion harvest;
- (iv) historical outfitter use;
- (v) conflicts among hunter groups;
- (vi) availability of public and private lands; and"

10. Page 4, line 7 through line 10.

Strike: subsection (i) in its entirety

11. Page 4, line 11.

Strike: "(ii) the commission further determines that"

Insert: "(vii) whether"

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

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

3/9/2001

HB 392, be concurred in. Report adopted.

HB 430, be amended as follows:

1. Page 1, line 11.

Following: "second cars"

Insert: "or taxicabs"

2. Page 1, line 29.

Following: "cars"

Insert: "or taxicabs"

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

HB 524, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman):

3/9/2001

HB 201, be amended as follows:

1. Title, line 6.

Following: "~~PENALTY~~;"

Insert: "PROVIDING A PENALTY;"

2. Page 2, line 28.

Following: "a"

Strike: "A"

Insert: "Except as provided in subsection (8)(c), a"

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

3. Page 3, line 5.

Following: line 4

Insert: "(c) A person convicted of the offense of theft of property exceeding \$10,000 in value by embezzlement shall be imprisoned in a state prison for a term of not less than 1 year or more than 10 years and may be fined an amount not to exceed \$50,000. The court may, in its discretion, place the person on probation with the requirement that restitution be made under terms set by the court. If the terms are not met, the required prison term may be ordered."

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

HB 331, be amended as follows:

1. Page 1, line 13.

Following: "services,"

Insert: "financial information,"

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

HB 402, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mahlum, Chairman):

3/8/2001

HB 27, be concurred in. Report adopted.

HB 383, be concurred in. Report adopted.

HB 469, be amended as follows:

1. Title, line 6.

Strike: the first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.

Following: line 17

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

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

MESSAGES FROM THE GOVERNOR

March 6, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Beck:

I would like to notify you that there is an additional judicial nomination that needs to be confirmed by the Senate:

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

District Judge Gregory R. Todd, 13th Judicial District, Billings, Montana

I am attaching a copy of biographical information on Judge Todd. If we can be of help by supplying more information for you, please feel free to contact Susan Ames, Boards and Commissions Advisor, at 444-0575.

Sincerely,

JUDY MARTZ
Governor

Gregory R. Todd
2011 14th St. West
Billings, MT 59101

HPH: 896-8983
BPH: 255-7152

"Greg is a native Montanan. He graduated from Billings West High School and earned his Juris Doctorate degree in 1977 from the University of Montana School of Law. He began his law career as Deputy County Attorney for Gallatin County in August 1977. He has been in private law practice since 1980....."

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 3/9/2001

HB 21, introduced by Eggers
HB 44, introduced by Haines
HB 71, introduced by Gallik
HB 104, introduced by P. Clark
HB 223, introduced by Schmidt

Senate bills concurred in and returned to the Senate: 3/9/2001

SB 6, introduced by Cole
SB 7, introduced by Cole
SB 78, introduced by Hargrove
SB 80, introduced by Mahlum
SB 205, introduced by Cobb
SB 211, introduced by Shea
SB 425, introduced by Glaser

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/9/2001

SB 97, introduced by Mahlum
SB 102, introduced by Cole

SECOND READING OF BILLS

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

(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 Jergeson in the chair.

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

Senator Miller assumed the chair.

HB 210 - Senator Ellis moved **HB 210**, second reading copy, be amended as follows :

1. Title, page 1, line 5 through line 6.

Strike: "SETTING" through "ACTION;"

2. Page 1, line 16.

Strike: "less than \$25 or"

3. Page 1, line 16 through line 17.

Following: "\$100."

Strike: "If the board" through "\$25."

Amendment **adopted** unanimously.

HB 210 - Senator Jergeson moved **HB 210**, as amended, be concurred in. Motion carried unanimously.

Senator Jergeson assumed the chair.

SB 134 - Senator K. Miller moved **SB 134** do pass. After discussion, the committee reverted to the body of the bill for purpose of amendment. Senator Ellingson moved that **SB 134**, second reading copy, be amended as follows:

1. Page 3, line 2 through line 3.

Strike: "THE FIRST ONE-HALF OF THE AMOUNT"

Insert: "100%"

Following: "OF"

Insert: "the"

2. Page 3, line 29 through line 30.

Strike: "THE FIRST ONE-HALF OF THE AMOUNT"

Insert: "100%"

Following: "OF"

Insert: "the"

Amendment **not adopted** as follows:

Yeas: Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Shea, Stonington, Tester, Toole.

Total 18

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

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

Total 31

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

SB 134 - Senator Stonington moved **SB 134**, second reading copy, be amended as follows :

1. Title, line 6 through line 7.

Strike: "ONE-THIRD THE OTHERWISE APPLICABLE COAL SEVERANCE TAX RATE"

Insert: "12 PERCENT"

2. Page 2, line 28 through page 2, line 30.

Strike: "THAT" on line 28 through "IS" on line 30

3. Page 3, lines 1 and 2.

Strike: "." on line 1

Strike: "(II) THE" on line 2

Insert: ", is 12% if the"

Strike: "AGREES TO OFFER," on line 2

Insert: "offers the electricity produced with the coal"

Following: "STATE" on line 2

Strike: "THE"

Insert: ". The"

4. Page 3, line 3.

Strike: "TO"

Insert: "for"

Following: "PROVIDERS"

Insert: "must be sold"

5. Page 3, lines 25 through 27.

Strike: "THAT" on line 25 through "IS" on line 27

6. Page 3, lines 28 and 29.

Strike: "." on line 28

Strike: "(II) THE" on line 29

Insert: ", is 12% if the"

Strike: "AGREES TO OFFER," on line 29

Insert: "offers the electricity produced with the coal"

Following: "STATE" on line 29

Strike: "THE"

Insert: ". The"

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

7. Page 3, line 30.

Strike: "TO"

Insert: "for"

Following: "PROVIDERS"

Insert: "must be sold"

Amendment **not adopted** as follows:

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

Total 18

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

Total 29

Absent or not voting: Bishop, Cobb.

Total 2

Excused: Ryan.

Total 1

Senators Bishop and Grimes excused at this time.

SB 134 - Senator K. Miller moved **SB 134** do pass. Motion carried as follows:

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

Total 27

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

Total 20

Absent or not voting: None.

Total 0

Excused: Bishop, Grimes, Ryan.

Total 3

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Jergeson moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senator Cobb excused at this time.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

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 106, as amended by the House, passed as follows:

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

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

HB 166, as amended by the Senate, concurred in as follows:

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

Total 44

Nays: Johnson, Miller.

Total 2

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

HB 175 concurred in as follows:

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

Total 46

Nays: None.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

HB 238 concurred in as follows:

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

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

HB 268 concurred in as follows:

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

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

HB 281 concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton,

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop, Cobb, Grimes, Ryan.
Total 4

HB 286 concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop, Cobb, Grimes, Ryan.
Total 4

HB 358 concurred in as follows:

Yeas: Berry, Butcher, Christiaens, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, McNutt, O'Neil, Pease, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 34

Nays: Bohlinger, Cocchiarella, Ellingson, Jergeson, Mahlum, McCarthy, Miller, Mohl, Nelson, Roush, Stonington, Wells.
Total 12

Absent or not voting: None.
Total 0

Excused: Bishop, Cobb, Grimes, Ryan.
Total 4

HB 458 concurred in as follows:

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Yeas: Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 41

Nays: Butcher, Cocchiarella, Franklin, Miller, O'Neil.

Total 5

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

HB 462 concurred in as follows:

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

Total 45

Nays: Mohl.

Total 1

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

HJR 9 concurred in as follows:

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

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

HJR 11 concurred in as follows:

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

Total 43

Nays: Butcher, Holden, Miller.

Total 3

Absent or not voting: None.

Total 0

Excused: Bishop, Cobb, Grimes, Ryan.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 11:00 a.m., Saturday, March 10, 2001. Motion carried.

Senate adjourned at 3:32 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate