

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

Helena, Montana
March 10, 2001

Senate Chambers
State Capitol

Senate convened at 11:00 a.m. President Beck presiding. Invocation by Sergeant-at-arms Chuckie Cramer. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Bohlinger, Cobb, Ellis, Hargrove, McCarthy, Miller, Mohl, Nelson, Roush, Sprague, Taylor, Tester, Wells, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/10/2001
Correctly printed: SB 134, HB 27, HB 383, HB 392, HB 399, HB 402, HB 479, HB 489, HB 493, HB 500, HB 524.
Correctly engrossed: HB 201, HB 210, HB 218, HB 230, HB 331, HB 430.
Correctly engrossed: SB 273, HB 46, HB 119, HB 125, HB 127, HB 157, HB 263, HB 298, HB 329, HB 336, HB 365,
HB 375, HB 391, HB 443, HJR 15.
Signed by the President at 12:30 p.m., March 10, 2001: SB 6, SB 7, SB 78, SB 80, SB 205, SB 211, SB 425.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 3/10/2001
HB 160, be concurred in. Report adopted.
HB 265, be amended as follows:

1. Title, page 1, line 9.
Following: "DISTRICTS"
Insert: "OR STUDENTS"

2. Page 1, line 25.
Following: "district"
Insert: "or the student"

3. Page 2, line 14.
Following: "district"
Insert: "or the student"

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

HB 321, be concurred in. Report adopted.

FINANCE (Keenan, Chairman): 3/10/2001
SB 273, introduced bill, be amended as follows:

1. Title, page 1, line 14.

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Following: "EFFECTIVE DATE"

Strike: "AND"

Insert: ", "

Following: "APPLICABILITY DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 1, line 29.

Following: "who"

Insert: ":

(a)"

3. Page 2.

Following: line 2

Insert: "(b) if the person owes for student educational loans, does not have loans in delinquency as defined in 20-26-1101."

4. Page 3, line 3.

Following: "[section 4]."

Insert: "An employer may not claim the tax credit if the individual who receives an incentive payment under [section 3] is an officer or owner of the employing entity."

5. Page 3, line 8.

Following: "[section 4]."

Insert: "An employer may not claim the tax credit if the individual who receives an incentive payment under [section 3] is an officer or owner of the employing entity."

6. Page 3.

Following: line 24

Insert: "NEW SECTION. Section 11. Termination. [This act] terminates June 30, 2005."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in:

3/9/2001

HB 148, introduced by Jacobson

HB 174, introduced by Jent

HB 300, introduced by Wanzenried

Senate bills concurred in and returned to the Senate:

3/9/2001

SB 58, introduced by Halligan

SB 103, introduced by Zook

SB 105, introduced by Mahlum

SB 113, introduced by Nelson

SB 115, introduced by R. Holden

SB 143, introduced by Ekegren

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SB 150, introduced by Hargrove
SB 153, introduced by O'Neil
SB 219, introduced by Waterman
SB 238, introduced by Tester
SB 254, introduced by Halligan

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/9/2001

SB 20, introduced by Halligan
SB 165, introduced by Cole
SB 209, introduced by Waterman
SB 252, introduced by Cocchiarella

MOTIONS

HB 216 - Senator O'Neil moved that consideration **HB 216** be placed below HB 127 on the second reading board this legislative day. Motion carried.

HJR 29 - Senator Grosfield moved that **HJR 29** be taken from the committee on Judiciary and rereferred to the committee on Natural Resources. Motion carried.

HB 109 - Senator Keenan moved that **HB 109** be taken from the committee on Finance and rereferred to the committee on Judiciary. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 499, introduced by K. Miller, A. Peterson, referred to Education and Cultural Resources.
SB 500, introduced by Glaser, Beck, R. Brown, Lewis, referred to Education and Cultural Resources.

Senator Bohlinger 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 Grosfield in the chair.

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

HB 336 - Senator Stonington moved **HB 336** be concurred in. Motion carried unanimously.

SB 4 - House Amendments - Senator Grimes moved House amendments to **SB 4** be **not** concurred in. Motion carried unanimously.

SB 220 - Senator Bohlinger moved **SB 220** do pass. After discussion, Senator Bohlinger made a **substitute motion**

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that consideration of **SB 220** be moved to the bottom of the second reading board for purpose of amendment. Motion carried.

SB 486 - Senator DePratu moved **SB 486** do pass. After discussion, Senator DePratu made a **substitute motion** that consideration of **SB 486** be moved below HB 375 on the second reading board this legislative day. Motion carried.

Senators Miller and Wells present at this time.

HB 127 - Senator DePratu moved **HB 127** be concurred in. Motion carried unanimously.

HB 216 - Senator Keenan moved **HB 216**, second reading copy, be amended as follows :

1. Title, line 9.

Following: "PRODUCTS;"

Insert: "EXEMPTING FROM LIABILITY MINORS ASSISTING IN ENFORCEMENT OF THE YOUTH ACCESS TO TOBACCO PRODUCTS CONTROL ACT;"

Following: "16-3-301,"

Insert: "16-11-310,"

2. Page 2, line 13.

Following: line 12

Insert: "**Section 2.** Section 16-11-310, MCA, is amended to read:

"**16-11-310. Minors not liable for possession or attempt to purchase.** An individual under 18 years of age assisting in the enforcement of this part is not liable under a civil or criminal law for the possession of or the attempt to purchase a tobacco product ~~possessed~~ for the purposes of enforcing this part.""

Renumber: subsequent sections

Amendment **adopted** unanimously.

HB 216 - Senator Stapleton moved **HB 216**, second reading copy, be further amended as follows :

1. Title, page 1, line 5.

Strike: "THE"

Insert: "CERTAIN"

2. Page 2, line 23.

Strike: "\$200"

Insert: "\$150"

3. Page 3, line 2.

Strike: "\$300"

Insert: "\$200"

4. Page 3, line 10.

Strike: "\$400"

Insert: "\$300"

5. Page 4, line 19 through line 21.

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Following: "\$150"

Strike: "IF THE" on line 19 through "\$200" on line 21

6. Page 4, line 21.

Strike: "18"

Insert: "21"

HB 216 - After discussion, Senator Cocchiarella moved amendments **5** and **6** be **segregated**. Motion carried. Thereupon, amendments **1, 2, 3 and 4** were **adopted**, with Senators Grimes and Miller voting nay.

HB 216 - Amendments **5** and **6** **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Pease, Ryan, Stapleton, Stonington, Tash, Thomas, Toole, Wells, Zook.

Total 31

Nays: Butcher, Cocchiarella, Harrington, Miller, O'Neil, Shea, Waterman, Mr. President.

Total 8

Absent or not voting: Crismore.

Total 1

Excused: Cobb, Ellis, Hargrove, McCarthy, Mohl, Nelson, Roush, Sprague, Taylor, Tester.

Total 10

HB 216 - Senator O'Neil moved **HB 216**, as amended, be concurred in. After discussion, Senator Shea requested that consideration of **HB 216, as amended**, be moved to the bottom of the second reading board. Motion carried.

HB 143 - Senator Doherty moved consideration of **HB 143** be passed for the day. Motion carried.

HB 157 - Senator Doherty moved **HB 157** be concurred in. Motion carried unanimously.

HB 263 - Senator R. Holden moved **HB 263** be concurred in. Motion carried unanimously.

HB 298 - Senator Bohlinger moved **HB 298** be concurred in. Motion carried unanimously.

Senator Cole assumed the chair.

HB 329 - Senator R. Holden moved **HB 329** be concurred in. Motion carried unanimously.

HB 365 - Senator Christiaens moved **HB 365** be concurred in. Motion carried unanimously.

HB 375 - Senator Cocchiarella moved **HB 375** be concurred in. Motion carried unanimously.

SB 486 - Senator DePratu moved consideration of **SB 486** be passed for the day. Motion carried.

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HB 391 - Senator Harrington moved **HB 391** be concurred in. Motion carried unanimously.

HB 443 - Senator Elliott moved **HB 443** be concurred in. Motion carried unanimously.

SB 102 - House Amendments - Senator F. Thomas moved consideration of **House Amendments** to **SB 102** be placed below HB 119 on the second reading board. Motion carried.

HJR 15 - Senator Butcher moved **HJR 15** be concurred in. Motion carried unanimously.

SB 97 - House Amendments - Senator Mahlum moved **House amendments** to **SB 97** be concurred in. Motion carried unanimously.

HB 46 - Senator Grosfield moved **HB 46** be concurred in. Motion carried unanimously.

Senator Grosfield reassumed the chair.

HB 119 - Senator Grimes moved **HB 119** be concurred in. Motion carried unanimously.

SB 102 - House Amendments - Senator Cole moved House amendments to **SB 102** be concurred in. Motion carried unanimously.

HB 125 - Senator K. Miller moved **HB 125** be concurred in. Motion carried unanimously.

HB 134 - Senator Butcher moved **HB 134** be concurred in. Motion carried unanimously.

HB 156 - Senator Ryan moved **HB 156** be concurred in. Motion carried unanimously.

Senator Cole reassumed the chair.

HB 267 - Senator Pease moved **HB 267** be concurred in. Motion carried unanimously.

HB 317 - Senator Grimes moved **HB 317** be concurred in. Motion carried unanimously.

Senators Butcher, Harrington, Taylor excused at this time.

HB 349 - Senator Bohlinger moved **HB 349** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Grosfield, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McNutt, Pease, Ryan, Shea, Stapleton, Stonington, Tash, Thomas, Toole, Waterman, Mr. President.

Total 29

Nays: Crismore, Grimes, Johnson, Miller, O'Neil, Wells, Zook.

Total 7

Absent or not voting: None.

Total 0

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Excused: Butcher, Cobb, Ekegren, Ellis, Halligan, Hargrove, Harrington, McCarthy, Mohl, Nelson, Roush, Sprague, Taylor, Tester.
Total 14

HB 390 - Senator Doherty moved **HB 390** be concurred in. Motion carried unanimously.

HB 393 - Senator Pease moved **HB 393** be concurred in. Motion carried unanimously.

HJR 14 - Senator Beck moved **HJR 14** be concurred in. Motion carried unanimously.

Senator Grosfield reassumed the chair.

HJR 22 - Senator Crismore moved **HJR 22** be concurred in. Motion carried unanimously.

SB 220 - Senator Bohlinger moved **SB 220**, second reading copy, be amended as follows :

1. Title, line 5 through line 6.

Following: "CREDIT;" on line 5

Strike: remainder of line 5 through "ALLOWED;" on line 6

2. Title, line 9.

Following: "DATE"

Insert: ", "

3. Title, line 10.

Strike: "AND"

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

4. Page 1, line 18 through 20.

Following: "is"

Strike: remainder of line 18 through "(i)" on line 20

Insert: ", "

Following: "2000,"

Strike: "the amount of the credit is"

5. Page 1, line 22 through line 28.

Following: "(2)(B)"

Strike: remainder of line 22 through "32)" on line 28

6. Page 3, line 14.

Following: line 13

Insert: "NEW SECTION. Section 8. Termination. [This act] terminates December 31, 2002."

Amendment **adopted** unanimously.

SB 220 - Senator Bohlinger moved **SB 220**, as amended, do pass. Motion carried unanimously.

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HB 216 - Senator Grimes moved **HB 216**, second reading copy, be further amended as follows :

1. Page 1, line 27.
Strike: "16-6-314"
Insert: "45-5-624"

Amendment **adopted** unanimously.

HB 216 - Senator O'Neil moved **HB 216**, as amended, do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cole, Crismore, DePratu, Doherty, Elliott, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, O'Neil, Stapleton, Stonington, Tash, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 29

Nays: Cocchiarella, Ekegren, Franklin, Jergeson, Kitzenberg, Pease, Ryan, Shea.

Total 8

Absent or not voting: None.

Total 0

Excused: Cobb, Ellingson, Ellis, Halligan, Hargrove, Harrington, McCarthy, Mohl, Nelson, Roush, Sprague, Taylor, Tester.

Total 13

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Grosfield 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 134 passed as follows:

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

Total 28

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

Total 22

Paired: Berry, DePratu, Ellis, Grosfield, Hargrove, Holden, Johnson, Miller, Mohl, O'Neil, Sprague, Taylor, Thomas, Ayes; Cobb, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Roush, Stonington, Tester, Toole, Noes.

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 210, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grimes, Grosfield, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, O'Neil, Pease, Ryan, Shea, Stapleton, Stonington, Tash, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 37

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ellingson, Ellis, Halligan, Hargrove, Harrington, McCarthy, Mohl, Nelson, Roush, Sprague, Taylor, Tester.
Total 13

MOTIONS

SB 4- Senator Thomas moved the President be authorized to appoint a Conference Committee, and to request the House to appoint a like committee to confer on House Amendments to **SB 4**. Motion carried. The president appointed the following members:

Senator Grimes, Chairman
Senator DePratu
Senator Cocchiarella

SB 486 - Senator DePratu moved that consideration of **SB 486**, on second reading the next legislative day, be postponed until the fifty-seventh legislative day, March 13, 2001. Motion carried.

HB 585 - Senator Crismore moved that **HB 585** be taken from the committee on Natural Resources and rereferred to the committee on Local Government. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, March 12, 2001. Motion carried.

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Senate adjourned at 2:35 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate