

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

Helena, Montana
April 2, 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 Butcher, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/2/2001
Delivered to the Secretary of State at 9:15 a.m., April 2, 2001: SJR 4.
Delivered to the Governor for approval at 9:15 a.m., April 2, 2001: SB 38, SB 107, SB 146, SB 159, SB 184, SB 306.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman): 4/2/2001
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12 noon, Saturday, March 31, 2001:

<u>TITLE</u>	<u>NAME</u>
Pages:	Stephanie Jergeson, Chinook, MT
	Rachel Davis, Billings, MT
	Sarah Stoner, Outlook, MT
	Becky Sather, Larslan, MT
	Courtney Carroll, Great Falls, MT
	Wesley Stepler, Brockton, MT
	Loni Stepler, Brockton, MT
	Jessica Millam, Helena, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 2, 2001:

<u>TITLE</u>	<u>NAME</u>
Pages:	Andrea Jones, Lincoln, MT
	John Malia, Hysham, MT
	Erin Andersen, Deer Lodge, MT
	Patti Anderson, Deer Lodge, MT
	Katie Tiskus, Polson, MT
	Nik Grosfield, Big Timber, MT
	Loren Burmeister, Big Timber, MT
	Kristin Robinson, Helena, MT

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Report Adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/31/2001

SB 31, introduced by Berry
SB 89, introduced by Waterman
SB 256, introduced by Hargrove
SB 300, introduced by R. Holden
SB 323, introduced by McNutt
SB 380, introduced by McNutt
SB 387, introduced by Ellingson
SB 397, introduced by Grosfield

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

3/31/2001

SB 3, introduced by Kitzenberg
SB 28, introduced by Halligan
SB 48, introduced by Sprague
SB 51, introduced by Hargrove
SB 60, introduced by McCarthy
SB 77, introduced by Hargrove
SB 82, introduced by Keenan
SB 104, introduced by Sprague
SB 108, introduced by Franklin
SB 116, introduced by Stonington
SB 130, introduced by F. Thomas
SB 132, introduced by Halligan
SB 135, introduced by Waterman
SB 138, introduced by Nelson
SB 151, introduced by Mahlum
SB 152, introduced by Mahlum
SB 167, introduced by Stonington
SB 170, introduced by Halligan
SB 185, introduced by Cobb
SB 196, introduced by Tester
SB 197, introduced by Tester
SB 204, introduced by Cobb
SB 221, introduced by R. Johnson
SB 229, introduced by Cocchiarella
SB 241, introduced by J. Wells
SB 242, introduced by O'Neil
SB 245, introduced by R. Holden
SB 283, introduced by Waterman
SB 288, introduced by Christiaens
SB 293, introduced by Doherty

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SB 298, introduced by Glaser
SB 304, introduced by Nelson
SB 309, introduced by Halligan
SB 310, introduced by Waterman
SB 318, introduced by Ekegren
SB 319, introduced by Cole
SB 320, introduced by Kitzenberg
SB 327, introduced by Doherty
SB 330, introduced by Mahlum
SB 339, introduced by Berry
SB 348, introduced by Elliott
SB 356, introduced by Hargrove
SB 359, introduced by Halligan
SB 377, introduced by Grimes
SB 378, introduced by Tash
SB 390, introduced by Cobb
SB 396, introduced by Grosfield
SB 423, introduced by Ellis
SB 426, introduced by Halligan
SB 427, introduced by R. Johnson
SB 429, introduced by Sprague
SB 431, introduced by Stonington
SB 432, introduced by Taylor
SB 433, introduced by Elliott
SB 436, introduced by Ellis
SB 437, introduced by Cole
SB 441, introduced by Christiaens
SB 442, introduced by Cobb
SB 443, introduced by Butcher
SB 448, introduced by Christiaens
SB 449, introduced by Tester
SB 450, introduced by Grimes
SB 455, introduced by Doherty
SB 457, introduced by Ryan
SB 465, introduced by Franklin
SB 466, introduced by Waterman
SB 469, introduced by DePratu
SB 473, introduced by Waterman
SB 474, introduced by Grimes
SB 476, introduced by Keenan
SB 477, introduced by Jergeson
SB 491, introduced by Taylor

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

3/31/2001

SJR 2, introduced by Waterman
SJR 10, introduced by Kitzenberg
SJR 12, introduced by Beck

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Senate bill **not** concurred in and returned to the Senate:

3/31/2001

SB 389, introduced by Cobb

March 31, 2001

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

Mr. President:

I am directed by the House of Representatives to inform the Senate that **Senate Bill No. 243**, introduced by Senator Johnson, PROVIDE STABILITY FOR FUTURE ELECTRIC RATES, was not concurred in on March 31, 2001, on Third Reading and is herewith returned to the Senate.

Sincerely,
Marilyn Miller,
Chief Clerk

March 31, 2001

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

Mr. President:

I am directed by the House of Representatives to inform the Senate that **Senate Bill No. 396**, introduced by Senator Grosfield, INCREASE VOTER PARTICIPATION IN CONSTITUTIONAL INITIATIVE PROCESS, requiring a roll call vote of two-thirds of the members of the Legislature, was on March 31, 2001, read three several times and concurred in, as amended, history agreed to, and said bill is herewith returned to the Senate with the following vote:

YEAS 65
NAYS 35

Sincerely,
Marilyn Miller
Chief Clerk

March 31, 2001

The Honorable Tom Beck
President of the Senate
State Capitol

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Helena MT

Mr. President:

I am directed by the House of Representatives to inform the Senate that **Senate Bill No. 397**, introduced by Senator Grosfield, INCREASE VOTER PARTICIPATION IN STATUTORY INITIATIVE PROCESS, requiring a roll call vote of two-thirds of the members of the Legislature, was on March 31, 2001, read three several times and concurred in, history agreed to, and said bill is herewith returned to the Senate with the following vote:

YEAS 68
NAYS 32

Sincerely,
Marilyn Miller,
Chief Clerk

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

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

Total 41

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

Total 6

Absent or not voting: None.

Total 0

Excused: Butcher, Harrington, Mohl.

Total 3

SB 80, as amended by the Governor, passed as follows:

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

Total 47

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: Butcher, Harrington, Mohl.
Total 3

SB 168, as amended by the Governor, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 42

Nays: Cobb, Holden, Miller, Stapleton, Wells.
Total 5

Absent or not voting: None.
Total 0

Excused: Butcher, Harrington, Mohl.
Total 3

SB 182, as amended by the House, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Butcher, Harrington, Mohl.
Total 3

SB 262, as amended by the House, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, 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: Butcher, Harrington, Mohl.
Total 3

SB 274, as amended by the House, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Butcher, Harrington, Mohl.
Total 3

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

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Butcher, Harrington, Mohl.
Total 3

SB 357, as amended by the House, passed as follows:

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

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Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Butcher, Harrington, Mohl.
Total 3

SJR 18, as amended by the House, adopted as follows:

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

Nays: Bishop, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Toole, Waterman.
Total 18

Absent or not voting: None.
Total 0

Excused: Butcher, Harrington, Mohl.
Total 3

**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 Taylor in the chair.

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

SB 128 - House Amendments - Senator Bohlinger moved House amendments to **SB 128** be concurred in. Motion carried unanimously.

HB 7 - Senator Keenan moved **HB 7** be concurred in. Motion carried unanimously.

HB 10 - Senator Tester moved **HB 10** be concurred in. Motion carried unanimously.

HB 9 - Senator Keenan moved **HB 9** be concurred in. After discussion, the body reverted to the body of the bill for amendment.

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Committee stood at ease.

The Rocky Mountain Pre-Schoolers, under the direction of Lori Halcro, performed for the Senate.

Committee resumed.

HB 9 - Senator Glaser moved **HB 9**, second reading copy, be amended as follows :

1. Page 3, line 5.

Strike: "22,000"

Insert: "14,000"

2. Page 3, line 24.

Strike: "12,000"

Insert: "20,000"

Amendment **adopted** as follows:

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

Total 26

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 21

Absent or not voting: None.

Total 0

Excused: Butcher, Harrington, Mohl.

Total 3

HB 9 - Senator Keenan moved **HB 9**, as amended, be concurred in. Motion carried unanimously.

HB 11 - Senator Tester moved **HB 11** be concurred in. Motion carried unanimously.

HB 12 - Senator Keenan moved **HB 12** be concurred in. Motion carried unanimously.

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, April 3, 2001. Motion carried.

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Senate adjourned at 2:14 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate