

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

Helena, Montana
February 10, 2001

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Ryan and Sprague, excused. Quorum present.

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

Berry, Majority Whip

Senator Ryan present at this time.

Senator Stonington excused at this time.

BILLS AND JOURNAL (Miller, Chairman):

2/10/2001

Correctly printed: SB 210, SB 265, SB 318, SB 321, SB 337, SB 342, SB 429, SB 430, SB 431, SB 432, SB 433, SB 434, SB 435, SB 436, SB 437, SB 438, SB 439, SJR 9, SJR 10, SR 12, HB 145, HB 192, HJR 7.

Correctly engrossed: SB 3, SB 80, SB 144, SB 187, SB 190, SB 241, SB 249, SB 260, SB 268, SB 272, SB 298, SB 300, SB 320, SB 325, SB 398, SR 11, HB 154.

Signed by the President at 5:15 p.m., February 9, 2001: SR 9, SR 13, SR 14, SR 15, SR 17.

Signed by the President at 5:30 p.m., February 9, 2001: SR 5.

Signed by the Secretary of Senate at 8:45 a.m., February 10, 2001: SR 5, SR 9, SR 13, SR 14, SR 15, SR 17.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

2/9/2001

HB 156, introduced by Matthews

MOTIONS

Senator Christiaens moved that the rules of the Senate be suspended to allow late introduction of a bill to prohibit the use of an electronic device while driving a motor vehicle. Motion carried as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague, Stonington.

Total 8

FIRST READING AND COMMITMENT OF BILLS

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

SB 440, introduced by Christiaens, Haines, referred to Public Health, Welfare and Safety.

SB 441, introduced by Christiaens (by request of the State Auditor), referred to Business and Labor.

SB 442, introduced by Cobb, referred to Public Health, Welfare and Safety.

SB 443, introduced by Butcher, Bishop, Bohlinger, DePratu, Ekegren, Ellingson, Glaser, Hargrove, Keenan, F. Thomas, Toole, J. Wells, referred to State Administration.

SB 444, introduced by Butcher, referred to Education and Cultural Resources.

SB 445, introduced by Taylor (by request of the Governor), referred to Business and Labor.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 14, introduced by Franklin, Ellingson, Grosfield, Hargrove, Schmidt, Toole, referred to State Administration.

Senator Stonington present at this time.

**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 Kitzenberg in the chair.

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

HB 23 - Senator Harrington moved HB 23 be concurred in. Motion carried unanimously.

HB 37 - Senator Cole moved HB 37 be concurred in. Motion carried unanimously.

HB 220 - Senator Roush moved HB 220 be concurred in. Motion carried unanimously.

SB 17 - Senator O'Neil moved SB 17 do pass. Motion **failed** as follows:

Yeas: Berry, DePratu, Holden, Keenan, Mohl, O'Neil, Taylor, Thomas, Wells, Zook.

Total 10

Nays: Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Tester, Toole, Waterman, Mr. President.

Total 33

Absent or not voting: None.

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Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

SB 17 - Senator Grimes moved that SB 17 be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 38

Nays: DePratu, Holden, O'Neil, Taylor, Wells.

Total 5

Absent or not voting: None.

Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

SB 33 - Senator McCarthy moved SB 33 do pass. Motion carried unanimously.

SB 73 - Senator Glaser moved SB 73 do pass. Motion carried with Senator Elliott voting nay.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Kitzenberg 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 80 passed as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 36

Nays: Elliott, Ellis, Holden, Jergeson, Keenan, Nelson, O'Neil, Wells.

Total 8

Paired: Bohlinger, Aye; Ellis, No.

Absent or not voting: None.

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Total 0

Excused: Bishop, Butcher, Cobb, Johnson, Miller, Sprague.

Total 6

SB 260 passed as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

SB 337 passed as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

SB 342 passed as follows:

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

Total 39

Nays: Doherty, Ellingson, Franklin, Halligan, Ryan, Toole.

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Total 6

Paired: Bishop, Bohlinger, Ayes; Doherty, Ellingson, Noes.

Absent or not voting: None.

Total 0

Excused: Butcher, Cobb, Johnson, Miller, Sprague.

Total 5

SJR 9 adopted as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

SJR 10 adopted as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

SPECIAL ORDERS OF THE DAY

SR 11 - Senator Hargrove moved that SR 11, concurring in, confirming, and consenting to the nomination of appointment made by the Governor and submitted to the Senate, of **Mr. Bill Slaughter** as Director of the Department

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of Corrections be adopted. Motion carried as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

SR 12 - Senator Hargrove moved that SR 12, concurring in, confirming, and consenting to the nomination of appointment made by the Governor and submitted to the Senate, of **Ms. Jan Sensibaugh** as Director of the Department of Environmental Quality be adopted. Motion carried as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Bishop, Bohlinger, Butcher, Cobb, Johnson, Miller, Sprague.

Total 7

MOTIONS

SB 73 - Senator Keenan moved that **SB 73** be taken from third reading and rereferred to the committee on Taxation. 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.

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Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Monday, February 12, 2001. Motion carried.

Senate adjourned at 9:18 a.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate