

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 6, 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.

Senator DePratu introduced the 5<sup>th</sup> and 6<sup>th</sup> grade Whitefish Bulldog Choir from Whitefish, Montana, who performed vocal selections for the Senate.

Roll Call. All members present, except Senators Christiaens and Stapleton, excused. Quorum present.

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

Correctly printed: SB 20, HJR 38.

Correctly engrossed: HB 357, HB 632.

Correctly enrolled: SB 3, SB 50, SB 51, SB 60, SB 77, SB 82, SB 96, SB 104, SB 108, SB 116, SB 130, SB 132, SB 138, SB 152, SB 167, SB 170, SB 197, SB 203, SB 204, SB 210, SB 221, SB 229, SB 241, SB 289, SB 305, SB 313, SB 340, SB 358, SB 360, SB 373, SB 438, SJR 13.

Examined by the sponsor and found to be correct: SB 3, SB 50, SB 51, SB 60, SB 77, SB 82, SB 96, SB 104, SB 108, SB 116, SB 130, SB 132, SB 138, SB 152, SB 167, SB 170, SB 197, SB 203, SB 204, SB 210, SB 221, SB 229, SB 241, SB 289, SB 305, SB 313, SB 340, SB 358, SB 360, SB 373, SJR 13.

Delivered to the Governor for approval at 10:20 a.m., April 6, 2001: SB 117, SB 144, SB 290, SB 321, SB 361, SB 482.

**BUSINESS AND LABOR** (Taylor, Chairman):

4/6/2001

**SJR 20**, introduced joint resolution, be amended as follows:

1. Page 2, following line 30.

**Insert:** "BE IT FURTHER RESOLVED, that if the 57th Legislature establishes a State Workforce Investment Board, two members of the Board who are legislators be requested to participate in the study and be responsible for reporting any study findings and conclusions to the State Workforce Investment Board.

BE IT FURTHER RESOLVED, that if the 57th Legislature establishes a State Workforce Investment Board, the staff of the Board be requested to serve as a resource for the study by providing information, attending study meetings, and communicating and coordinating study activities with activities of the State Workforce Investment Board."

And, as amended, be adopted. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Cole, Chairman):

4/6/2001

**HB 643**, be amended as follows:

1. Page 1, line 25.

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Strike:** "and"

2. Page 1, line 28.

**Following:** "system"

**Strike:** " "

**Insert:** "; and (c) offers contracts with a duration of at least 5 years to sell at least 33% of that commercial system's net generating output at the cost of production plus a reasonable rate of return as designated by the public service commission to customers for use within the state of Montana.

(3) The cost of production must be determined by dividing the cost and operation of the commercial system over an appropriate time period by the kilowatt output of the system."

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

**HB 646**, be amended as follows:

1. Page 1, line 22.

**Strike:** "10-year"

**Insert:** "2-year"

2. Page 2, line 7.

**Strike:** the second "10-year"

**Insert:** "2-year"

3. Page 2, line 11.

**Strike:** "10-year"

**Insert:** "2-year"

**Strike:** "[section 1]"

**Insert:** "subsection (1)"

4. Page 3, line 8.

**Strike:** "[section 2(2)(b)]"

**Insert:** "[section 1]"

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

**FINANCE** (Keenan, Chairman):

4/5/2001

**HB 13**, be amended as follows:

1. Page 19, line 15.

**Strike:** "51,259 288,189"

**Insert:** "145,571 388,359"

2. Page 19, line 18.

**Strike:** "33,004 188,214"

**Insert:** "93,728 253,634"

3. Page 19, line 22.

**Strike:** "1,229,336 6,499,817"

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Insert:** "4,302,871 11,606,426"

4. Page 19, line 24.

**Strike:** "14,732 79,562"

**Insert:** "41,836 107,216"

5. Page 20, line 1.

**Strike:** "800,000"

**Insert:** "1,300,000"

6. Page 20.

**Following:** line 13

**Insert:** "NEW SECTION. Section 9. Coordination instruction. If [this act] is passed and approved, then the amendments to 2-18-703(2) in House Bill No. 409 and Senate Bill No. 145 are void."

**Renumber:** subsequent section

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

**HB 526**, be amended as follows:

1. Title, page 1, line 11.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 2, line 8.

**Strike:** "21"

**Insert:** "17"

3. Page 2, line 11.

**Following:** " ; "

**Insert:** "or"

4. Page 2, lines 13 and 14.

**Strike:** " ; or " on line 13 through "project" on line 14

5. Page 2, line 17 through line 27.

**Strike:** line 17 through line 27 in their entirety

**Renumber:** subsequent subsection

6. Page 3, line 4.

**Strike:** line 4 in its entirety

**Renumber:** subsequent subsection

7. Page 5.

**Following:** line 14

**Insert:** "NEW SECTION. Section 9. Termination. [This act] terminates September 15, 2003."

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

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

**HB 615**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 28**  
Report No. 1, April 6, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 28** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 28** (reference copy – salmon) be amended further as follows:

1. Page 17, line 29.

**Strike:** "OR ADMINISTRATIVE AGENCY"

2. Page 18, line 2.

**Strike:** "OR ADMINISTRATIVE AGENCY"

For the Senate:

Hargrove, Chairman  
Holden  
Halligan

For the House:

Noennig, Vice Chairman  
Jent  
Younkin

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 172**  
Report No. 1, April 6, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee **House Bill 172**, met April 5, 2001 and considered;

1. Senate Committee on Business and Labor amendments to the third reading copy, dated March 2, 2001.

We recommend that **House Bill 172** (reference copy – salmon) be amended as follows:

1. Title, line 6.

**Strike:** "PAY"

**Insert:** "COMPENSATION OR BENEFITS"

2. Page 1, line 18.

**Strike:** "A CORRESPONDING"

**Insert:** "an"

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Strike:** "PAY"

**Insert:** "in compensation or benefits"

For the House:

Matthews, Vice Chairman  
L. Holden  
Barrett

For the Senate:

Tash, Chairman  
Berry  
Franklin (unsigned)

**FREE CONFERENCE COMMITTEE**  
on **House Bill 154**  
Report No. 1, April 5, 2001

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **House Bill 154** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 154** (reference copy – salmon) be amended as follows:

1. Page 1, line 26.

**Strike:** "Senate Committee of the Whole Amendment #481415CW.sjo in its entirety."

For the House:

McGee, Vice Chairman  
Sliter  
Gillan

For the Senate:

Grosfield, Chairman  
F. Thomas  
Halligan

**MESSAGES FROM THE OTHER HOUSE**

Senate bills concurred in and returned to the Senate:

4/5/2001

**SB 169**, introduced by Franklin  
**SB 171**, introduced by Glaser  
**SB 181**, introduced by Cobb  
**SB 218**, introduced by Ryan  
**SB 236**, introduced by Grimes  
**SB 237**, introduced by Cole  
**SB 253**, introduced by Cocchiarella  
**SB 261**, introduced by Christiaens  
**SB 265**, introduced by Hargrove  
**SB 286**, introduced by Stonington  
**SB 311**, introduced by Cocchiarella  
**SB 324**, introduced by Harrington  
**SB 328**, introduced by J. Wells

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**SB 354**, introduced by Crismore

**SB 375**, introduced by Grimes

**SB 405**, introduced by Jergeson

**SB 420**, introduced by Waterman

**SB 459**, introduced by Franklin

**SB 480**, introduced by Berry

Senate joint resolutions concurred in and returned to the Senate: 4/5/2001

**SJR 6**, introduced by Mohl

**SJR 8**, introduced by Christiaens

**SJR 16**, introduced by R. Holden

Senate amendments to House joint resolution concurred in: 4/5/2001

**HJR 10**, introduced by Vick

**SB 28** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 28**:

4/5/2001

Representative Noennig, Chairman

Representative Jent

Representative Younk

**SB 48** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 48**:

4/5/2001

Representative McKenney, Chairman

Representative Matthews

Representative Himmelberger

**SB 135** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 135**:

4/5/2001

Representative Lewis, Chairman

Representative Esp

Representative Schmidt

**HB 146** - The House failed to concur in Senate amendments to **HB 146**, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 146**:

4/5/2001

Representative Shockley, Chairman

Representative Wolery

Representative Callahan

**HB 214** - The House failed to concur in Senate amendments to **HB 214**, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 214**:

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

4/5/2001

Representative Shockley, Chairman  
Representative Gutsche  
Representative Liable

**HB 290** - The House failed to concur in Senate amendments to HB 290, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 290**:

4/5/2001

Representative C. Younkin, Chairman  
Representative Waddill  
Representative Harris

**HB 543** - The House failed to concur in Senate amendments to HB 543, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 543**:

4/5/2001

Representative Noennig, Chairman  
Representative Dale  
Representative Forrester

**HB 559** - The House failed to concur in Senate amendments to HB 559, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 559**:

4/5/2001

Representative Noennig, Chairman  
Representative Liable  
Representative Matthews

**HB 603** - The House failed to concur in Senate amendments to HB 603, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 603**:

4/5/2001

Representative Shockley, Chairman  
Representative Clark  
Representative L. Holden

**MOTIONS**

**SB 242** - Majority Leader Thomas moved that the President be authorized to appoint a Conference Committee, and request the House to appoint a like committee to confer on House Amendments to **SB 242**. Motion carried. The President appointed the following members:

Senator Mahlum, Chairman  
Senator O'Neil  
Senator Toole

**SB 185** - Majority Leader Thomas moved that the President be authorized to appoint a **Free** Conference Committee,

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

and request the House to appoint a like committee to confer on **SB 185**. Motion carried. The President appointed the following members:

Senator Bohlinger, Chairman  
Senator Cobb  
Senator Ellingson

**SB 196** - Majority Leader Thomas moved that the Conference Committee **be dissolved** and that the President be authorized to appoint a **Free** Conference Committee and request the House to appoint a like committee to confer on **SB 196**. Motion carried. The President appointed the following members:

Senator Holden, Chairman  
Senator Ekegren  
Senator Tester

**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 Ellis in the chair.

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

**HB 247** - Senator Cole moved **HB 247** be concurred in. Motion carried unanimously.

**HB 248** - Senator Bohlinger moved **HB 248** be concurred in. After discussion, the committee reverted to the body of the bill for amendment.

**HB 248** - Senator Taylor moved **HB 248**, second reading copy, be amended as follows :

1. Page 2, line 5.

**Strike:** "one representative of large industry"

**Insert:** "one representative of education"

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Glaser, Grimes, Hargrove, Harrington, Holden, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Zook.

Total 32

Nays: Cocchiarella, Doherty, Elliott, Franklin, Grosfield, Halligan, Jergeson, Johnson, McCarthy, Nelson, Pease, Roush, Toole, Wells, Mr. President.

Total 15

Absent or not voting: Kitzenberg.

Total 1



SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Excused: Christiaens, Stapleton.  
Total 2

**Senator Kitzenberg excused at this time.**

**HB 248** - Senator Bohlinger moved **HB 248**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Bishop, Bohlinger, Butcher, Cocchiarella, DePratu, Franklin, Grimes, Harrington, Ryan, Shea, Sprague, Tash, Taylor, Thomas, Waterman.  
Total 15

Nays: Berry, Cobb, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Stonington, Tester, Toole, Wells, Zook, Mr. President.  
Total 32

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**HB 248** - Senator Nelson moved **HB 248** be **indefinitely postponed** Motion carried as follows:

Yeas: Berry, Cobb, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 36

Nays: Bishop, Bohlinger, Butcher, Cocchiarella, DePratu, Franklin, Grimes, Harrington, Keenan, Ryan, Shea.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**HB 447** - Senator Waterman moved **HB 447** be concurred in. Motion carried as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Cole, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Pease, Roush, Ryan, Shea, Sprague, Tash, Taylor, Tester, Thomas, Toole, Waterman, Mr. President.  
Total 33

Nays: Berry, Bishop, Butcher, Crismore, Ekegren, Hargrove, Holden, Miller, Mohl, Nelson, O'Neil, Stonington, Wells, Zook.  
Total 14

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**HB 608** - Senator Tash moved **HB 608** be concurred in. Motion carried unanimously.

**HB 650** - Senator Taylor moved **HB 650** be concurred in. Motion carried unanimously.

**HB 3** - Senator K. Miller moved **HB 3** be concurred in. After discussion, the body reverted to the body of the bill for purpose of amendment.

**HB 3** - Senator R. Johnson moved **HB 3**, second reading copy, be amended as follows :

1. Page 3.

**Following:** line 8

**Insert:** "Montana University System Appropriation Distribution Program  
Utility Cost Increases \$1,200,000 General Fund"

Amendment **adopted** as follows:

Yeas: Bohlinger, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Toole, Waterman, Zook, Mr. President.  
Total 29

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Glaser, Grimes, Holden, Keenan, McNutt, Miller, Mohl, O'Neil, Thomas, Wells.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**HB 3** - Senator K. Miller moved **HB 3**, as amended, be concurred in. Motion carried unanimously.

**HB 4** - Senator Keenan moved **HB 4** be concurred in. Motion carried unanimously.

**HB 6** - Senator Tester moved **HB 6** be concurred in. Motion carried unanimously.

**HB 8** - Senator Tester moved **HB 8** be concurred in. Motion carried as follows:

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

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**HJR 38** - Senator Bohlinger moved **HJR 38** 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 Ellis 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 396, as amended by the House, requiring 2/3 of entire legislature,** received the following vote:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Tester, Thomas, Waterman, Wells, Zook, Mr. President.  
Total 35

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, O'Neil, Pease, Stonington, Taylor, Toole.  
Total 14

Paired: Berry, Grosfield, Stapleton, Thomas, Ayes; Christiaens, Ellingson, Noes.

Absent or not voting: None.  
Total 0

Excused: Kitzenberg.  
Total 1

**SB 466, as amended by the House,** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 46

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Nays: Franklin.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**SB 469, as amended by the House, passed as follows:**

Yeas: Berry, Bishop, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 46

Nays: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**SB 473, as amended by the House, passed as follows:**

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

**SB 474, as amended by the House, passed as follows:**

Yeas: Berry, Bohlinger, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Harrington, Holden, Johnson, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Total 35

Nays: Bishop, Butcher, Elliott, Grimes, Hargrove, Jergeson, Keenan, Mahlum, Miller, O'Neil, Taylor, Wells.

Total 12

Absent or not voting: None.

Total 0

Excused: Christiaens, Kitzenberg, Stapleton.

Total 3

**SB 476, as amended by the House, passed as follows:**

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

Total 3

**SB 477, as amended by the House, passed as follows:**

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

Total 3

**SB 491, as amended by the House, passed as follows:**

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

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, 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: Christiaens, Kitzenberg, Stapleton.

Total 3

**SJR 2, as amended by the House**, adopted as follows:

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

Total 46

Nays: Miller.

Total 1

Absent or not voting: None.

Total 0

Excused: Christiaens, Kitzenberg, Stapleton.

Total 3

**SJR 10, as amended by the House**, adopted as follows:

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

Total 3

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**SJR 12, as amended by the House**, adopted as follows:

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

**HB 632, as amended by the Senate**, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 43

Nays: Bishop, Ellingson, Johnson, Miller.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Christiaens, Kitzenberg, Stapleton.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (DePratu, Chairman):  
**HB 600**, be amended as follows:

4/6/2001

1. Page 2, line 3.

**Strike:** "50%"

**Insert:** "80%"

2. Page 2, line 9.

**Following:** "EQUIPMENT"

**Insert:** "that has a generating capacity of less than 30 megawatts"

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

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**HB 619**, be amended as follows:

1. Page 1, line 19.

**Following:** "OF"

**Insert:** "the cost of creating the conservation easement and"

2. Page 1, line 27.

**Strike:** "verifies through adopted rules or procedures"

3. Page 1, line 28.

**Strike:** "significant"

**Insert:** "valuable"

4. Page 1.

**Following:** line 28

**Insert:** "(b) For the purposes of this section, property is historically valuable if the property has, as certified by the state historic preservation office, significant qualities reflecting American history, architecture, engineering, or culture that was achieved prior to the last 50 years and the property possesses integrity of location, design, setting, materials, and workmanship and:

(i) is associated with events that have made a significant contribution to the broad patterns of Montana's or the nation's history;

(ii) is associated with the lives of persons significant in our past;

(iii) embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

(iv) has yielded, or may be likely to yield, information important in history."

**Renumber:** subsequent subsection

5. Page 2, line 2.

**Following:** "for"

**Insert:** "the direct cost of the protection and"

**HB 623**, be amended as follows:

1. Title, line 12 through line 13.

**Strike:** the first ";" on line 12

**Following:** "~~AND~~" on line 12

**Insert:** "AND"

**Strike:** ", AND A TERMINATION DATE"

2. Page 6, line 26.

**Strike:** section 8 in its entirety

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

**HB 639**, be concurred in. Report adopted.

**HB 642**, be concurred in. Report adopted.



SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**HB 644**, be amended as follows:

1. Title, line 8 through line 12.

**Strike:** "EXPANDING" on line 8 through "REDUCTION;" on line 12

2. Title, line 13 through line 14.

**Following:** "15-70-326," on line 12

**Insert:** "AND"

**Strike:** "90-3-1002, AND 90-3-1003,"

3. Page 7, line 8.

**Strike:** "(a)"

4. Page 7, line 10 through line 15.

**Strike:** subsection (b) in its entirety

5. Page 7, line 27.

**Strike:** "(a)"

6. Page 7, line 29 through page 8, line 4.

**Strike:** subsection (b) in its entirety

7. Page 8, line 21.

**Following:** "oil,"

**Insert:** "at least 10% alcohol, or an equivalent mixture of both oil and alcohol,"

8. Page 11, line 23.

**Following:** "oil,"

**Insert:** "at least 10% alcohol, or an equivalent mixture of both oil and alcohol,"

9. Page 16, line 8.

**Strike:** "(i)"

10. Page 16, line 10 through line 14.

**Strike:** subsection (ii) in its entirety

11. Page 17, line 29 through page 19, line 26.

**Strike:** sections 11 and 12 in their entirety

**Renumber:** subsequent subsections

12. Page 20, line 6.

**Following:** "THAT"

**Insert:** ":

(1)"

13. Page 20, line 7.

**Following:** "MONTANA"

**Insert:** ";and

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

(2) the net working capital in the highway state special revenue account, excluding any proceeds obtained through debt financing, is at least \$20 million on June 30, 2003"

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

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 48**  
Report No. 1, April 6, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 48** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 48** (reference copy – salmon) be amended further as follows:

1. Page 6, line 14.

**Strike:** "\$25,000"

**Insert:** "\$50,000"

2. Page 6, line 18.

**Strike:** "**LICENSE**"

**Insert:** "licenses"

**Strike:** "**FEE**"

**Insert:** "fees"

3. Page 6, line 19.

**Following:** "BEER"

**Insert:** "only,"

**Strike:** the first "OR"

**Following:** "WINE"

**Insert:** "only, or both beer and wine"

4. Page 6, line 21.

**Following:** "OF"

**Insert:** ":

(a)"

**Following:** "\$50"

**Insert:** "for a beer connoisseur's license;

(b) \$50 for a wine connoisseur's license; or

(c) \$100 for a beer and wine connoisseur's license"

5. Page 6, line 26.

**Following:** "FEE"

**Insert:** "for a beer connoisseur's license or a wine connoisseur's license and a \$50 renewal fee for a beer and wine connoisseur's license"

SENATE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

6. Page 7, line 8.

**Following:** "(1)"

**Strike:** "THE"

**Insert:** "Subject to the provisions of [section 7], the"

7. Page 7, line 9.

**Strike:** "288"

**Insert:** "144"

**Strike:** the first "24"

**Insert:** "12"

**Strike:** "576"

**Insert:** "288"

**Strike:** the second "24"

**Insert:** "12"

8. Page 7, line 11.

**Following:** "RESALE."

**Insert:** "A person wishing to receive both wine and beer under this section must possess a beer and wine connoisseur's license."

For the Senate:

Sprague, Chairman  
Butcher  
Ryan

For the House:

McKenney, Vice Chairman  
Matthews  
Himmelberger (unsigned)

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 9:00 a.m., Saturday, April 7, 2001. Motion carried.

Senate adjourned at 3:25 p.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate