

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

Helena, Montana
April 21, 2001

Senate Chambers
State Capitol

Senate convened at 9:06 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cobb, Doherty, and Stonington, excused. Quorum present.

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

Miller, Chairman

COMMUNICATIONS AND PETITIONS

President Beck questioned the Senators whether they would like to see the "History Minute" readings continued for next session. The following vote was received:

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

Total 43

Nays: Ellis, Johnson, Nelson.

Total 3

Absent or not voting: Grimes.

Total 1

Excused: Cobb, Doherty, Stonington.

Total 3

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

4/23/2001

Correctly engrossed: SR 7.

Correctly enrolled: SB 48, SB 283, SB 339.

Examined by the sponsor and found to be correct: SB 48, SB 283, SB 339, SR 7, SR 25.

Signed by the Speaker at 9:50 a.m., April 21, 2001: SB 28, SB 135, SB 151, SB 185, SB 327, SB 423, SB 427, SB 441, SB 457, SB 514, SJR 21, SJR 22.

Signed by the Secretary of Senate at 10:30 a.m., April 21, 2001: SB 28, SB 135, SB 151, SB 185, SB 327, SB 423, SB 427, SB 441, SB 457, SB 514, SJR 21, SJR 22.

Signed by the Secretary of Senate at 3:20 a.m., April 21, 2001: SR 7, SR 25.

Signed by the President at 3:05 p.m., April 21, 2001: SB 48, SB 283, SB 339, SR 7, SR 25.

Delivered to the Governor for approval at 3:00 p.m., April 21, 2001: SB 28, SB 135, SB 151, SB 185, SB 327, SB 423, SB 427, SB 441, SB 457, SB 514.

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MESSAGES FROM THE GOVERNOR

April 21, 2001

The Honorable Dan McGee
Speaker of the House
State Capitol
Helena, MT 59620

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

Dear Speaker McGee and President Beck:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments **House Bill 124**, "AN ACT GENERALLY REVISING THE LAWS GOVERNING LOCAL GOVERNMENT AND STATE REVENUE COLLECTION AND ALLOCATION, etc." for the following reasons.

As you are aware, the purpose of my amendment is to correct a technical error that occurred during the process of compiling the numerous amendments to this lengthy and complex bill. The error, which relates to the entitlement share figures for certain tax increment financing districts, has been confirmed and discussed by the Legislative Services Division, my Office of Budget and Program Planning and the Department of Revenue. My proposed amendment has also been reviewed by those offices, all of which are in agreement that the amendment will correct the technical error.

The sponsor of HB 124, Representative Story, has been advised of my recommendation and agrees that it should be adopted.

Sincerely,
JUDY MARTZ
Governor

cc: Legislative Services Division
Office of Budget Program and Planning
Department of Revenue

GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 124
(Reference Copy as Amended by Free Conference Committee)
Drafted by the Office of the Governor
April 21, 2001

1. Page 14, line 19

Strike: "CASCADE" on page 14, line 22 through "610,977" on page 15, line 7.

Insert: "Cascade	Great Falls - downtown	\$468,966
Deer Lodge	TIF District 1	3,148
Deer Lodge	TIF District 2	3,126

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Flathead	Kalispell - District 1	758,359
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin	Bozeman - downtown	34,620
Lewis and Clark	Helena - # 2	731,614
Missoula	Missoula - 1-1B & 1-1C	1,100,507
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - uptown	283,801
Yellowstone	Billings	436,815"

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to Senate bill not concurred in and returned to the Senate:

4/20/2001

SB 338, introduced by Berry

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

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

Total 40

Nays: Ellingson, Elliott, Franklin, Harrington, Jergeson, Ryan, Toole.

Total 7

Absent or not voting: None.

Total 0

Excused: Cobb, Doherty, Stonington.

Total 3

SB 19, Free Conference Committee Report No. 1, adopted as follows:

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

Total 46

Nays: Miller.

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Total 1

Absent or not voting: None.

Total 0

Excused: Cobb, Doherty, Stonington.

Total 3

SB 176, Free Conference Committee Report No. 1, adopted as follows:

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

Total 40

Nays: Bishop, Ellingson, Elliott, Halligan, Holden, Mohl, Roush.

Total 7

Absent or not voting: None.

Total 0

Excused: Cobb, Doherty, Stonington.

Total 3

SB 179, as amended by the Governor, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Doherty, Stonington.

Total 3

SB 242, Free Conference Committee Report No. 2, adopted as follows:

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

Total 29

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Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Franklin, Grosfield, Halligan, Harrington, Jergeson, Johnson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 21

Paired: Cobb, Holden, Keenan, Ayes; Bishop, Doherty, Stonington, Noes.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282, as amended by the Governor, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

SB 313, as amended by the Governor, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

SB 386, Free Conference Committee Report No. 1, adopted as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

SB 432, Free Conference Committee Report No. 2, adopted as follows:

Yeas: Berry, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harrington, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 30

Nays: Bishop, Christiaens, Doherty, Ellingson, Elliott, Franklin, Halligan, Holden, Jergeson, Johnson, McCarthy, Nelson, Pease, Roush, Ryan, Stonington, Tester, Toole, Waterman.
Total 19

Paired: McNutt, Thomas, Ayes; Doherty, Stonington, Noes.

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

SB 436, as amended by the Governor, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Cobb, Doherty, Stonington.
Total 3

SB 506, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

SB 521, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 29

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tester, Toole, Waterman.
Total 20

Paired: Cole, Ekegren, Ayes; Doherty, Stonington, Noes.

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

HB 146, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

HB 247, as amended by the Governor, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

HB 600, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 42

Nays: Bishop, Ellingson, Johnson, Stapleton, Toole.
Total 5

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

HB 625, Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Tash, Taylor,

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Tester, Thomas, Toole, Zook, Mr. President.
Total 42

Nays: Holden, Keenan, Mohl, Stapleton, Waterman, Wells.
Total 6

Paired: Cobb, Aye; Holden, No.

Absent or not voting: None.
Total 0

Excused: Doherty, Stonington.
Total 2

HB 637, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook.
Total 43

Nays: Holden, Johnson, Mohl, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

HB 645, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 45

Nays: Johnson, Toole.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb, Doherty, Stonington.
Total 3

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

Session 1

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

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

HB 2 - Senator F. Thomas moved consideration of **HB 2** be placed below SB 494 on the second reading board. Motion carried.

SB 437 - House Amendments - Senator Cole moved House amendments to **SB 437** be concurred in. Motion carried unanimously.

SB 442 - Governor's Amendments - Senator Christiaens moved Governor's amendments to **SB 442** be concurred in. Motion carried unanimously.

SB 508 - Free Conference Committee Report No. 1 - Senator Cole moved the Free Conference Committee report to **SB 508** be adopted. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook.
Total 33

Nays: Bishop, Christiaens, Ellingson, Elliott, Franklin, Halligan, Harrington, Johnson, McCarthy, Pease, Ryan, Shea, Toole.
Total 13

Absent or not voting: Mr. President.
Total 1

Excused: Cobb, Doherty, Stonington.
Total 3

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Pro Tempore McNutt in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted unanimously.

ANNOUNCEMENTS

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

Caucus meetings were announced.

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MOTIONS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 11:45 a.m. this legislative day.
Motion carried.

Senate recessed at 10:54 a.m.

Senate reconvened at 12:45 p.m.

Roll Call. All members present except Senators Bohlinger, Cobb, Doherty and Stonington, excused. Quorum present.

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

Session II

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

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

HB 142 - Free Conference Committee Report No. 2 - Senator Crismore moved the Free Conference Committee report to **HB 142** be adopted. Motion carried unanimously.

Senators Grimes and Taylor excused at this time.

HB 573 - Free Conference Committee Report No. 2 - Senator Cole moved the Free Conference Committee report to **HB 573** be adopted. Motion carried as follows:

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

Total 29

Nays: Bishop, Christiaens, Cocchiarella, Ellingson, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, Nelson, Pease, Ryan, Tester, Toole, Waterman.

Total 15

Absent or not voting: None.

Total 0

Excused: Bohlinger, Cobb, Doherty, Grimes, Stonington, Taylor.

Total 6

HB 5 - Free Conference Committee Report No. 1 - Senator Tash moved the Free Conference Committee report to **HB 5** be adopted. Motion carried unanimously.

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HB 124 - Governor's Amendments - Senator Grosfield moved Governor's amendments to **HB 124** be concurred in. Motion carried with Senator Stapleton voting nay.

SB 77 - Senator Hargrove moved consideration of **SB 77** be placed at the top of the second reading board. Motion carried.

Senator Taylor present at this time.

SB 77 - Governor's Amendments - Senator Hargrove moved Governor's amendments to **SB 77** be concurred in. Motion carried as follows:

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

Total 31

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

Total 13

Absent or not voting: Tester.

Total 1

Excused: Bohlinger, Cobb, Doherty, Grimes, Stonington.

Total 5

Senator Grimes present at this time.

Senator Keenan assumed the chair.

HB 474 - Free Conference Committee Report No. 1 - Senator McNutt moved the Free Conference Committee report to **HB 474** be adopted. Motion carried as follows:

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

Total 24

Nays: Bishop, Christiaens, Cocchiarella, Ellingson, Elliott, Franklin, Grimes, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Miller, Nelson, Pease, Roush, Ryan, Shea, Tester, Toole, Waterman.

Total 22

Absent or not voting: None.

Total 0

Excused: Bohlinger, Cobb, Doherty, Stonington.

Total 4

SB 512 - Senator F. Thomas moved consideration of **SB 512** be placed at the top of the second reading board.

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Motion carried.

Senator Hargrove excused at this time.

SB 512 - Free Conference Committee Report No. 1 - Senator Halligan moved the **Free** Conference Committee report to **SB 512** be adopted. After a thorough debate, Senator Beck made a **substitute motion** that consideration of **SB 512** be passed for the day. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 26

Nays: Christiaens, Cocchiarella, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Tester, Toole, Waterman.
Total 19

Absent or not voting: None.
Total 0

Excused: Bohlinger, Cobb, Doherty, Hargrove, Stonington.
Total 5

SB 494 - Governor's Amendments - Senator Thomas moved Governor's amendments to **SB 494** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cocchiarella, Cole, Crismore, DePratu, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 28

Nays: Christiaens, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Tester, Toole, Waterman.
Total 15

Absent or not voting: Ekegren, Ellis.
Total 2

Excused: Bohlinger, Cobb, Doherty, Hargrove, Stonington.
Total 5

Senator McNutt reassumed the chair.

HB 2 - Free Conference Committee Report No. 1 - Senator Keenan moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

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Total 32

Nays: Christiaens, Cocchiarella, Ellingson, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Pease, Ryan, Toole, Waterman.

Total 13

Absent or not voting: None.

Total 0

Excused: Bohlinger, Cobb, Doherty, Hargrove, Stonington.

Total 5

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

MESSAGES FROM THE GOVERNOR

April 20, 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 226** sponsored by Senator J. Wells, **Senate Bill 330** sponsored by Senator Mahlum, **Senate Bill 426** sponsored by Senator Halligan, and **Senate Bill 491** sponsored by Senator Taylor on April 20, 2001.

Sincerely,
JUDY MARTZ
Governor

April 21, 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 89** sponsored by Senator Waterman, **Senate Bill 108** sponsored by Senator Franklin, **Senate Bill 128** sponsored by Senator Bohlinger, **Senate Bill 131** sponsored by Senator Taylor, **Senate Bill 147** sponsored by Senator Keenan, **Senate Bill 163** sponsored by Senator Grosfield, **Senate Bill 182** sponsored by Senator Cobb, **Senate Bill 256** sponsored by Senator Hargrove, **Senate Bill 262** sponsored by

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Senator J. Wells, **Senate Bill 356** sponsored by Senator Hargrove, **Senate Bill 359** sponsored by Senator Halligan, **Senate Bill 375** sponsored by Senator Grimes, **Senate Bill 378** sponsored by Senator Tash, **Senate Bill 380** sponsored by Senator McNutt, **Senate Bill 387** sponsored by Senator Ellingson, **Senate Bill 396** sponsored by Senator Grosfield, **Senate Bill 397** sponsored by Senator Grosfield, **Senate Bill 420** sponsored by Senator Waterman, **Senate Bill 428** sponsored by Senator Harrington, **Senate Bill 433** sponsored by Senator Elliott, **Senate Bill 438** sponsored by Senator Christiaens, **Senate Bill 440** sponsored by Senator Christiaens, **Senate Bill 448** sponsored by Senator Christiaens, **Senate Bill 449** sponsored by Senator Tester, **Senate Bill 450** sponsored by Senator Grimes, **Senate Bill 455** sponsored by Senator Doherty, **Senate Bill 465** sponsored by Senator Franklin, **Senate Bill 466** sponsored by Senator Waterman, **Senate Bill 469** sponsored by Senator DePratu, **Senate Bill 473** sponsored by Senator Waterman, **Senate Bill 474** sponsored by Senator Grimes, **Senate Bill 476** sponsored by Senator Keenan, **Senate Bill 477** sponsored by Senator Jergeson, **Senate Bill 479** sponsored by Senator Hargrove, and **Senate Bill 480** sponsored by Senator Berry on April 21, 2001.

Sincerely,
JUDY MARTZ
Governor

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

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

Total 44

Nays: Toole.

Total 1

Absent or not voting: None.

Total 0

Excused: Bohlinger, Cobb, Doherty, Hargrove, Stonington.

Total 5

SB 442, as amended by the Governor, passed as follows:

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

Total 45

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Bohlinger, Cobb, Doherty, Hargrove, Stonington.

Total 5

SB 508, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.

Total 35

Nays: Bishop, Christiaens, Doherty, Ellingson, Elliott, Franklin, Harrington, Johnson, McCarthy, Pease, Ryan, Shea, Stonington, Toole.

Total 14

Paired: Bohlinger, Cobb, Cole, Crismore, Ayes; Doherty, McCarthy, Pease, Stonington, Noes.

Absent or not voting: None.

Total 0

Excused: Hargrove.

Total 1

HB 142, Free Conference Committee Report No. 2, adopted as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bohlinger, Cobb, Doherty, Hargrove, Stonington.

Total 5

HB 573, Free Conference Committee Report No. 2, adopted as follows:

Yeas: Berry, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor,

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Thomas, Wells, Zook, Mr. President.
Total 31

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, Nelson, Pease, Ryan, Stonington, Tester, Toole, Waterman.
Total 18

Paired: Berry, Cobb, Cole, Holden, Ayes; Bohlinger, Doherty, Pease, Stonington, Noes.

Absent or not voting: None.
Total 0

Excused: Hargrove.
Total 1

HB 2, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.
Total 32

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Pease, Ryan, Stonington, Toole, Waterman.
Total 15

Paired: Mahlum, Tash, Ayes; Doherty, Stonington, Noes.

Absent or not voting: None.
Total 0

Excused: Bohlinger, Cobb, Hargrove.
Total 3

HB 5, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Bohlinger, Cobb, Doherty, Hargrove, Stonington.
Total 5

HB 124, as amended by the Governor, concurred in as follows:

Yeas: Berry, Christiaens, Cocchiarella, Cole, Crismore, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Toole, Waterman, Wells, Zook, Mr. President.
Total 30

Nays: Bishop, Butcher, DePratu, Elliott, Glaser, Halligan, Holden, Keenan, Miller, Mohl, O'Neil, Pease, Roush, Stapleton, Tester, Thomas.
Total 16

Paired: Stonington, Aye; Tester, No.

Absent or not voting: None.
Total 0

Excused: Bohlinger, Cobb, Doherty, Hargrove.
Total 4

HB 474, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grosfield, Hargrove, Holden, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 26

Nays: Bishop, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Grimes, Halligan, Harrington, Jergeson, Johnson, McCarthy, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 24

Paired: Bohlinger, Cobb, Cole, Crismore, Hargrove, Ayes; Doherty, Jergeson, Miller, Roush, Stonington, Noes.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 77, as amended by the Governor, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Wells, Zook, Mr. President.
Total 36

Nays: Christiaens, Cocchiarella, Elliott, Franklin, Harrington, Jergeson, McCarthy, Pease, Ryan, Waterman.

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Total 10

Paired: Bohlinger, Aye; McCarthy, No.

Absent or not voting: None.

Total 0

Excused: Cobb, Doherty, Hargrove, Stonington.

Total 4

SB 494, as amended by the Governor, passed as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 36

Nays: Bishop, Christiaens, Doherty, Elliott, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Tester, Toole, Waterman.

Total 13

Paired: Bohlinger, Butcher, Cobb, Hargrove, Ayes; Doherty, McCarthy, Tester, Waterman, Noes.

Absent or not voting: None.

Total 0

Excused: Stonington.

Total 1

MOTIONS

HB 124 - Senator DePratu moved that he be allowed to change his vote on Governor's amendments to **HB 124**, third reading this day, from yea to nay. Motion carried.

Majority Leader Thomas moved that the President appoint a committee of three to notify the Governor that the Senate of the fifty-seventh Legislature is ready to adjourn sine die. Motion carried unanimously.

The President appointed Senators Crismore, Chairman, Senator Mohl and Senator Waterman.

Majority Leader Thomas moved that the President appoint a committee of three to notify the House of Representatives that the Senate of the 57th Legislature is ready to adjourn sine die. Motion carried unanimously.

The President appointed Senators Cole, Chairman, Senator Bishop and Senator Christiaens.

Majority Leader Thomas moved that the President appoint a committee of three to notify the Chief Justice and Justices of the Montana Supreme Court that the Senate of the 57th Legislature is ready to adjourn sine die. Motion carried unanimously.

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The President appointed Senators Grosfield, Chairman, Senator Ellis and Senator Halligan.

The President dismissed the committees to perform their assigned duties.

Majority Leader Thomas moved that the Senate stand at ease subject to the call of the Chair. Motion carried unanimously.

Sergeant-at-arms Cramer announced that a committee from the House of Representatives awaited entrance to the Senate Chamber. Representatives were admitted and reported that the House of Representatives had completed its business and was ready to adjourn sine die.

The committee appointed to notify the Chief Justice and Justices of the Supreme Court reported that Chief Justice Gray thanked the Senate and wished them well. The President discharged the committee.

The committee appointed to notify the Governor reported that the Governor expressed her best wishes to the Senate. The President discharged the committee.

The committee appointed to notify the House of Representative reported that the House wished the Senate well and expressed their appreciation for cooperation of the Senate. The President discharged the committee.

SPECIAL ORDERS OF THE DAY

The Senate continued honoring Senators who are under term limits. The following Senators having served the longest period of time as Montana Senators: Senator Greg Jergeson, serving since 1987, Senator Chris Christiaens, 1991, Senator Al Bishop, 1987, Senator Mike Halligan, Dean of the Senate, 1981, and Senate President Tom Beck, 1987. Each Senator gave a brief presentation of their life in the Senate through the years, and expressed their appreciation for the opportunity to serve the State of Montana.

Senate President Beck called the Senate staff to the well of the Senate to introduce them and thank them for their superior work through the session. He also expressed his appreciation to the Legislative staff on the first and second floor, and to the lobbyists.

Majority Leader Thomas thanked the retiring Senators, Committee Chairmen and all staff for their work and dedication through the session.

Representing the Republican party, Senator Grosfield presented President Pro Tempore McNutt, Senator Thomas and President Beck with gifts of appreciation and gave an oral tribute to each Senator and thanked them for their service to the Senate and State of Montana.

On behalf of the Democratic caucus, Senator Tester thanked the Senate staff, Legislative staff, and the "third House", the lobbyists.

Majority Leader Thomas moved that the Senate adjourn sine die. Motion carried unanimously.

Senate adjourned sine die at 6:06 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate