

**SENATE JOURNAL
57TH LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 3, 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 Senator Berry, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

4/3/2001

Correctly engrossed: HB 7, HB 9, HB 10, HB 11, HB 12.

Correctly enrolled: SB 31, SB 89, SB 182, SB 256, SB 262, SB 274, SB 282, SB 300, SB 323, SB 357, SB 380, SB 387, SB 397.

Examined by the sponsor and found to be correct: SB 89, SB 182, SB 256, SB 262, SB 274, SB 282, SB 300, SB 323, SB 357, SB 380, SB 387, SJR 17.

Signed by the President at 1:35 p.m., April 3, 2001: SB 117, SB 144, SB 290, SB 321, SB 361, SB 482.

MESSAGES FROM THE GOVERNOR

April 2, 2001

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

Dear Senator Beck:

Please be informed that I have signed **Senate Bill 23** sponsored by Senator Halligan, **Senate Bill 74** sponsored by Senator McNutt and **Senate Bill 90** sponsored by Senator Ekegren on April 2, 2001.

Sincerely,
JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills **not** concurred in:

4/2/2001

HB 118, introduced by Clancy

HB 142, introduced by Somerville

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

HB 172, introduced by L. Holden
HB 293, introduced by Harris
HB 473, introduced by C. Younkin

Senate bills concurred in and returned to the Senate: 4/2/2001

SB 94, introduced by Shea
SB 145, introduced by Berry
SB 163, introduced by Grosfield
SB 279, introduced by McNutt
SB 440, introduced by Christiaens

Senate joint resolution concurred in and returned to the Senate: 4/2/2001

SJR 9, introduced by Cocchiarella

Conference Committees appointed: 4/2/2001

HB 118 - The House failed to concur in Senate amendments to **HB 118**, authorized the Speaker to appoint a **Conference Committee**, and requested the Senate to appoint a like committee to confer on Senate amendments to **HB 118**. The Speaker appointed the following members:

Representative Laszloffy, Vice Chairman
Representative Clancy
Representative Cyr

HB 172 - The House failed to concur in Senate amendments to **HB 172**, authorized the Speaker to appoint a **Conference Committee**, and requested the Senate to appoint a like committee to confer on Senate amendments to **HB 172**. The Speaker appointed the following members:

Representative Matthews, Vice Chairman
Representative Holden
Representative Barrett

HB 473 - The House failed to concur in Senate amendments to **HB 473**, authorized the Speaker to appoint a **Conference Committee**, and requested the Senate to appoint a like committee to confer on Senate amendments to **HB 473**. The Speaker appointed the following members:

Representative Younkin, Vice Chairman
Representative Mood
Representative Gutsche

Free Conference Committees appointed: 4/2/2001

HB 2 - The House failed to concur in Senate amendments to **HB 2**, authorized the Speaker to appoint a **Free Conference Committee**, and requested the Senate to appoint a like committee to confer on **HB 2**. The Speaker appointed the following members:

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Representative Vick, Vice Chairman
Representative Lewis
Representative McCann

HB 142 - The House failed to concur in Senate amendments to **HB 142**, authorized the Speaker to appoint a **Free Conference Committee**, and requested the Senate to appoint a like committee to confer on **HB 142**. The Speaker appointed the following members:

Representative Sommerville, Vice Chairman
Representative P. Clark
Representative Laszloffy

HB 293 - The House failed to concur in Senate amendments to **HB 293**, authorized the Speaker to appoint a **Free Conference Committee**, and requested the Senate to appoint a like committee to confer on **HB 293**. The Speaker appointed the following members:

Representative Olson, Vice Chairman
Representative Wolery
Representative Harris

**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 Ellingson in the chair.

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

SB 3 - House Amendments - Senator Kitzenberg moved House amendments to **SB 3** be concurred in. Motion carried unanimously.

SB 28 - House Amendments - Senator Halligan moved House amendments to **SB 28** be **not** concurred in. Motion carried unanimously.

SB 48 - House Amendments - Senator Sprague moved House amendments to **SB 48** be **not** concurred in. Motion carried unanimously.

SB 51 - House Amendments - Senator Hargrove moved House amendments to **SB 51** be concurred in. Motion carried unanimously.

SB 60 - House Amendments - Senator McCarthy moved House amendments to **SB 60** be concurred in. Motion carried with Senator Butcher voting nay.

SB 77 - House Amendments - Senator Hargrove moved House amendments to **SB 77** be concurred in. Motion carried unanimously.

SB 82 - House Amendments - Senator Keenan moved House amendments to **SB 82** be concurred in. Motion carried

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

as follows:

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

Total 28

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

Total 19

Absent or not voting: Elliott, Ellis.

Total 2

Excused: Berry.

Total 1

SB 104 - House Amendments - Senator Sprague moved House amendments to **SB 104** be concurred in. Motion carried unanimously.

SB 108 - House Amendments - Senator Franklin moved House amendments to **SB 108** be concurred in. Motion carried unanimously.

SB 116 - House Amendments - Senator Stonington moved House amendments to **SB 116** be concurred in. Motion carried with Senator Grimes voting nay.

SB 130 - House Amendments - Senator F. Thomas moved House amendments to **SB 130** be concurred in. Motion carried unanimously.

SB 132 - House Amendments - Senator Halligan moved House amendments to **SB 132** be concurred in. Motion carried unanimously.

SB 135 - House Amendments - Senator Waterman moved House amendments to **SB 135** be **not** concurred in. Motion carried unanimously.

SB 138 - House Amendments - Senator Nelson moved House amendments to **SB 138** be concurred in. Motion carried unanimously.

SB 151 - House Amendments - Senator Mahlum moved House amendments to **SB 151** be **not** concurred in. Motion carried unanimously.

SB 152 - House Amendments - Senator Mahlum moved House amendments to **SB 152** be concurred in. Motion carried unanimously.

SB 167 - House Amendments - Senator Stonington moved House amendments to **SB 167** be concurred in. Motion carried unanimously.

SB 170 - House Amendments - Senator Halligan moved House amendments to **SB 170** be concurred in. Motion

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

carried unanimously.

SB 185 - House Amendments - Senator Cobb moved House amendments to **SB 185** be concurred in. Motion carried unanimously.

SB 196 - House Amendments - Senator Tester moved House amendments to **SB 196** be **not** concurred in. Motion carried unanimously.

SB 197 - House Amendments - Senator Tester moved House amendments to **SB 197** be concurred in. Motion carried unanimously.

SB 204 - House Amendments - Senator Cobb moved House amendments to **SB 204** be concurred in. Motion carried unanimously.

SB 221 - House Amendments - Senator R. Johnson moved House amendments to **SB 221** be concurred in. Motion carried unanimously.

SB 229 - House Amendments - Senator Cocchiarella moved House amendments to **SB 229** be concurred in. Motion carried unanimously.

SB 241 - House Amendments - Senator J. Wells moved House amendments to **SB 241** 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 Ellingson moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

HB 107 - Senator Ellingson moved that **HB 107** be taken from the table in the committee on Fish and Game, printed and placed on second reading the next legislative day. Motion **failed** as follows:

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

Total 21

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

Total 29

Paired: Jergeson, Aye; Berry, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

HB 640 - Senator Thomas moved that **HB 640** be taken from the committee on Taxation and rereferred to the committee on Energy and Telecommunications. Motion carried.

HB 118 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate Amendments to **HB 118**. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman
Senator Crismore
Senator Cocchiarella

HB 172 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate Amendments to **HB 172**. Motion carried. The President appointed the following members:

Senator Tash, Chairman
Senator Berry
Senator Franklin

HB 473 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate Amendments to **HB 473**. Motion carried. The President appointed the following members:

Senator Crismore, Chairman
Senator Thomas
Senator Roush

HB 2 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 2**. Motion carried. The President appointed the following members:

Senator Keenan, Chairman
Senator Zook
Senator Nelson

HB 142 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 142**. Motion carried. The President appointed the following members:

Senator Berry, Chairman
Senator Wells
Senator Doherty

HB 293 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 293**. Motion carried. The President appointed the following members:

Senator Hargrove, Chairman

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Senator Franklin
Senator Ekegren

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

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, 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, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Berry.
Total 1

HB 7 concurred in as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, 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, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Berry.
Total 1

HB 9, as amended by the Senate, concurred in as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, 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, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

HB 10, concurred in as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, 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, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

HB 11, as amended by the Senate, concurred in as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, 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, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

HB 12 concurred in as follows:

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

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

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

Total 48

Nays: Cobb.

Total 1

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, April 4, 2001. Motion carried.

Senate adjourned at 2:17 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate